

SULLIVAN COUNTY BODY ART ORDINANCE

Ordinance 24-06 -

WHEREAS, the State of Indiana has amended the laws concerning body art procedures, and

WHEREAS, body art procedures are becoming more and more common among the residents of the State of Indiana and the residents in Sullivan County, Indiana, and

WHEREAS, the safe and proper operation of body art establishments is in the best interest of the residents of Sullivan County, Indiana, and

WHEREAS, an improperly operated, improperly cleaned, or unsanitary body art establishment could have serious and detrimental effects on the citizens of Sullivan County, Indiana, and

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing or body-piercing of a person if their employees are not sufficiently skilled and knowledgeable of the dangers associated with said activity, and

WHEREAS, the Sullivan County Commissioners are empowered to protect the health and safety of the citizens of Sullivan County, and

WHEREAS, the Sullivan County Health Officer, or assignee, shall be the designated official in charge of enforcing this Ordinance. The Health Officer may, at his/her discretion, assign a representative of the Sullivan County Department of Health to perform certain duties and responsibilities of the Health Officer, and

WHEREAS, the Sullivan County Health Department can best inspect and provide the necessary training and expertise to oversee the operation of body art establishments, and

WHEREAS, the Sullivan County Commissioners believe that body art establishments should be licensed and subjected to reasonable inspections by the Health Department, and

WHEREAS, the Sullivan County Commissioners desire to adopt an ordinance to regulate the operation of body art establishments in Sullivan County, Indiana,

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING ORDINANCE SHALL BE ADOPTED AND MADE A PART OF THE PERMANENT RECORDS OF SULLIVAN COUNTY, INDIANA that:

Section I: Definitions

The following definitions in this rule apply throughout this rule.

Antiseptic means a substance that will inhibit the growth and development of microorganisms without necessarily destroying them.

Aseptic Technique means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

Autoclave means a device that is intended for use by a user to sterilize products by means of pressurized steam.

Blood (as defined in 410 IAC 1-5-2) refers to human blood.

Blood-borne pathogens (as defined in 410 IAC 1-5-3) means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) the hepatitis B virus (HBV)
- (2) the hepatitis C virus (HCV)
- (3) the human immunodeficiency virus (HIV)

Body Art includes body piercing, tattooing, or permanent cosmetics.

Body Artist means any person performing body art services.

Body Art Establishment means any place or premise, whether licensed or not, public, or private, temporary, or permanent, for profit or not, where the practices of body art are performed.

Body Piercer (as defined in 410 IAC 1-5-3.5) means any person who performs body piercing on an individual.

Body Piercing (as defined in 410 IAC 1-5-3.6) means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other non-medical purpose.

Branding means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical, or chemical means.

Cleaned (as defined in 410 IAC 1-5-4) means the removal of all visible dust, soil, or any other foreign material.

Contaminated (as defined in 410 IAC 1-5-5) means the presence or reasonably anticipated presence of blood or OPIM (Other Potentially Infectious Materials) on an item or surface.

Cutting is a method of scarification that creates scars on the skin by using a sharp object, such as a scalpel or knife, to cut into the skin.

Decontaminated (as defined in 410 IAC 1-5-6) means the use of physical or chemical means to remove, inactivate, or destroy blood-borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Department means the Sullivan County Health Department or a representative for the Sullivan County Health Department. The Sullivan County Board of Health shall be considered part of the Department, except for the purpose of conducting any type of administrative hearing for the appeal of any decision of the Department or Health Officer.

Disinfectant means a product that is tuberculocidal and registered by the U.S. Environmental Protection Agency (EPA), as indicated on the label for use in disinfection.

Disinfect means to destroy pathogenic and other kinds of microorganisms by physical and/or chemical means.

Facility for the purpose of this code has the same meaning as "Body Art Establishment."

Germicidal Solution means any solution which destroys microorganisms and is so labeled.

Health Officer means the duly appointed Health Officer as outlined in IC 16-20-2-16.

Indicator means a test or device designed to validate one or more of the following critical variables of an autoclave: time, temperature, and steam/pressure. The three types of indicators are chemical, biological, and mechanical.

Chemical Indicator means a substance that undergoes a distinct observable change when conditions in its solution change while measuring the sterilization process.

Biological Indicator means a test system containing viable microorganisms (spores) providing a defined resistance to a specific sterilization process. A biological indicator provides information on whether the necessary conditions were met to kill a specified number of microorganisms for a given sterilization process.

Mechanical Indicator means a self-recording gauge used to verify the time, pressures and/or temperature obtained during the sterilization process.

Infectious Waste (defined in 410 IAC 1-5-11) means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

- (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
- (3) Pathological waste.
- (4) Blood and blood products in liquid and semi-liquid form
- (5) Carcasses, body parts, blood and body fluids in liquid and semi-liquid form, and bedding of laboratory animals.
- (6) Other waste that has been intermingled with infectious waste.

Implanting is a surgical procedure involving the placement of an object or multiple objects under the skin to mold or shape the skin outwardly for a particular appearance.

Material Certificate means all documents intended to state the specifics of a material used for body jewelry. Names for these documents include but are not limited to, Mill Certificates, Material Certificates, Metal Composition Sheets, MSD, and Material Certification Sheets.

Minor means an individual who is under the legal age of consent.

Mobile Body Art Establishment means a body art establishment that operates outside of the physical site of a permitted body art establishment for a period of no more than fourteen consecutive days.

Operator (as defined in 410 IAC 1-5-11.5) means any person who controls, operates, manages, or owns any facility.

Other potentially infectious materials (OPIM) (as defined in 410 IAC 1-5-12) means the following:

- (1) Human body fluids:
 - a. Semen.
 - b. Vaginal secretions.
 - c. Cerebrospinal fluid.
 - d. Synovial fluid.
 - e. Pleural fluid.
 - f. Pericardial fluid.
 - g. Peritoneal fluid.

- h. Amniotic fluid.
- i. Saliva in dental procedures.
- j. Any body fluid that is visibly contaminated with blood.
- k. All body fluids where it is difficult or impossible to differentiate between body fluids.

(2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.

(3) HIV-containing cell or tissue cultures, HIV or HBV-containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Patron means an individual upon whom a body artist performs a body art procedure.

Permanent Cosmetics means a tattoo, whether permanent, semi-permanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. This term includes any procedures whether referred to as, but not limited to, "permanent makeup," "microdermapigmentation," "microblading," "microneedling with the use of pigment," "dermagraphics," "cosmetic tattooing," or any other similar procedures and for the purpose of this Code has the same meaning as "tattoo."

Personal Protective Equipment (as defined in 410 IAC 1-5-14) means specialized clothing or equipment worn for protection against contact with blood or OPIM.

Scarification means altering skin texture by cutting the skin and controlling the body's healing process to produce wounds, which result in permanently raised wheals or bumps known as keloids. Examples of Scarification methods include Branding, Cutting, and Skin Peeling.

Secure area (as defined in 410 1-5-15) means an area designated and maintained to prevent the entry of unauthorized persons.

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

Skin Peeling consists of cutting on the human body an outline of a design and removing the center, thereby creating a scar where the skin the removed.

Sterilize (as defined in 410 IAC 1-5-17) means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

Store (as defined in 410 IAC 1-5-18) means the containment of infectious waste in a secure area, in such a manner as not to constitute collection, treatment, transport, or disposal.

Suspension Piercing is the act of suspending a human body from or partially from hooks pierced through the flesh in various parts of the body.

Tattoo (as defined in 410 IAC 1-5-19) means:

- (1) any indelible design, letter, scrap, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring, upon or under the skin.

Tattoo Artist (as defined in 410 IAC 1-5-20) means any person who provides a tattoo to an individual.

Tongue Bifurcation is a surgical procedure in which the tongue is cut centrally from its tip part of the way towards its base, forking the end.

Ultrasonic Cleaner or Ultrasonic means a device that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces.

Universal Precautions (as defined in 410 IAC 1-5-23) means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood-borne pathogens.

Section II: Permits

- (A) **General:** No person, firm, partnership, joint venture, association, business trust, corporation, or any organized group of persons may operate a body art establishment and/or a mobile body art establishment unless it has first received a valid permit from the Sullivan County Health Department.

The valid permit shall be prominently displayed in the body art establishment and/or mobile body art establishment and shall not be defaced or altered in any manner.

A body art establishment or mobile body art establishment cannot be transferred from one establishment or operator to another.

- (B) **Permit Period:** A permit for a body art establishment shall be issued for a term beginning January 1, and /or before commencement of operation, and expiring December 31, of the same year and shall be applied for by the operator annually.

A permit for a mobile body art establishment shall be for a period of no more than fourteen consecutive days.

(C) **Permit Content**

Any permit issued by the Health Officer shall contain:

- (1) Name and address of the operator,
- (2) The location of the establishment,
- (3) The issuance and expiration date(s), and
- (4) Any other pertinent data that may be required by the Sullivan County Health Officer.

- (D) **Application:** A person desiring to operate a body art establishment shall submit a written application for a permit on the form provided by the Sullivan County Health Department.

(E) **Application Content**

The application shall include:

- (1) Name, address, telephone number, and original signature of the operator applying for the permit.
- (2) Name, address, telephone number, and operating hours of the body art establishment and/or mobile body art establishment.
- (3) Proof of attendance at a bloodborne pathogen training program for all employees at the body art establishment and/or mobile body art establishment.
- (4) A statement signed by the applicant that:
 - a. Attests to the accuracy of the information provided in the application, and
 - b. allows the Sullivan County Health Department access to the body art establishment and/or mobile body art establishment and records as specified in 410 IAC 1-5

- (F) **Revocation of Permit:** The Health Officer may suspend or revoke the permit of any body art establishment for any period of time for any violation of this ordinance, state or federal regulations concerning blood-borne pathogens, tattoos, body-piercing or workplace regulations (OSHA). The suspension and/or revocation shall be effective upon issuance by the Health Officer. The establishment may have the permit reinstated upon compliance with this ordinance, state, or federal regulations concerning blood-borne pathogens, tattoos.

body piercing, or workplace regulations (OSHA) and to the satisfaction of the Health Officer.

(G) Procedure for Appeal

1. Appeals may be filed with the Sullivan County Board of Health concerning the suspension or revocation of any permit.
2. Any person(s) filing such appeal shall be granted a hearing on the matter before the Sullivan County Health Board. The request shall be in writing and received at the office of the Sullivan County Health Department within ten (10) calendar days of receipt of the notice. If a request for a hearing is not received within ten (10) calendar days, the decision or action shall stand.
3. Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Sullivan County Health Officer shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.
4. Such hearing shall be held as soon as practical after receipt of the request in compliance with IC 5-14-1.5-5 (Open Door Law).
5. At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such decision or action should be modified or withdrawn. Additionally, the Health Officer shall be given time to explain the circumstances of the decision and/or action.
6. The proceedings at such hearing, including the findings and decision of the Sullivan County Health Board, shall be summarized in the minutes of the hearing and entered as a matter of public record in the office of the Sullivan County Health Department. In addition, all pertinent information including, but not limited to, permit application and written correspondence, shall be included in the public record. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

Section III: Plan Review Requirements for New Establishments

(A) Body Art Establishments

1. The operator of a proposed body art establishment shall submit to the Sullivan County Health Department:
 - a. Properly prepared plans and specifications for review and approval before the construction or conversion of an existing structure for use as a body art establishment.
 - b. Proof of contract with infectious waste removal company.
 - c. Copy of bloodborne pathogen and first aid training for all employees
 - d. Copy of written policy to meet OSHA Bloodborne Pathogen Standard (29 CFR 1910.1030)

2. The plans and specifications for a Body Art Establishment shall be deemed satisfactory and approved by the Sullivan County Health Department before a permit can be issued.
3. A pre-operational inspection shall be conducted to ensure that the establishment is built or remodeled in accordance with the approved plans and specifications and to ensure the establishment complies with this ordinance, and 410 IAC 1-5.

(B) Mobile Body Art Establishments

1. The operator of a permitted body art establishment shall submit a mobile body art establishment application and appropriate fees to the Sullivan County Health Department for each event in which the establishment intends to participate at least 14 days before the event.
2. No tattoo or body piercing procedures are to be performed before a permit is issued.
3. A pre-operational inspection shall be conducted to ensure that the establishment complies with Section XXV of this ordinance, and 410 IAC 1-5.
4. 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.
5. Proof the applicant is currently affiliated with a permitted body art establishment in Sullivan County.
6. Description of physical facilities and floor plan.

Section IV: Fees and Penalties

(A) Permit Fees

1. Fees for the issuance of a permit under this Ordinance shall be set by the Sullivan County Health Department, as provided by the Statutes of the State of Indiana (See IC 16-20-1-27).
2. The fee shall be paid for a term beginning January 1, and/or before commencement of operation and expiring December 31, of the same year and shall be applied for by the Operator annually.
3. A receipt for the payment of such fees shall be provided by the Sullivan County Health Department.
4. If a business shall apply for a permit any time after June 30, they shall be required to pay one-half (1/2) of the annual fee.

(B) Penalties

1. A fine of \$250.00 shall be paid to the Sullivan County Health Department for failure to acquire a permit before the operation of a Body Art Establishment and/or Mobile Body Art Establishment in Sullivan County.
2. A fine of \$100.00 shall be paid to the Sullivan County Health Department for failure to renew a permit within 14 days after its expiration date.
3. These fines are in addition to any outstanding balances due to the Sullivan County Health Department.

(C) Violation Fines

1. Failure to comply with any provision of this Ordinance shall constitute a violation. The fine for violating any other provision of this Ordinance, except failure to obtain or maintain a license which is provided in (B) above, shall be fifty dollars (\$50.00) per violation, unless the violation causes harm to any person in which event the fine shall be not less than one thousand dollars (\$1,000.00) and not more than two thousand five hundred dollars (\$2,500.00) depending on the severity of the harm to the individual.
2. Each event or each day a violation exists shall constitute a separate violation of this Ordinance.

Section V: Inspections

(A) The Sullivan County Health Department shall regularly perform inspections on body art establishments located in Sullivan County, Indiana. Additional inspections may be conducted by the Health Department, as they deem necessary and/or in response to complaints submitted.

(B) A digital or written copy of the inspection report will be provided to the operator of the body art establishment. Violations noted by the Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this ordinance. Violations not corrected in the time limit ordered by the Health Officer may be subject to fines outlined in Section IV (C).

(C) The Sullivan County Health Officer may, in the name of the Commissioners, bring actions in the Courts of Sullivan County for mandatory and injunctive relief for the enforcement of and to secure compliance with any order or orders made by the Health Officer or to otherwise provide for the enforcement of this Ordinance. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties, costs, and expenses provided in this Ordinance. In the event any legal action is necessary to enforce this Ordinance, the Health Officer may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this Ordinance including, but not limited to reasonable attorney's fees.

Section VI: General Requirements

- (A) No person shall do any of the following:
- (1) Operate a business that offers body art services, unless the Sullivan County Health Department has approved the business, under 410 IAC 1-5.
 - (2) Perform a body art procedure, in a manner that does not meet the safety and sanitation standards established under 410 IAC 1-5.
 - (3) Perform a body art procedure in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this chapter, under 410 IAC 1-5.

Section VII: Age Limitation/Consent

(A) No person shall tattoo an individual who is under sixteen (16) years of age or perform a body piercing on an individual who is under fourteen (14) years of age. Parental consent is required to tattoo any individual between sixteen (16) and eighteen (18) years of age and to perform a body piercing procedure on any individual between fourteen (14) and eighteen (18) years of age.

(B) A parent, guardian, or custodian of an individual under the age of eighteen (18) years old who desires to give consent to the Body Art Establishment and/or Mobile Body Art Establishment to perform a body-piercing or tattooing procedure shall:

- (1) Appear in person at the Body Art Establishment and/or Mobile Body Art Establishment at the time the procedure is performed and remain through the procedure.
- (2) Sign a document provided by the Body Art Establishment and/or Mobile Body Art Establishment that explains how the procedure will be performed and the methods for proper care of the affected body area following the procedure.
- (3) Provide identification in accordance with Section VIII and other relevant information to prove guardianship of minor.

Section VIII: Identification

(A) A Body Art Establishment shall require either a government-issued photo ID (with the date of birth) OR two or more forms of identification (one must have a photo) from the list below for all individuals over the age of 18 receiving tattooing or body piercing services, for their records and protection.

If a minor is receiving a body art procedure, the parent, guardian, or custodian shall provide a copy of a certified birth certificate for the minor and one other form of identification with a photo from the list below. The minor's parent, guardian, or custodian shall provide either a government-issued photo ID OR two or more forms of identification (one must have a photo) from the list below for themselves.

Acceptable forms of identification include:

- Valid Drivers License
- Identification Card issued by federal, state, or local government agencies or entities
- U.S. Passport
- Valid foreign passport with photo
- Original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States bearing an official seal
- U.S Social Security card issued by the Social Security Administration
- U.S. Military/ Merchant Marines Identification card with photo
- U.S. Veterans Universal Access Identification card with photo
- Certificate of Naturalization/Citizenship
- Certified academic transcripts from schools in the United States and its territories
- School identification card with photo or yearbook photo within 3 years of application
- Indiana gun permit
- Valid banking card or MasterCard, Visa, American Express, or Discover card issued in the name of the applicant with his or her signature
- Bank statement issued within 60 days of application
- Form W-2 (federal or state) or Form 1099 with the applicant's name and address
- Valid employee identification card with photo
- Valid Indiana professional license
- Valid insurance card
- Medicare or Medicaid Card
- U.S. military discharge or DD214 separation papers
- U.S. Uniformed Services card
- Divorce decree certified by a court of law with stamp or seal

- Application of Marriage or Record of Marriage that is certified with stamp or seal.
- (B) All IDs must be in your current name. If the ID is not in your current last name, you will need divorce papers, a marriage license, etc. showing the change of your last name.

False application, altering, mutilating, or counterfeiting Indiana Birth Certificates is a criminal offense under IC 16-37-1-12; such false application, alteration, mutilation, or counterfeiting is a Class 6 Felony.

Section IX: Physical Facilities

- (A) The body art establishment shall consist of an area of at least one hundred square feet. The floor space for each body artist performing body art services shall be an area of at least forty-five square feet. These areas shall be separated from each other and from waiting patrons or observers by a panel, door, or 8 ft. Privacy screens or devices must be made available at the patron's request.
- (B) The body art procedure room and equipment shall be maintained in a clean, sanitary condition and in good repair.
- (C) Body art establishments shall be equipped with artificial light sources equivalent to at least twenty-foot candles at a distance of thirty inches above the floor throughout the establishment. A minimum of forty-foot candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.
- (D) All floors directly under equipment used for tattooing and body-piercing activities shall be impervious, smooth, washable surfaces and maintained in a sanitary manner. All walls shall be maintained in a sanitary manner.
- (E) All tables and other equipment shall be constructed of easily cleanable material, with a smooth, washable finish. Surfaces must be cleaned and then disinfected with an EPA-registered tuberculocidal disinfectant before and after the body art procedure.
- (F) All surfaces of equipment and furnishings that come into contact with the body artist during a body art procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each client.
- (G) Restroom facilities shall be made available to the employees and customers of the business and must be located within the establishment. The restroom shall be accessible at all times the establishment is open for operation. The restroom shall be equipped with a toilet, toilet paper installed in a holder, a lavatory supplied with hot and cold running

water, liquid antimicrobial soap, and paper towels in dispensers. Equipment and supplies used in the course of a body art procedure, for disinfection or sterilization shall not be stored or utilized in the restroom.

(H) A hand wash sink, with hot and cold running water, antimicrobial liquid soap, and paper towels in dispensers shall be located in close proximity and have unobstructed access (e.g., no doors) to each tattooing and body piercing artists' station.

(I) If reusable instruments are used in a body art establishment, a separate sterilization area or room is required. The sterilization area or room should have a sink used for cleaning contaminated instruments and not be used for handwashing. No other services including but not limited to tattooing, piercing, or retail sales may occur within this sterilization room/area.

(J) An autoclave, ultrasonic, and sterilization room/area is not required if the body art establishment uses only presterilized disposable instruments, presterilized body art materials, and presterilized supplies.

(K) There shall be no overhead or otherwise exposed sewage lines to create a potential hazard to the sanitary environment of the establishment.

Section X: Body Artist Minimum Training Requirements

(A) The operator of a body art establishment shall comply with the following training responsibilities:

(1) Ensure that the training described in the Indiana Occupational Safety and Health Administration's Blood-borne Pathogens Standard (as found in 29 CFR 1910.1030) is provided to all tattoo and body piercing artists, anyone employed by the body art establishment, or anyone acting on behalf of the body art establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(a) Ensure that a record of training described in subdivision (1) is maintained. The record shall be made available to the Department for inspection upon request.

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

(a) Ensure that a record of training described in subdivision (2) is maintained. The record shall be made available to the Department for inspection upon request.

Section XI: Operator Responsibilities

(A) The body art establishment operator shall ensure that the minimum training requirements for the tattoo and piercing artists are met according to Section X of this ordinance.

(B) The body art establishment operator shall ensure that the body artists are a minimum of 18 years of age.

(C) Operators shall attend and maintain valid certifications in CPR and Basic First Aid.

(D) The operator shall display written materials prepared or approved by the Department explaining universal precautions and patrons' rights under this Rule. The materials shall include information on how to report violations of universal precautions and shall include information regarding the Department's duties to investigate.

(D) The operator shall ensure that no illicit drugs or alcohol are consumed in the body art establishment.

(E) The operator shall ensure that no tattoo or body piercing shall be affixed to or performed on any person who is intoxicated.

(F) Before tattooing and body piercing, the body artist who will be performing the procedure shall inquire of a patron about conditions that could affect the healing process. The operator shall not allow tattoo or body-piercing procedures to be performed on patrons indicating the presence of such a condition without documentation from a licensed physician, indicating acceptance of the patient for appropriate care following the procedure.

(G) With respect to tattooing services, written records must be maintained which include professional tattooing ink for each tattoo performed.

(H) The operator shall ensure the facility is free of pests, including insects, rodents, and vermin.

Section XII: Operator Policies and Documentation

(A) The body art establishment operator shall develop a written policy in compliance with this rule and the requirements of the Indiana Occupational Safety and Health Administration's Blood-borne Pathogen Standard (as found in 29 CFR 1910.1030) that:

- (1) Requires the use of universal precautions when performing tattooing, piercing, and/or any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- (2) Includes the safe handling of infectious waste.
- (3) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

(B) The following information shall be kept on file on the premises of the body art establishment and available for inspection by the Department:

- (1) Full names, date of birth, home address, home/work phone numbers, and identification photos of all operators/artists.
- (2) Establishment name, hours of operation, owner's name and address, and infectious waste management records.
- (3) A complete description of all body art procedures performed.
- (4) An inventory of all instruments and body jewelry, all sharps, and all inks used for all body art procedures, including names of manufacturers and serial or lot numbers, if available or applicable, purchased within the last year. Maintain records for at least 2 years.
- (5) A copy of these Regulations.
- (6) Proof that each artist and operator has either completed or been offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons.
- (7) Safety data sheets for all potentially hazardous chemicals in the body art establishment.
- (8) Material certificates for all applicable materials from each applicable manufacturer for initial body piercing jewelry.
- (9) Patron records (Section XIII)

- (10) Spore test results from a third party from the past 2 years. A sign, prominently posted, shall apprise the public of the existence of the results of this test and invite them to review said results.

Section XIII: Patron Records

- (A) Records of each patron shall be maintained for two (2) years. The files must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files). The record shall include:
- (1) Patron's name
 - (2) Address
 - (3) Age: must be verified according to Section VIII
 - (4) Date tattooing or body piercing was performed
 - (5) Design of the tattoo
 - (6) Location of the tattoo or piercing on the patron's body
 - (7) Name and description of decorative implement or other implement placed into the pierced body area
 - (8) The name of the body artist who performed the work
 - (9) Parental consent must be in writing when performed on any minor as permitted by law.

Section XIV: Illness and Infections

- (A) Anyone employed by a body art establishment or acting on behalf of the establishment shall be free of rash, infection, or any other visible pathological condition. No person or operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, fever, vomiting, diarrhea, or jaundice shall work in any area of a body art establishment in which there is a likelihood of contaminating tattoo or body-piercing equipment, supplies or working surfaces with pathogenic organisms.
- (B) Any skin or mucosa surface to receive a tattoo or body-piercing procedure shall be free of rash, infection, or any other visible pathological condition.
- (C) The site of the tattoo shall be cleaned with antiseptic soap and rinsed with clean water and then a germicidal solution (such as 70% isopropyl alcohol) shall be applied using a sterile swab.

Section XV: Personal Hygiene

(A) Before performing body art procedures, the body artist must thoroughly wash hands in hot running water (minimum temperature of 85°F) with liquid antimicrobial soap, then rinse hands and dry with disposable paper towels. Hands shall be washed after removal of gloves, smoking, eating, drinking, using the toilet, or as often as necessary to remove contaminants.

(B) The body artist must maintain hair, skin, and clothes that are free of visible particulate matter and debris. The body artist must keep fingernails short with smooth, filed edges to allow thorough cleaning and prevent glove tears. Body artists must not wear artificial fingernails or extenders and natural nail tips must be less than 1/8 inch long. Nail polish must be intact without chips or cracks.

Section XVI: Personal Protective Equipment

(A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

(B) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin-length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(C) Disposable gloves shall be worn during the tattooing and body-piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of a tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Hands shall be washed before donning a new pair of disposable gloves. Disposable gloves shall not be reused.

(D) Gloves shall be worn when decontaminating environmental surfaces and equipment.

Section XVII: Requirements for Single-Use Items

(A) Single-use items must not be used on more than one patron for any reason. After use, all single-use needles, razors, and other sharps must be immediately disposed of in an approved sharps container.

(B) All products applied to the skin, including body art stencils, pens, markers, etc. must be single-use and disposable. Products used in the application of stencils must be

dispensed and applied on the area to be tattooed with a suitable clean, single-use product and used in a manner to prevent contamination of the original container and its contents.

Section XVIII: Needles

- (A) Needles shall be packaged and sterilized before use, for each tattoo or body piercing.
- (B) Needles shall be single-use only.
- (C) Needles shall be discarded in sharps containers immediately after use.
- (D) Contaminated needles shall not be bent, broken, or otherwise manipulated by hand.
- (E) For individuals performing microblading or manual procedures, once the needle grouping (blade) is attached to the handpiece it cannot be removed and must be fully disposed of into the sharp container.

Section XIX: Disinfection and Sterilization Procedures

- (A) Autoclave sterilization must be used when heat-stable, non-disposable equipment is sterilized.
- (B) Contaminated reusable equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed. The container shall be puncture-resistant, leakproof on both sides and bottom, and labeled with the biohazard symbol.
- (C) Contaminated reusable equipment shall be:
 - (1) Soaked in an enzymatic detergent such as Enzol®(or equiv.) for no less than 10 minutes. Scrubbed to remove debris, then rinsed, and inspected.
 - (2) Fully submerged in an ultrasonic cleaner for no less than 15 minutes
 - (3) Air dried
 - (4) Autoclaved in appropriate, dated, sealed bags with indicator strips fully visible.
 - (5) Left in the autoclave to dry. The door on the autoclave may be left slightly ajar to facilitate drying.
 - (6) Removed with new gloves and placed in a clean, closed container.
 - (7) All sterilization loads shall include a Type 5 or better chemical indicator.

- (D) Records must be maintained to document:
- (1) Duration of sterilization technique
 - (2) Determination of effective sterility, such as the use of a biological indicator, is performed at least monthly.
 - (3) Results of chemical indicator for each cycle
 - (4) Equipment is maintained as recommended by the owner's manual.
- (E) Sterile equipment and body art materials must not be used if the package has been compromised.

Section XX: Dyes or Pigments

- (A) All dyes or pigments in tattooing shall be from professional suppliers specifically designed for the tattooing of human skin.
- (B) In preparing dyes or pigments to be used by tattoo artists, only nontoxic sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, sterilized containers shall be used for each patron.
- (C) Only distilled water or sterile water dispensed from an unopened single-use container may be used for the mixing of inks, dyes, or pigments. Diluting with potable water is not acceptable.
- (D) After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.

Section XXI: Work Environment

- (A) No tattooing or body piercing shall be conducted in any room used as living quarters or opens directly into living or sleeping quarters.
- (B) Live animals shall be excluded from areas where tattooing or body piercing is being conducted. This exclusion does not apply to service animals as defined in IC 16-32-3-1.5.
- (C) Eating, drinking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.
- (D) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(E) All equipment and environmental surfaces shall be cleaned with a hospital-level, hard surface disinfectant such as MadaCide® (or Equiv.) after contact with blood or OPIM

(F) All work surfaces shall be non-absorbent, easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, or similar imperfections.

(G) Disinfectant solutions shall be a hospital-grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach is ten percent (10%) concentration in water); the solution shall be dated and not be used if it is more than twenty-four (24) hours old.

(H) Smoking and vaping are prohibited in all indoor areas of a body art establishment.

Section XXII: Infectious Waste Containment

(A) Contaminated needles, sharp objects, or other infectious wastes shall be stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this rule, prior to being stored in an unsecured area and sent for prior to final disposal.

(B) Infectious wastes other than contaminated sharps or objects that could potentially become contaminated sharps shall be placed in bags that meet the following requirements:

- (1) Impervious to moisture.
- (2) Sufficient strength and thickness to prevent expulsion.
- (3) Secured to prevent leakage expulsion.
- (4) Labeled with the biohazard symbol.
- (5) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that is locked or otherwise secured to eliminate access by or exposure to the public, affords protection from adverse environmental conditions and vermin, and has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container and is not conducive to rapid microbial growth and putrefaction.

(E) Reusable containers must be disinfected against infectious waste, each time that they are emptied unless the surfaces of the reusable containers have been protected from

contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

(F) Contaminated waste which may release other potentially infectious materials (OPIM) when compressed or handled must be placed in an approved "red" bag which is marked with the international biohazard symbol. A waste hauler approved by the Department must then dispose of it. Contaminated waste that does not release OPIM when compressed or handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

(G) Storage of infectious waste on-site shall not exceed 1 year.

Section XXIII: Treatment and Transport of Infectious Waste

(A) All Tattoo/Body-piercing Operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste.
- (2) Steam sterilization.
- (3) Chemical disinfecting under circumstances where safe handling of the waste is assured.
- (4) Thermal inactivation.
- (5) Irradiation or
- (6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this rule shall:

- (1) Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this rule before it is compacted.

(D) The operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 1-3.

Section XXIV: Body Art Infection Prevention

(A) The body artist is to provide instruction to its patrons in methods to prevent infection, such as the use of bactericidal creams and ointments, soap, and appropriate barrier dressings where indicated. A clean dressing must be applied after the completion of each tattoo.

(B) Each patron should be instructed to seek immediate medical attention should there be any evidence of infection.

(C) Written instructions shall be given to each patron or customer on the care of the tattoo or piercing to prevent infection. A copy of these instructions shall also be posted in a conspicuous place in the body art establishment and be visible to the patrons.

Section XXV: Mobile Body Art Establishment Requirements

(A) Tattoos and/or body-piercing performed under this section shall be done only from an enclosed vehicle such as a trailer or mobile home having an interior floor space of at least 100 square feet. No tattoos or body piercing procedures shall be performed outside of the enclosed vehicle.

(B) The Mobile Body Art Establishment shall be maintained in a clean and sanitary condition. Doors should be self-closing and tight-fitting. Operable windows shall have tight-fitting screens.

(C) Mobile Body Art Establishment must have approved sterilization equipment available and follow all requirements of the Section XIX-Disinfection and Sterilization Procedures.

(D) The Mobile Body Art Establishment shall be used only to perform tattoos or body-piercing procedures. No habitation or cooking is permitted inside the vehicle.

(E) The Mobile Body Art Establishment shall be equipped with an equipment-washing sink and a separate hand-wash sink for the use of the artist. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type of faucet, antimicrobial liquid soap, and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment during operation.

(F) All liquid waste shall be stored in an adequate storage tank with a capacity at least fifteen (15) percent greater than the capacity of the on-board potable water supply. Liquid waste shall be disposed of at a site approved by the Department.

(G) The mobile body art establishment shall have easy access to adequate toilet facilities and a lavatory with hot and cold running water, as part of surrounding premises or adjacent to the facility.

(H) The mobile body art establishment must receive an initial inspection at a location specified by the Department before use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.

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

Section XXVI: Minimum Standards for Establishments That Offer a Body Piercing

(A) Procedures and Practices for Body-Piercing

(1) Piercings of minors will be permitted only with a legal guardian present and must comply with Section VII of this Ordinance.

(2) All supplies that come into contact with the piercing station should be in "single portion" form. Including, but not limited to, anti-bacterial ointments, iodine swabs, alcohol wipes, and the like. These packages must be wiped down with a hospital-level, hard surface disinfectant and air-dried, before being stored in clean, closed containers.

(3) All oral piercing shall be preceded by the client performing a one-minute, vigorous application of an antiseptic mouthwash such as Listerine®.

(4) All other pre-piercing sites must be thoroughly cleaned with an iodine-based product such as Betadine ® or Techni-Care ® (or Equiv.) for one full minute. All traces of iodine must be removed before the client departs. For individuals with iodine sensitivity, Benzethonium Chloride (or equiv.) solution is an acceptable substitute.

(5) Corks must be autoclaved. Single-use packaging is preferred. Bulk sterilized supplies must be kept in a clean, closed container, opened, and touched with fresh gloves only.

(6) Written detailed post-piercing aftercare suggestions must be provided.

(B) Requirements of jewelry used for initial piercings

(1) All jewelry used for initial piercings shall be made of one of the following:

- Solid 14k or higher white or yellow nickel-free Gold,
- Surgical Implant Stainless Steel, CrNiMo 316LVM, ASTM F-138
- Niobium
- Surgical Implant grades of Titanium
- Solid Platinum

(2) Material certificates from the manufacturer or an independent assay must be available to prove material composition.

(3) Jewelry must have a mirror finish and be free of nicks, scratches, burrs, and polishing compounds. Rings should have rounded ends.

(4) All threaded or press-fit jewelry must have internal tapping (no threads on the exterior of posts and barbells).

(5) All insertable jewelry is to be sterilized (individually preferred) and kept in a clean, closed container.

Section XXVIII: Prohibited Acts

(A) No person shall perform branding, cutting, implanting, skin peeling, suspension piercing, tongue bifurcation, or scarification on another person.

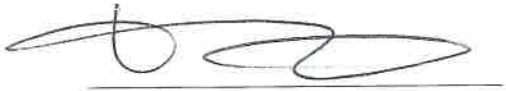
(B) No person shall pierce the genitalia or nipples of a person under the age of 18.

Section XXIX: Exemptions

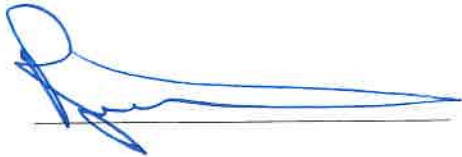
(A) Physicians licensed by the State of Indiana who utilize tattooing or body-piercing procedures as part of patient treatment are exempt from these regulations.

DATED this 4th day of November, 2024.

BOARD OF COMMISSIONERS OF
SULLIVAN COUNTY, INDIANA



Robert Davis, President



Ray McCammon

John Waterman, Sr.

ATTEST:



Amy Scarbrough, Auditor