

1 **TATTOO AND BODY PIERCING ORDINANCE**
2 **ORDINANCE 2009 BCCO-04**

3
4 In Howard County, Indiana
5

6 The purpose of this ordinance is to safeguard public health and assure that tattoo
7 establishments and/or body piercing establishments limit the public health risk to patrons. It
8 provides for the sanitary operation of tattoo and body piercing establishments, temporary
9 establishments, and set requirements for Tattoo Artists and Body Piercers.

10
11 This ordinance incorporates by reference Indiana Administrative Code 410 IAC 1-5, Indiana
12 State Department of Health Sanitary Operation of Tattoo Parlors (includes requirements for
13 the sanitary operation of body piercing facilities), and shall include any later amendments to
14 those regulations as the same published in the Indiana Register of the Administrative Code
15 with effective dates as fixed therein. Copies of 410 IAC 1-5-1 *et. seq.* are available and on
16 file in the office of the Howard County Health Department.

17
18 The Howard County Health Department is hereby authorized to issue Tattoo and Body
19 Piercing Establishment Permits, Tattoo Artist and Body Piercer Permits, collect permit fees
20 and penalties, perform inspections, investigate complaints, hold hearings, order or otherwise
21 compel correction of violations of this ordinance, verify compliance with the Occupational
22 Safety and Health Administration’s (OSHA) Bloodborne Pathogen Standard, and is otherwise
23 authorized to perform all actions necessary for the administration and enforcement of this
24 ordinance.

25
26 Be it ordained by the Board of Commissioners of Howard County, State of Indiana, that:

27
28 **Section A: Definitions**
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30 **Health Officer** means the duly appointed health officer or his/her duly authorized
31 representative.

32
33 **Hepatitis B Vaccine Series** means a series of vaccinations received at the recommended
34 interval of 0 months, 1 month, and 6 months, as a measure to prevent the spread of Hepatitis
35 B virus among individuals who are exposed to blood and body fluids.

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37 **Section B: Facility Permits**
38

39 **General:** It is unlawful for a Person to operate any Tattoo Facility, Body Piercing Facility, or
40 Temporary Tattoo or Piercing Facility in Howard County, Indiana, without first obtaining a
41 valid permit from the Health Officer. The valid permit must be posted in a conspicuous
42 location in the facility. A separate Permit shall be required for each tattoo or piercing facility
43 operated by any person. Permits are not transferable from person to person or place to place.
44
45

46 **Facility Permit Period:** A Tattoo and/or Body Piercing Facility Permit shall be issued for a
47 term beginning January 1st, and/or before commencement of operation, and expiring
48 December 31st of the same year and shall be applied for by the Operator annually. The valid
49 Permit shall be posted in a conspicuous location within the facility.

50
51 **Facility Permit Content:** The Permit shall provide the name and address of the owner of the
52 business and the name and address of the Tattoo / Piercing Facility, the Date of Issue and the
53 Date of Expiration. It shall bear the signature of the Health Officer and the County Seal. The
54 Permits shall not be transferable.

55
56 **Facility Permit Application:** The Howard County Health Department shall provide the
57 application forms for the Facility Permits. The Permit Application shall be completed, signed,
58 and submitted by the operator, along with proof of annual Bloodborne Pathogen Training for
59 anyone employed by or acting on behalf of the facility that might reasonably be exposed to
60 blood or body fluids.

61 62 **Section C: Artist / Piercer Permits**

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64 **General:** It is unlawful for any Tattoo Artist who does not possess a valid Tattoo Artist
65 Permit to provide a tattoo to an individual, or any Body Piercer who does not possess a valid
66 Body Piercer Permit to perform body piercing on any individual. Permits are not transferable
67 from person to person.

68
69 A **Tattoo Artist Permit** or a **Body Piercer Permit Period:** The Permit shall be issued for a
70 term beginning January 1st and/or before performing any piercing or before providing a tattoo
71 to an individual. The applicant shall submit an application provided by the Health
72 Department, accompanied by proof of receipt of Hepatitis B vaccination series. After having
73 met all prerequisite requirements, a Permit may be issued and shall expire on December 31st
74 of the same year and shall be applied for by the Artist or Piercer annually, accompanied by
75 required proof of vaccination series status, as required.

76 77 **Tattoo Artist or Body Piercer Applicant**

78 **Qualification:** In addition to meeting all the regulations of the Indiana State Department of
79 Health as found in Title 410 IAC 1-5, each Tattoo Artist and each Body Piercer shall provide
80 documentation showing at least the first of the series of Hepatitis B vaccinations has been
81 received, and must show proof of completion of the series within 6 months of issue of first
82 license.

83
84 **Change of Ownership:** The Facility Operator and each Artist and Body Piercer have the
85 responsibility to notify the Howard County Health Department of any change of ownership or
86 employee at the permitted facility.

87 88 **Training Responsibilities of the Operator:**

89 An individual or entity that is an operator shall comply with the following training
90 responsibilities listed in 410 IAC 1-5-24:

91 (1) Ensure that the training described in the Indiana occupational safety and health

92 administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) is provided
93 to all tattoo artists and body piercers, anyone employed by the facility or anyone acting on
94 behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane,
95 or parenteral contact with blood or OPIM.

96 (2) Ensure that training on the handling of infectious waste is provided to all tattoo artists and
97 body piercers, or anyone employed by the facility or anyone acting on behalf of the facility
98 who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact
99 with blood or OPIM.

100 (3) Ensure that a record of training described in subdivision (1) is maintained, as required
101 under the Indiana occupational safety and health administration's bloodborne pathogens
102 standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is
103 provided. The record shall be made available to the department for inspection upon request.

104 (4) Ensure that a record of training described in subdivision (2) is maintained.
105

106 **Operator Responsibilities:**

107 The operator shall comply with the following responsibilities listed in 410 IAC 1-5-25.

108 (1) The operator shall ensure that tattoo artists, body piercers, or anyone employed by the
109 facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for
110 skin, eye, mucous membrane, or parenteral contact with blood have and use personal
111 protective equipment and expendables needed to implement the precautions required by this
112 rule and the Indiana occupational safety and health administration's bloodborne pathogens
113 standard (as found in 29 CFR 1910.1030).

114 (2) The operator shall require tattoo artists and body piercers, anyone employed by the
115 facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for
116 skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of
117 compliance with the universal precautions education requirements contained in section 27 of
118 this rule.

119 (3) The operator shall display a description of compliance with the requirements contained in
120 subsection (d).

121 (4) The operator shall display, and provide to each patron, written materials prepared or
122 approved by the department explaining universal precautions and patrons' rights under this
123 rule. These materials shall include information on how to report violations of universal
124 precautions and shall include information regarding the department's duties to investigate.
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126 **Section D: Fees**

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128 **Fees:** Permit Fees and Licensure Fees under this ordinance shall be set by the Howard County
129 Health Department Fee Collection Ordinance, as provided by the Statutes of the State of
130 Indiana (IC 16-20-1-27).
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132 **Section D: Inspection**

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134 The Howard County Health Department shall inspect a Tattoo or Body Piercing Facility
135 annually at a minimum, to determine compliance with this Ordinance. The Health Department
136 may modify the interval between inspections by reviewing the facilities' historical
137 demonstration of compliance with inspection criteria.

138 **Section E: Compliance and Enforcement**

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140 Any person who willfully violates any of the provisions of this Ordinance shall be subject to a
141 fine of not more than five hundred dollars (\$2500) for each violation. Each day the violation
142 exists shall be considered a separate offense.

143
144 **Section F: Appeals**

145
146 Pursuant to Indiana Code 36-1-6-9(e), a person who received a penalty under this resolution
147 may appeal the order imposing the penalty to a court of record in Howard County, Indiana no
148 later than sixty (60) days after the day on which the order is entered

149
150 **Section G: Conflict of Interest**

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152 No Howard County Official shall conduct himself or herself in a manner that is or could have
153 the appearance of a Conflict of Interest.

154
155 **Section H: Unconstitutionality Clause**

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157 Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared
158 unconstitutional or invalid for any reason, the remainder of this ordinance shall not be
159 affected thereby.

160
161 **Section I: Repeal and Effective Date**

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163 All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and
164 this ordinance shall be in full force and effect thirty (30) days after its adoption and
165 publication as provided by law.

166
167 Passed and adopted by the Commissioners of Howard County, State of Indiana, on this
168 ___ day of ___, 2009.

169 Signed:

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171 _____
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173 David Trine, President

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175 _____
176 William Thompson, Vice President

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178 _____
179 Tyler Moore, Member

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181 Howard County Board of Commissioners
182 Howard County, Indiana

Attest:

Ann Wells
Howard County Auditor