

COTTONWOOD COUNTY
ORDINANCE FOR BODY ART PARLORS

(to include Tattooing and Piercing)

ORDINANCE NO. 30

Effective October 24, 2000

*Brown-Nicollet Environmental Health Department
322 S Minnesota Avenue
St. Peter, Minnesota 56082
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**Ordinance for Body Art Parlors
(to include tattooing and piercing)
Brown-Nicollet Environmental Health Department
for [Nicollet, Brown, Cottonwood, Watonwan] County**

An ordinance to establish standards and regulations relating to the practices of tattooing and body piercing to prevent the transmission of communicable diseases and to promote the general welfare of the public.

Section A - Definitions and General Provisions

100.00 Definitions

The following terms used in these regulations shall be defined as follows:

.01 **Aftercare** means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information on when to seek medical treatment, if necessary.

.02 **Antiseptic** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

.03 **Body art** means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, and shall not be performed in a body art establishment. Nor does this definition include for the purposes of this Code, piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

.04 **Body art establishment** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

.05 **Body piercing** means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

.06 **Branding** means burning the skin with a heated metal wire, iron, rod, or stencil with the intent of producing a permanent scar or mark.

.07 **Contaminated waste** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code 29 of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens."

.08 **Cosmetic Tattooing** [see definition of tattooing]

.09 **Disinfection** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

.10 **Ear Piercing** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers' instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

.11 **Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

.12 **Handsink** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

.13 **Health Department** means the Environmental Health Department of the community health board, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.

.14 **Hot water** means water which attains and maintains a temperature of at least 100°F.

.15 **Instruments used for body art** means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during body art procedures.

.16 **Invasive** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

.17 **Jewelry** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, and/or a dense low-porosity plastic, which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

.18 **Liquid chemical germicide** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup per gallon, or 2 tablespoons per quart of tap water).

.19 **Operator and/or technician** means any person who controls, operates, manages, conducts or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

.20 **Permit** means written approval by the Health department to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Jurisdiction.

.21 **Person** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

.22 **Procedure surface** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.

.23 **Sanitize/sanitization procedure** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Health Department.

.24 **Sharps** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades, and razor blades.

.25 **Sharps container** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

.26 **Single use** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

.27 **Sterilization** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

.28 **Tattooing** means any method of placing ink or other pigment into or under the skin or

mucosa by the aid of needles of any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

.29 **Temporary body art establishment** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

.30 **Universal Precautions** means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'Guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), Vol. 38, No. S-6 and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

200.00 General Provisions

.01 **License Required:** It shall be unlawful for any person to engage in the practices of tattooing or body piercing, conduct any establishment where tattooing or body piercing is practiced for a fee or any other consideration, without being licensed under this ordinance.

.02 **Location Restricted:** No person shall engage in the practices of tattooing or body piercing at any place other than the place or location named in the license application and license.

.03 **Investigation and Inspection:** It shall be the duty of the officer of the health department to inspect the premises where tattooing or body piercing is proposed to be practiced, and if it shall appear that the sanitary conditions prevailing upon the premises comply with the provisions of the ordinance and conform to the rules and regulations promulgated by this ordinance, the license application for the establishment shall be approved.

.04 **False Information:** The submission of false information or statements, whether by the licensee or other operators/technicians, shall be considered a violation of this ordinance and subject to any appropriate penalties.

.05 **License Fee Term and Renewal:** An initial fee for a license to engage in the practices of tattooing and body piercing shall be set by the health department. All licenses issued under this ordinance shall expire on December 31 of each calendar year. License renewal shall be granted to any previously licensed tattooist in good standing upon application and payment of the annual relicensing fee, set by the health department at its final quarterly meeting each year. Licenses shall not be transferable as to person or location.

.06 **Plan Review of Future Construction:** When an establishment of the County to be licensed under the provisions of this ordinance is hereafter constructed, or when an existing structure is converted for use as a licensed establishment, it shall submit to the health department all required plans, specifications and materials, and comply with the requirements of this ordinance. A plan review fee may be charged, equal to the annual license fee, and must be submitted along with the plans, at least 30 days before beginning construction, remodeling, or conversion of a structure.

.07 **Tattooing or Body Piercing of Minors:** It shall be unlawful to tattoo or perform body piercing on any person under the age of eighteen (18) years, except in the presence of, and with written permission of, the parent or legal guardian of such person.

.08 **General Instructions:** The tattooing and/or body piercing license and regulations of the health department shall be posted at all times in a conspicuous place in the body art establishment.

.07 If, while performing a body art procedure, the operator's glove is pierced, torn, or otherwise contaminated, the procedures in 300.05 and 300.06 (above) shall be repeated immediately.

.08 Contaminated waste, which may release liquid or dried blood or body fluids must be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It must then be disposed of by a waste hauler approved by the County Waste Management Department. Sharps ready for disposal shall be disposed of in approved sharps containers and disposed of in a manner approved by the County Waste Management Department. Documentation of contracts with medical waste disposal companies must be available for review.

.09 No person shall perform any body art procedure upon a person under the age of eighteen years without the presence, consent, signature, and proper identification of a parent or legal guardian.

.10 Any skin of mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

.11 The skin of the operator shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, keloids, weeping lesions, or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that they could contaminate body art equipment, supplies, or working surfaces with pathogenic organisms.

.12 Proof shall be provided that operators have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

.13 It is strongly recommended that operators/technicians shall have attended accredited body art training sessions, to obtain certification of training in safe operating techniques, and to be members of body art professional associations.

.14 Exemptions

- A. Physicians licensed by the State of Minnesota are exempt from these regulations.
- B. Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations.

400.00 Public Notification & Record-keeping Requirements

.01 Verbal and written public educational information, approved by the health department, shall be required to be given to all clients wanting to receive body art procedures. Verbal and written instructions, approved by the health department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and contain: the name address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, provided by the health department, which advises the public of the risks and possible consequences of body art services.

.02 All infections, complications, or diseases resulting from any body art procedure which become known to the operator shall be reported to the health department by the operator within six hours.

.03 In order for the operator to properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the following information shall be given to the operator or technician:

"In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:

1. Diabetes
2. History of hemophilia
3. History of skin diseases, skin lesions, or sensitivities to soaps or disinfectants
4. History of allergies or adverse reactions to pigments, dyes or other sensitivities
5. History of epilepsy, seizures, fainting or narcolepsy
6. Taking medications such as anticoagulants which thin the blood or interfere with clotting."

The operator should ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information which would aid the operator in the client's body art healing process evaluation.

.04 Each operator shall keep records of all body art procedures administered; including date, time, identification and location of the procedures performed, and operator's name. All client records shall be confidential and be retained for a minimum of three years and be made available to the department of health upon notification. Records shall also contain the signature of client, and if the client is a minor, proof of parental presence and consent and signature.

500.00 Preparation and Care of the Body Art Area

.01 Before performing a body art procedure, the immediate and surrounding area of the skin where the procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, a single use disposable razor or safety razor with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.

.02 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately in appropriate containers unless the disposal products meet the definition of biomedical waste (see section I).

600.00 Sanitation and Sterilization Procedures

.01 All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or follow the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which will also be operated in accordance with manufacturer's instructions.

.02 After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized. All peel-packs must be dated with an expiration date not to exceed six months.

.03 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry heat sterilizer approved by the health department. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the recommended procedures for proper operation of the sterilization unit must be available for inspection by the health department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public.

.04 The operator must demonstrate that the sterilizer used is capable of attaining sterilization by quarterly spore destruction tests. These tests shall be verified through an independent laboratory. Test records shall be retained by the operator for a period of three years and available to the department of health upon request.

.05 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization the instruments used shall be stored in a dry, clean cabinet or other tightly covered container reserved for such storage.

.06 All instruments used for tattooing/piercing shall remain stored in sterile packages until just prior to performing a procedure. When assembling instruments, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

.07 All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes, or pigments or their dilution, with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or disposable plastic cups. Upon completion of the tattoo, these cups or their contents shall be discarded.

.08 All products applied to the skin, including stencils, shall be single use and disposable. Acetate stencils shall be allowed for re-use if sanitization procedures approved by the department of health are performed. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied with sterile gauze or in a manner to prevent contamination of the original container and its contents.

700.00 Requirements for Premises

.01 Body art establishments shall submit a scale drawing and floor plan of the proposed establishment for a review by the health department. The health department may charge a reasonable fee for this review.

.02 All walls, floors, ceilings and all procedure surfaces shall be smooth, free of open holes or cracks, light colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces including client chairs or benches shall be of such construction as to be easily cleaned and sanitized after each client.

.03 Measures must be taken by the operator to protect the entrance into the establishment of insects, vermin and rodents. Insects, vermin and rodents shall not be present in any part of the establishment or appertaining premises.

.04 There shall be a minimum of forty-five square feet of floor space for each operator. Each establishment shall have an area which may be screened from public view for clients requesting privacy.

.05 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty foot candles. At least 100 foot candles shall be provided at the level where the body procedures are being performed, where sterilization takes place, and where instruments and sharps are assembled.

.06 No animals of any kind shall be allowed in the establishment.

.07 A separate, readily accessible handsink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible. One handsink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory and one toilet in the establishment.

.08 Covered waste receptacles shall be provided in each operator area and each toilet room. Receptacles must be emptied daily and solid waste, medical waste, and sharps removed from the premises on a schedule approved by the County Waste Management Department. All refuse containers shall be lidded, cleanable, and kept clean.

.09 All instruments and supplies shall be stored in clean, dry and covered containers.

800.00 Mobile Body Art Establishments

In addition to complying with all of the requirements of this ordinance, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:

.01 Mobile body art establishments are licensed for use only at special events, lasting 14 calendar days or less. Licenses must be obtained at least 14 days prior to the event, and no body art procedures are to be performed prior to a license being issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

.02 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile-home. No body art procedures shall be performed outside of the enclosed vehicle.

.03 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Openable windows shall have tight-fitting screens.

.04 Mobile body art establishments must have approved sterilization equipment available, in accordance with all requirements of Section 600.00, Sanitation and Sterilization Procedures.

.05 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from the culinary or domicile areas.

.06 The mobile body art establishment shall be equipped with an equipment washing sink and a separate hand-sink for the exclusive use of the operator/technician for hand-washing and preparing the client for the procedures. The hand-sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile establishment at all times during operation. The source of the water and tank storage (gallons) of the tank(s) shall also be identified. Tuberculocidal single use hand wipes, approved by the health department, to augment the hand washing requirements of this section, must be available.

.07 All liquid wastes shall be stored in an adequate storage tank with a capacity of at least fifty (50) percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the health department.

.08 Restroom facilities must be available within the mobile body art establishment. A

handsink must be available inside the restroom cubicle. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.

.09 All body art operators/technicians working in a mobile body art establishment must comply with the operator requirements of this ordinance.

.10 No animals, except service animals of clients, shall be allowed in the mobile body art establishment at any time.

Mobile body art establishments must receive an initial inspection at a location specified by the health department prior to use to ensure compliance with structural requirements. Additional inspections may be performed at every event where the establishment is scheduled to operate.

All mobile body art establishment licenses and the disclosure notice must be posted so it can be readily seen by clients.

900.00 Enforcement

.01 Establishments operating at the time of the enactment of this ordinance shall be given 30 days to make application to the health department and to comply with these regulations. Establishments that continue to operate without proper licensure from the health department, or that operate in violation of these regulations will be subject to legal remedial actions and sanctions.

.02 A representative of the health department shall properly identify him/herself before entering a body art establishment to make an inspection. Such inspections will be conducted as often as necessary to ensure compliance with this ordinance.

.03 It is unlawful for any person to interfere with the health department in the performance of its duties.

.04 A copy of the inspection report must be furnished to the license holder or operator of the body art establishment, with the health department retaining possession of the original.

.05 If, after investigation, the health department should find that a permittee or operator is in violation of this ordinance, the health department may advise the licensee or operator in writing of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time.

.06 If the health department has reasonable cause to suspect that a communicable disease is, or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the owner or operator, the health department may do any or all of the following:

a. issue an order excluding any or all operators from the licensed establishment who are or may reasonably appear to be responsible for the transmission of a communicable disease until the health department determines there is no further risk to public health.

b. issue an order for an In-Office Hearing to discuss the infractions and to go over consequences of non-compliance.

c. issue an order to immediately suspend the license of the establishment until the health department determines there is no further risk to the public health. Such an order shall state the cause for the action.

.07 Licenses issued under the provisions of the ordinance may be suspended temporarily by the health department for failure of the holder to comply with the requirements of this ordinance.

.08 Any person whose license has been suspended may make application for reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that the conditions causing the suspension have been corrected, and the

submission of the appropriate re-inspection fees, the health department shall reinspect the body art establishment or evaluate documents provided by an operator. If the applicant is in compliance with the provisions of this ordinance, the permit will be reinstated.

.09 For repeated or serious (any ordinance infraction that threatens the health of the client or operator) violations of any of the requirements in this ordinance, or for interference with health department personnel in the performance of their duties, a license may be permanently revoked after a hearing. Before taking such action, the health department shall notify the licensee or operator in writing, state the reasons for which the license is subject to revocation and advising the licensee or operator of the requirements for filing a request for a hearing. a license may be suspended for cause, pending its revocation or hearing relative thereto. The health department may permanently revoke a license after five (5) days following service of the notice unless a request for a hearing is filed by the licensee. Violation of this section shall be deemed a misdemeanor.

.10 If a hearing is held, based upon the record of the hearing, the health department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. a written report of the hearing decision must be furnished to the licensee or operator by the health department.

1000.00 Effective Date

This ordinance shall be in full force and effect upon its passage and publication by law.