TATTOO AND BODY PIERCING ORDINANCE
ORDINANCE 2009 BCCO-04

In Howard County, Indiana

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

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

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

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

Section A: Definitions

Health Officer means the duly appointed health officer or his/her duly authorized representative.

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

Section B: Facility Permits

General: It is unlawful for a Person to operate any Tattoo Facility, Body Piercing Facility, or Temporary Tattoo or Piercing Facility in Howard County, Indiana, without first obtaining a valid permit from the Health Officer. The valid permit must be posted in a conspicuous location in the facility. A separate Permit shall be required for each tattoo or piercing facility operated by any person. Permits are not transferable from person to person or place to place.
**Facility Permit Period:** A Tattoo and/or Body Piercing Facility Permit shall be issued for a term beginning January 1st, and/or before commencement of operation, and expiring December 31st of the same year and shall be applied for by the Operator annually. The valid Permit shall be posted in a conspicuous location within the facility.

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

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

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**Section C: Artist / Piercer Permits**

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

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

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

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

**Training Responsibilities of the Operator:** An individual or entity that is an operator shall comply with the following training responsibilities listed in 410 IAC 1-5-24:

1. Ensure that the training described in the Indiana occupational safety and health
administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists and body piercers, anyone employed by the facility or anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
(2) Ensure that training on the handling of infectious waste is provided to all tattoo artists and body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
(3) Ensure that a record of training described in subdivision (1) is maintained, as required under the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request. (4) Ensure that a record of training described in subdivision (2) is maintained.

Operator Responsibilities:
The operator shall comply with the following responsibilities listed in 410 IAC 1-5-25.
(1) The operator shall ensure that tattoo artists, body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood have and use personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030).
(2) The operator shall require tattoo artists and body piercers, anyone employed by the facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in section 27 of this rule.
(3) The operator shall display a description of compliance with the requirements contained in subsection (d).
(4) The operator shall display, and provide to each patron, written materials prepared or approved by the department explaining universal precautions and patrons' rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

Section D: Fees

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

Section D: Inspection

The Howard County Health Department shall inspect a Tattoo or Body Piercing Facility annually at a minimum, to determine compliance with this Ordinance. The Health Department may modify the interval between inspections by reviewing the facilities’ historical demonstration of compliance with inspection criteria.
Section E: Compliance and Enforcement

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

Section F: Appeals

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

Section G: Conflict of Interest

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

Section H: Unconstitutionality Clause

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

Section I: Repeal and Effective Date

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

Passed and adopted by the Commissioners of Howard County, State of Indiana, on this ___day of ___, 2009.

Signed:

__________________________________________
David Trine, President

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William Thompson, Vice President

__________________________________________
Tyler Moore, Member

Attest:

__________________________________________
Ann Wells
Howard County Auditor

Howard County Board of Commissioners
Howard County, Indiana