

ORDINANCE NO. 2024-1007A
AN ORDINANCE REGULATING TATTOOING AND BODY PIERCING IN
WARREN COUNTY, INDIANA

WHEREAS, the reasonable regulation of the tattoo and body piercing facilities is in the best interest of the residents of Warren County, Indiana, and

WHEREAS, an improperly operated or unclean tattoo or body piercing business may have serious and detrimental effects upon the citizens of Warren 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 a tattoo artist or body piercer is not sufficiently skilled and knowledgeable of the dangers associated with said activity, and

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

WHEREAS, the Warren County Health Department can best inspect and oversee the operation of tattoo or body piercing businesses, and

WHEREAS, the Warren County Commissioners believe that tattoo and body piercing business should be permitted and subjected to reasonable inspections of the Warren County Health Department, and

WHEREAS, the Indiana State Department of Health has, pursuant to Indiana Code 16-19-3-4.1 and Indiana Code (IC) 16-19-3-4.2, adopted reasonable rules to regulate the sanitary operation of tattoo and body piercing facilities, and

WHEREAS, the Warren County Commissioners desire to adopt an ordinance to supplement and enforce the State Department of Health regulations governing operation of tattoo and body piercing facilities in Warren County, Indiana.

NOW THEREFORE, BE IT ORDAINED, by the Warren County Board of Commissioners, that the Warren County Code is hereby amended as follows:

§ 51.03 TATTOO AND BODY PIERCING FACILITIES

(A) **SANITARY OPERATION OF TATTOO FACILITIES.** All places, individuals and businesses that offer to affix any type of permanent tattoo or body modification to a person shall be regulated by this ordinance and shall maintain the premises in which tattoos and piercing are performed and equipment used in the process in a sanitary manner.

- b. Proof that all artists and operators are a minimum of eighteen (18) years of age,
- c. Each artist and operator should be able to provide documentation of the following information upon request of the Health Department:
 - i. That each artist and operator has completed the Hepatitis B vaccination series.
 - ii. That antibody testing has revealed that the employee is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons.
 - iii. If the artist and operator have not completed the Hepatitis B Vaccination series, they shall provide documentation showing at least the first of the series of Hepatitis B vaccination has been received, and must show proof of completion of the series within 6 months of issue of first permit.
 - iv. A bloodborne pathogen training certification update annually.

2. All artists and operators must:

- a. Possess a valid artist permit issued by the Warren County Health Department and shall be posted at the Facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public.
- b. Prepare the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution.
- c. Require all oral piercings to be preceded by the patron performing a vigorous application of an antiseptic mouthwash.
- d. Protect the tattooed area after a procedure by applying antibacterial ointment, and a single-use, non-adherent bandage with an impermeable cover that must be worn until the patron leaves the facility.
- e. Provide each patron or legal guardian (if patron is less than eighteen (18) years of age), verbal and written guidelines for the after-care of the tattoo or body piercing. The written public education materials shall: 1) Provide guidelines to the patron regarding methods for proper cleansing, side effects, activity restrictions, infection prevention, and appropriate barrier dressings where indicated. 2) Advise the patron to consult a physician or dentist as appropriate at any indication of infection. 3) Contain the name, address and phone number of the facility. The patron's record as set forth in Section (E) below shall be signed and dated by the patron and the artist.

(E) PATRON RECORDS. Records of each patron shall be maintained for two (2) years following the date of the procedure and available for review upon request. The record shall include the following:

- 1. Patron's name.
- 2. Patron's address.
- 3. Patron's age. Must be verified by a valid Government issued photo ID.
- 4. Date that the tattoo or body piercing occurred.
- 5. Design of the tattoo.
- 6. Location of the tattoo or body piercing on the patron's body.

7. The full name of the tattoo artist or body piercer who performed the work.
8. Signature indicating proper parental consent when performing tattoo and body piercing activities on any minor as required by law. IAC 35-42-2-7(e) requires the parent to be present and provide consent in writing. Parent must also show valid ID and provide a copy of minor's Birth Certificate.

(F) **HANDWASHING.** Handwashing Facilities shall be readily accessible in the same room where tattooing or body piercing is provided. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

(G) **ILLNESS** Tattoo artists and piercers who are experiencing symptoms of acute disease shall refrain from providing tattoos and piercings.

(H) **TATTOOING EQUIPMENT**

1. All stencils shall be properly disposed of after a single use.
2. All supplies used in the activity of tattooing or body piercing that come into contact with the tattooing or piercing station must be disposed of after single use.
3. If design is drawn directly onto the skin, it shall be applied with a single use article only.

(I) **NEEDLES, INSTRUMENTS, CONTAMINATED SHARPS**

1. Needles shall be individually packaged and sterilized prior to use.
2. Needles shall be single use only.
3. Needles, instruments, and contaminated sharps shall be discarded in sharps containers immediately after use.
4. Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

(J) **PERSONAL PROTECTIVE EQUIPMENT** Appropriate personal protective equipment shall be worn as follows:

1. A clean protective clothing layer shall be worn whenever there is a reasonable anticipated risk of contamination of clothing by blood.
2. Masks shall be worn at all times.
3. Disposable gloves shall be worn during the tattoo and piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application/act, when the gloves become torn or punctured, or when the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(K) **DYES, PIGMENTS AND JEWELRY.** All dyes or pigments used shall be from professional suppliers specifically providing dyes or pigments for tattooing of human skin. After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container. All jewelry used in body piercing shall be from professional

suppliers specifically providing jewelry for body piercing. All jewelry shall be kept sterile until used on patron.

(L) WORK ENVIRONMENT.

1. Facilities shall be equipped with artificial light sources equivalent to at least twenty (20) foot-candles of light at a distance of thirty (30) inches above the floor throughout the establishment. A minimum of seventy (70) 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.
2. Tattoo and body piercing areas shall be separated from waiting patrons or observers by a non-absorbent panel, a door, or by a minimum of ten (10) foot distance apart. If, however, the patron is a minor, then the parent/legal guardian must be present during the procedure. If the facility allows it, the patron may sign a written consent allowing an observer to watch the procedure without space restrictions.
3. All walls and floors near equipment used for tattooing and body piercing activities shall be smooth, nonabsorbent and easily cleanable surfaces and be maintained in a sanitary manner at all times.
4. During a procedure, a Facility shall place single-use disposable barriers on equipment that cannot be sterilized. Barriers shall be discarded immediately after each use. If used, disposable table or chair paper or cover shall be changed between patrons.
5. Lavatory facilities shall be available to employees at all times the Facility is open for operation and they must be located within the same physical structure/building. The lavatory(s) shall be equipped with a toilet, hand sink, and covered waste receptacle.
6. An additional hand sink, other than the one located in the lavatory, shall be located in close proximity (within 25 feet) of each artist's station and shall be readily accessible and available without passing through any door or barrier. These hand sinks shall be supplied with running water at a minimum temperature of 100 degrees Fahrenheit, liquid antibacterial soap, paper towels, and a waste receptacle.
7. Equipment and supplies used in the course of tattoo and body-piercing services or disinfection and sterilization procedures shall not be stored or utilized within the lavatory.
8. No tattooing or piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.
9. Eating, drinking, smoking or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood.
10. Disinfectant solutions shall be: 1) A hospital grade, tuberculocidal EPA registered disinfectant; or 2) Sodium hypochlorite, five-tenths percent concentration, by volume; the solution shall be dated and shall not be used if older than twenty-four (24) hours.
11. Live animals shall be excluded from areas where tattooing is being conducted. This does not apply to the following: 1) Patrol dogs accompanying law enforcement; and 2) Guide dogs.

12. If an autoclave is being utilized to sterilize any reusable items, it must be properly calibrated and monthly spore testing of the autoclave is mandatory. A copy of the results of all spore tests must be submitted to the Warren County Health Department monthly.

(M) TREATMENT AND TRANSPORT OF INFECTIOUS WASTE. Prior to approval of any permit, the operator must submit proof of a current contract with an infectious waste removal company or agreement with other agencies where treated infectious waste will be disposed. The operator must document how the infectious waste was treated and/or disposed. An operator must maintain these records for a period of two (2) years.

(N) PROHIBITED ACTS The following activities are strictly prohibited:

1. Branding
2. Cutting
3. Dermal Punching
4. Implantation
5. Scarification
6. Skin Peeling
7. Suspension Piercing
8. Tongue Bifurcation
9. Tongue Splitting

(O) PERMITS

1. Business. Each tattoo/body piercing Facility/operation shall obtain a permit from the Warren Department of Health.

a. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer located at each location.

b. The permit shall not be transferable.

c. The permit expires on December 31st of each year.

d. Should a facility fail to obtain the permit prior to the opening of a Tattoo and Body Piercing Facility or should any permittee fail to renew his/her permit on or before the expiration date of December 31st, a late fee will be assessed for the Tattoo and/or Body Piercing Facility.

e. Permit holders shall be subject to inspection as set forth herein.

2. Tattoo Artist or Body Piercer. Every person that desires to perform any tattoo or body piercing activities shall, before doing so, obtain a "Tattoo Artist Permit", "Body Piercer Permit" or a "Tattoo Artist-Body Piercer Permit" from the Warren County Health Department.

a. No person shall tattoo or body pierce another person unless he or she has first obtained a permit from the Warren County Health Department.

b. No person shall, in an effort to advertise or solicit business with the intent to perform tattoo or body piercing activities, use or assume the title of tattooist

or body piercer, designate or represent themselves to be a tattooist or body piercer unless he or she has first obtained a permit from the Warren County Health Department.

- c. The applicant must satisfy the minimum requirements as set forth in this ordinance.
- d. The permit shall not be transferable.
- e. The permit expires on December 31st of each year.

3. Owner/Operator. In the event that a Tattoo and Body Piercing Facility is a sole proprietorship and the owner shall also perform tattooing or body piercing for their business, the owner shall only be required to obtain a business permit as described in this section. Exceptions.

4. The provisions of this Ordinance shall not apply to an act of a health care professional (as defined in Indiana Code 16-27-2-1) licensed under Indiana Code, Chapter 25, when the act is performed in the course of the health care professional's practice.

(P) INSPECTIONS. The Warren County Health Department shall conduct inspections of each Facility located in Warren County, Indiana. The results of the inspections shall be provided to each operator in written form. Violations noted by the Warren County Health Department shall be corrected immediately or within the timeframe set forth on the inspection report. The Department shall conduct follow-up inspections to determine compliance with this ordinance as deemed necessary.

(Q) PROCEDURES WHEN VIOLATIONS ARE NOTED If, during the inspection of any Facility, the Health Officer discovers the violation of any provision of this Ordinance, as amended, he/she shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee (or their authorized representative) by hand delivering the report to him/her on-site or mailing the notice by Certified Mail to the address listed by the permittee as his/her/its mailing address on the permit application. A copy of the written order shall be filed in the records of the Warren County Health Department and be made available to the public as required.

(R) PERMIT SUSPENSION/REVOCATION/CLOSURE ORDERS

1. The Health Officer may order the suspension or revocation of any permit issued for a Facility, which order shall include the prohibition of any further operation for the following reasons:

a. Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the Health Officer in the performance of his/her duties.

b. As a result of the willful and/or continuous violation of any provision of this Ordinance. 1.

2. Such order shall be effective immediately.

3. Upon written request to the Health Officer, the permittee shall be afforded a hearing.

4. The Health Officer or his/her designee shall conduct a re-inspection upon the request of the permittee. When the Health Officer determines that the necessary corrective action(s) have been taken, operation of the Facility may be resumed.

5. A person or business subject to a permit suspension or revocation shall have 10 days to file for judicial review of the Warren County Health Department's orders. Failure to file for judicial review will make this order final and conclusive.

a. Upon the Health Officer receipt of such request, the Health Officer shall hear the matter again in an open hearing after at least five (5) days written notice of the time, place, and nature thereof.

b. The notice of the hearing shall be served upon the person requesting the review by hand delivering or mailing by Certified Mail the notice to the address listed on the Permit application.

c. An aggrieved party may appeal the hearing decision by filing an action in Warren Circuit Court withing thirty (30) days of the Order

(Q) PENALTY

1. The Health Officer may bring an action in the Circuit or Superior Court to enforce this ordinance.

2. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this ordinance including reasonable attorney fees.

3. Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of not more than One Thousand Dollars (\$1,000) for each violation for each violation.

4. Each day of the existence of any violation of this Ordinance shall be considered a separate offense.

5. The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

(R) Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

This ordinance shall be effect on the date of passage and publication according to law.
Passed this 7th day of Oct., 2024.

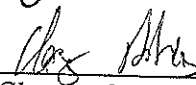
BOARD OF COMMISSIONERS OF
WARREN COUNTY



Craig Greenwood, President

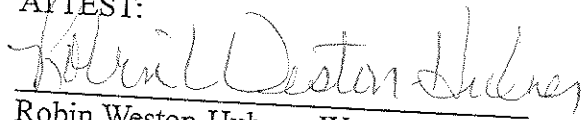


John Comer



Clay Andrews

ATTEST:



Robin Weston-Hubner, Warren County Auditor