

**ORDINANCE NO. 2019-023**

**TATTOO & PIERCING FACILITY ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SCOTT COUNTY, INDIANA  
THAT THE FOLLOWING ORDINANCE BE ADOPTED.

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**SECTION 1.0- PURPOSE.**

A chapter defining a tattoo facility, piercing facility, requiring permits, permit fees, for the operation of a tattoo/and or piercing business, prohibiting the application of a tattoo to a minor, regulating the inspection of a tattoo business, providing for the enforcement of this chapter and affixing penalties. (Revised and based in accordance with 410 I.A.C. 1-5: Sanitary Operations of Tattoo Parlors.)

**SECTION 2.0- STATE LAW ADOPTED.**

All of the terms and conditions of 410 I.A.C. 1-5-36 *et seq.* and any amendments thereto regarding the licensing and operation of a tattoo parlor are hereby incorporated by reference.

### **SECTION 3.0- DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BLOOD.** According to 410 I.A.C. 1-5-2, human blood.

**BLOOD-BORNE PATHOGENS.** According to 410 I.A.C. 1-5-3, pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following: HBV, HCV, HIV.

**BODY PIERCER.** According to 410 I.A.C. 1-5-3.5, any person who performs body piercing on an individual.

**BODY PIERCING.** According to 410 I.A.C. 1-5-3.6, the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

**CLEANED.** According to 410 I.A.C. 1-5-4 removal of all visible dust, soil or any other foreign material.

**CONTAMINATED.** According to 410 I.A.C. 1-5-5, the presence or reasonably anticipated presence of blood or OPIM on an item or surface.

**DECONTAMINATED.** According to 410 I.A.C. 1-5-6, 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.** According to 410 I.A.C. 1-5-7, the State Department of Health.

**FACILITY.** According to 410 I.A.C. 1-5-7.5, a tattoo parlor or a body piercing facility, or both, which is any room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

**HBV.** According to 410 I.A.C. 1-5-8, the hepatitis B virus.

**HCV.** According to 410 I.A.C. 1-5-9, the hepatitis C virus.

**HIGH LEVEL DISINFECTION.** According to 410 I.A.C. 1-5-9.5, a process that destroys all micro-organisms, with the exception of high number of bacterial spores.

**HIV.** According to 410 I.A.C. 1-5-10, the human immunodeficiency virus.

**HEALTH OFFICER.** The Scott County Health Officer or his or her authorized representative.

**INFECTIOUS WASTE.** According to 410 I.A.C. 1-5-11, waste that epidemiological 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 biological 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; and
- (6) Other waste that has been intermingled with infectious waste.

**INTERMEDIATE LEVEL DISINFECTION.** According to 410 I.A.C. 1-5-11.2, a process that inactivates:

- (1) Mycobacterium tuberculosis;
  - (2) Vegetative bacteria;
  - (3) Most viruses; and
  - (4) Most fungi;
- but does not necessarily kill bacterial spores.

**OPERATOR.** According to 410 I.A.C. 1-5-11.5, any person who controls, operates, manages or owns a facility.

**OTHER POTENTIALLY INFECTIOUS MATERIALS** or **OPIM.** According to 410 I.A.C. 1-5-12, the following:

- (1) Human body fluids as follows:
  - (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; and
  - (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; and/or
- (3) HIV-containing cell or tissue cultures, and HIV- or HBV-containing culture medium or other solutions, and blood, organs or other tissues from experimental animals infected with HIV or HBV.

**PARENTERAL.** According to 410 I.A.C. 1-5-13, piercing the mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts or abrasions.

**PERSON.** An individual, group of individuals, association, partnership, corporation, firm or company.

**PERSONAL PROTECTIVE EQUIPMENT.** According to 410 I.A.C. 1-5-14, specialized clothing or equipment worn for protection against contact with blood or OPIM.

**SECURE AREA.** According to 410 I.A.C. 1-5-15, an area maintained to prevent the entry of unauthorized persons.

**SEMILIQUID BLOOD, BLOOD PRODUCTS.** According to 410 I.A.C. 1-5-16, blood; blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

**SHALL.** A term used to indicate that which is required, the only acceptable method under these rules.

**SHOULD.** A term used to reflect the more preferable method, yet providing for the use of effective alternatives.

**STERILIZE.** According to 410 I.A.C. 1-5-17, the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

**STORE.** According to 410 I.A.C. 1-5-18, the containment of infectious waste in such a manner as not to constitute collection, treatment, transport or disposal.

**TATTOO.** According to 410 I.A.C. 1-5-19:

(1) Any indelible design, letter, scroll, 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.** According to 410 I.A.C. 1-5-20, any person who provides a tattoo to an individual.

**TATTOO OPERATOR.** Any person who controls, operates, conducts, manages or owns a tattoo parlor.

**TATTOO PARLOR.** Any room or space where tattooing is provided or where the business of tattooing is conducted.

**UNDEFINED WORDS.** Words not specifically defined in this chapter shall have the common definition set forth in a standard dictionary.

**UNIVERSAL PRECAUTIONS.** According to 410 I.A.C. 1-5-23, 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 4.0– OPERATOR TRAINING RESPONSIBILITIES.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-24, in addition to the following requirements made by the county.

An individual or entity that is an operator 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 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 blood-borne 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.

#### **SECTION 5.0- OPERATOR RESPONSIBILITIES.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-25, in addition to the following requirements made by the county.

(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 blood-borne 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 (4).

(4) The operator shall display 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 6.0- OPERATOR POLICIES.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-26, in addition to the following requirements made by the county.

(1) The 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:

(A) requires the use of universal precautions when performing tattooing or body piercing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(B) requires disinfection or sterilization of contaminated reusable items;

(C) includes the safe handling of infectious waste; and

(D) provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions or handle infectious waste safely, or both.

**SECTION 7.0- TATTOO ARTIST AND BODY PIERCER MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-27, in addition to the following requirements made by the county.

(1) All tattoo artists, body piercers, anyone employed by the facility, and 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 shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's blood-borne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

(A) A blood-borne pathogen training session provided by the operator meeting the requirements under the Indiana occupational safety and health administration's blood-borne pathogens standard (as found in 29 CFR 1910.1030).

(B) Any blood-borne pathogen continuing education program provided by a health care agency.

(2) All tattoo artists, body piercers, anyone employed by the facility, and 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 must be trained in the facility's policies on the handling of infectious waste.

**SECTION 8.0- PATRON RECORDS.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-28, in addition to the following requirements made by the county.

Records of each patron shall be maintained by the operator for two (2) years. The record shall include the following, but not be limited to:

- (1) Patron's name.
- (2) Address.
- (3) Age.
- (4) Date tattooed or body pierced.
- (5) Design of the tattoo.
- (6) Location of the tattoo or body piercing on the patron's body.
- (7) The name of the tattoo artist or body piercer who performed the work.
- (8) Jewelry or other decoration used.

**SECTION 9.0- ILLNESS.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-29, in addition to the following requirements made by the county.

Tattoo artists or body piercers who are experiencing symptoms of acute disease that include, but are not limited to:

- (1) diarrhea;
- (2) vomiting;
- (3) fever;
- (4) rash;
- (5) productive cough;
- (6) jaundice; or

(7) draining (or open) skin infections, boils, impetigo, or scabies; shall refrain from providing tattoos or body piercing.

**SECTION 10.0- HANDWASHING.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-30, in addition to the following requirements made by the county.

(1) Handwashing facilities shall be readily accessible where tattooing or body piercing, or both, is provided.

(2) Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

(3) Only single-use towels shall be used.

**SECTION 11.0- PERSONAL PROTECTIVE EQUIPMENT.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-31, in addition to the following requirements made by the county.

Appropriate personal protective equipment shall be worn as follows:

(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, such as surgical or examination type, shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

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

**SECTION 12.0- TATTOOING EQUIPMENT.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-32, in addition to the following requirements made by the county.

(1) Only single-use razors shall be used to shave the area to be tattooed.

(2) All stencils shall be properly disposed of after a single use.

(3) If the design is drawn directly onto the skin, it shall be applied with a single-use article only.

**SECTION 13.0- NEEDLES**

All rules and regulations should be followed according to 410 I.A.C. 1-5-33, in addition to the following requirements made by the county.

(1) Needles shall be individually packaged and sterilized prior to use.

- (2) Needles shall be single-use only.
- (3) Needles shall be discarded in sharps containers immediately after use.
- (4) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

**SECTION 14.0- RESUSABLE EQUIPMENT**

All rules and regulations should be followed according to 410 I.A.C. 1-5-34, in addition to the following requirements made by the county.

- (1) Heating procedures capable of sterilization must be used when heat stable, non-disposable equipment is sterilized.
- (2) Equipment that is to be sterilized shall be put in single-use packaging.
- (3) Records must be maintained to document the following:
  - (A) Duration of sterilization technique.
  - (B) Determination of effective sterility, such as use of a biological indicator, is performed monthly.
  - (C) Equipment is maintained as recommended by the owner's manual, and proof is available that the owner's manual recommendations are reviewed monthly.
- (4) Reusable contaminated 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.
- (5) Reusable contaminated equipment shall be:
  - (A) placed in puncture-resistant containers;
  - (B) labeled with the biohazard symbol;
  - (C) leak-proof on both sides and bottom; and
  - (D) stored in a manner that does not require reaching by hand into the container where the contaminated equipment is stored until cleaning prior to sterilization.
- (6) Reusable contaminated equipment shall be effectively cleaned prior to sterilization or disinfection.
- (7) Any reusable contaminated equipment that comes into direct contact, or is likely to come into direct contact, with an instrument that penetrates the skin other than a piercing gun shall be effectively cleaned and sterilized prior to use.
- (8) All sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.
- (9) Any reusable equipment that comes into contact with mucus [sic., mucous] membranes shall be effectively cleaned and sterilized prior to use.
- (10) Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use and whenever visibly contaminated.
- (11) All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.



(12) All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.

(13) All body piercers and tattoo artists shall comply with all other equipment manufacturer's recommendations.

#### **SECTION 15.0- DYES OR PIGMENTS OR OTHER OBJECTS PLACED UNDER THE SKIN**

All rules and regulations should be followed according to 410 I.A.C. 1-5-35, in addition to the following requirements made by the county.

(1) All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

(2) 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, single-use containers shall be used for each patron.

(3) After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.

(4) Any object placed under the skin shall be sterile.

#### **SECTION 16.0- WORKING ENVIRONMENT.**

All rules and regulations should be followed according to 410 I.A.C. 1-5-36 (rules pertaining to work environment), in addition to the following requirements made by the county.

(1) No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(2) Live animals shall be excluded from areas where tattooing or body piercing is being conducted.

This exclusion does not apply to the following:

(A) Patrol dogs accompanying security or police officers.

(B) Guide dogs accompanying the following:

(i) Blind persons.

(ii) Partially blind persons.

(iii) Physically disabled persons.

(iiii) Guide dog trainers.

(v) Persons with impaired hearing.

(3) Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

(4) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(5) All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.

(6) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and disinfected.

(7) All work surfaces shall be:

- (A) nonabsorbent;
- (B) easily cleanable;
- (C) smooth; and
- (D) free of:
  - (i) breaks;
  - (ii) open seams;
  - (iii) cracks;
  - (iiii) chips;
  - (iiiii) pits; and
  - (iiiii) similar imperfections.

(8) Disinfectant solutions shall be:

(A) a hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or

(B) sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach in ten percent (10%) concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.

(9) Sanitary facilities.

(A) *Water supply.* The water supply shall be adequate, of a safe sanitary quality, and from an approved source.

(i) All private water supplies shall be subject to inspection at all times and no water from the source shall be used or supplied to the public unless samples therefrom have been tested and approved within the past 12 months.

(ii) A copy of the water analysis shall be available on the premises.

(iii) All water not piped into the tattooing establishment directly from source shall be transported, handled, stored and dispensed in a sanitary manner.

(B) *Sewage disposal; water-carried sewage.* All water carried sewage shall be disposed of by means of:

(i) A public sewer system; or

(i) An approved sewage disposal system which is constructed and operated in conformance with applicable state and local laws, ordinances and regulations.

(C) *Illumination.*

(i) At least 25 foot-candles of light intensity shall be provided at a distance of 30 inches above the floor throughout the tattooing room;

(ii) At least 70 foot-candles of light shall be maintained at the place and on the surfaces, materials and equipment where tattooing is being performed.

(D) *Toilet facilities.*

(i) A toilet and lavatory shall be located in the tattoo establishment and shall be accessible to the tattooing operator/artist at all times that the establishment is open for business.

(ii) A lavatory with hot and cold running water, from a combination supply fixture shall be located in the room where tattooing is performed. Hand cleanser and sanitary towels shall be provided.

(iii) Toilet rooms shall be vented to outside air.

(iii) The use of common towels and common cups shall be prohibited.

(10) *Temporary establishments.*

(A) No person shall be permitted to practice the art of tattooing in any temporary place of business, such as agricultural fairs, carnivals, mass gatherings or similar public gatherings of a temporary nature.

(B) Mobile tattoo establishments shall not be allowed.

(11) *Care of instruments.*

(A) Sterilizing of instruments.

(i) A sterilizer (autoclave) shall be provided for sterilizing needles and similar instruments before use on any patron. (Alternative sterilizing procedures may be used when specifically approved by ISDH.)

(ii) Before sterilizing, all needles and similar instruments shall be thoroughly washed to remove dyes, blood clots and other foreign matter.

(iii) The needles and instruments required to be sterilized shall be so used, stored, handled and temporarily placed during tattooing so that they do not become contaminated.

(B) Note: only single-use needles are allowed for the purpose of tattooing as per 410 I.A.C. 1-5-33(b). All other sterilizing methods should be followed as per 410 I.A.C. 1-5: Sanitary Operations of Tattoo Parlors.

(D) *Tattooing of animals.*

(1) No person shall allow the tattooing of animals in a tattoo establishment used for tattooing human beings.

(2) No needles or similar instruments used in tattooing of humans shall be used to tattoo animals.

(E) *Disease control.* No person who is infected with any disease in a communicable form or is a carrier of the disease shall work within a tattoo business.

(F) *Licensed practitioners.* These rules are not applicable to any establishments under the direct control of a duly licensed practitioner of the healing arts, nor do they apply to licensed medical hospitals, and similarly licensed medical institutions.

(Ord. 2000-3, passed 2-15-2000) Penalty, see § 112.99

## **SECTION 17.0- INFECTIOUS WASTE CONTAINMENT**

All rules and regulations should be followed according to 410 I.A.C. 1-5-37, in addition to the following requirements made by the county.

(1) Contaminated disposable needles or instruments shall be:

(A) stored in:

(i) leak-resistant; and

(ii) puncture-resistant;

Containers;

(iii) Tightly sealed to prevent expulsion;

(IIia) labeled with the biohazard symbol; and

(IIia) effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

(2) Infectious wastes that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:

(A) Impervious to moisture.

(B) Sufficient strength and thickness to prevent expulsion.

(C) Secured to prevent leakage expulsion.

(D) Labeled with the biohazard symbol.

(E) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

(3) If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:

- (A) is locked or otherwise secured to eliminate access by or exposure to the general public;
- (B) affords protection from adverse environmental conditions and vermin; and
- (C) has a prominently displayed biohazard symbol.

(4) 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.

(5) Disinfect reusable containers for 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.

#### **SECTION 18.0- TREATMENT AND TRANSPORT OF INFECTIOUS WASTE**

All rules and regulations should be followed according to 410 I.A.C. 1-5-38, in addition to the following requirements made by the county.

(1) All 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.

(2) 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:

- (A) incineration in an incinerator designed to accommodate infectious waste;
- (B) steam sterilization;
- (C) chemical disinfection under circumstances where safe handling of the waste is assured;
- (D) thermal inactivation;
- (E) irradiation; or
- (F) discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(3) All persons subject to this rule shall:

- (A) transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (B) effectively treat infectious waste in accordance with this rule before it is compacted.

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

#### **SECTION 19.0 AUTHORITY TO INSPECT AND TO COPY RECORDS.**

(A) *Access to all areas.* The County Health Officer or his or her duly appointed agent bearing proper identification shall be permitted to enter upon all areas for the purpose of inspection, observation and sanitary testing as is necessary to carry out the provisions of this chapter.

(B) *Inspection form.* A general inspection form for tattoo establishments will be used to check the facility for sanitary conditions, proper record keeping practices, to ensure the proper disposal of all infectious wastes, and any other areas deemed necessary by the County Health Department.

(C) *Inspections are public record.* The inspection forms will be kept (similar to food establishment inspections) on file at the County Health Department and be readily available to the public for viewing.

(D) *Pre-tattoo application required.* The person operating the establishment shall maintain permanent records for each patron. Before the tattooing operation begins, the patron shall be required to personally enter on a record form provided for the establishments, the date, his or her name, address, age, social security number, serial number if a member of the armed forces, and his or her signature. The person operating the establishment shall retain records for a period of not less than two years. The records shall be available for examination upon request.

(E) *Receipt required.* The tattoo operator shall issue a receipt to each patron setting forth the name and address of the establishment.

(F) *Records maintained.* In the event of a change of ownership or closing of the business, all the records shall be made available to the County Health Department, as well as, ISDH.

(G) *Infections reported.* All infections resulting from the practice of tattooing which become known to the tattoo artist or tattoo operator shall be reported to the SCHD, as well as, ISDH within 24 hours by the person owning or operating the tattoo establishment, and the infected client shall be referred to a physician.

#### **SECTION 20.0- INSPECTIONS.**

(A) *Frequency of inspection.* At least once each year, the Health Officer shall inspect each tattoo business for which a permit is required under the provisions of this chapter.

(B) *Procedure when violations are noted.* If during the inspection of any tattoo business the Health Officer discovers the violation of any of the requirements in SECTION 19 above, he or she shall issue a written order listing the violations to the proprietor or, in his or her absence, to the person in charge, and fixing a time within which the proprietor shall abate and remedy those violations. A copy of the written order shall be filed with the records of the County Health Department.

(C) *Final inspection.* If upon a second or final inspection the Health Officer finds that the tattoo business or employee is violating any of the provisions of this chapter which were in violation of the previous inspection and concerning which a written order was issued, the Health Officer shall furnish evidence of the violation to the Prosecuting Attorney having jurisdiction in the county in which the violation occurs.

(D) *Extension of compliance.* The Health Officer may, if he or she determines that any person who is otherwise not in compliance with the order to comply within the time requirements has acted in good faith and has made a commitment (in the form of contracts or other securities) of necessary resources to achieve compliance, grant an extension of the date referred to in division (B) above to a date which will achieve compliance at the earliest time possible but not later than six months from the original date of compliance.

#### **SECTION 21.0- PERMITS AND FEES.**

(A) *Permit required from SCHD.* It shall be unlawful for any person to place a tattoo upon the body of another person within the county; state or in any area under the jurisdiction of the county, without obtaining a signed permit from the County Health Department.

(B) *Permit posted.* All permits issued by SCHD shall be posted in a conspicuous place within the tattoo business, including artist permits.

(C) *Pre-opening inspection.* A permit for a new tattoo business shall not be issued until a pre-opening inspection is completed to the satisfaction of the Health Officer. The applicant for the permit shall notify the County Health Officer when the business is ready for inspection. The inspection shall be made within three business days of the receipt of the application.

(D) *Permit fees.* The fee for the issuance of a tattoo business establishment permit may be fixed and charged by the County Board of Health for the following:

- (i) \$100 annual tattoo facility permit
- (ii) \$50 per tattoo artist or piercer. If the owner of the facility is the only artist then only the annual facility permit applies.
- (iii) \$25 temporary artist or piercer that is valid for a total of (30) consecutive days.
- (iv) 125% late fee will apply for all permits

#### **SECTION 22.0- RENEWAL OF PERMITS.**

(A) *Re-submittal required.* Complete application for renewal of permits must be submitted at least 30 days prior to the expiration date of the expiring permit, and comply with all of the conditions set forth in this chapter.

(B) *Evaluation of renewal.* Evaluation of an annual permit renewal application will be based on the quality of operation during the period of previous permit. If the standards specified in this chapter have been met, the permit will be reissued.

(i) Evaluation will be based on reports of all inspections made during the evaluation period. No permit shall be renewed if the facility holding that permit has not been substantially in compliance with this chapter.

(ii) No permit shall be renewed if, on more than half of the inspections, the operation did not meet requirements of 410 I.A.C. 1-5-2: Sanitary Operations of Tattoo Parlors.

#### **SECTION 23.0- SUSPENSION OF PERMIT.**

Any permit issued under this chapter may be temporarily suspended by the Health Officer without notice or hearing with the Scott County Board of Health for a period of not to exceed 60 days, for any of the following reasons:

(A) Unsanitary or other conditions which in the Health Officer's opinion endanger the public's health;  
or

(B) Interference with the Health Officer or any of his or her authorized representatives in the performance of their duties.

#### **SECTION 24.0- RIGHT TO A HEARING.**

(A) The Health Officer may issue a written order to the permittee of the tattoo business to appear for a hearing in front of the Scott County Board of Health at a certain time, no later than ten days from the date of the last inspection and at a fixed place in order for the permittee to show cause why the license issued under the provisions of this chapter should not be revoked by administrative enforcement.

(B) This written order will be delivered to the permittee by leaving a copy at his or her normal place of business or by delivery by registered or certified mail.

**SECTION 25.0- REINSTATEMENT OF PERMIT.**

Any person whose permit has been suspended may at any time make application to the Health Officer for the reinstatement of his or her permit.

**SECTION 26.0- PROSECUTION OF HEARING FOR VIOLATIONS.**

All persons violating the provisions of this chapter may be prosecuted, or the Health Officer may promptly issue a written order to the permittee of the tattoo business to appear at a certain time, no later than ten days from the date of the final inspection, and at a place in the county fixed in that order to show cause why the permit issued under the provision of SECTION 19 or SECTION 20 above should not be revoked.

**SECTION 27.0- PENALTY.**

(A) *General.* Any person who violates the provisions of this chapter shall be fined (i.e. assessed a judgment in favor of County Health Department) in an amount not to exceed \$1,000, plus court costs. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate those conditions where compliance with the order by the County Board of Health, or by the duly appointed Health Officer of the county, has not been met, shall constitute a distinct and separate offense.

(B) *Civil actions.*

(1) The Health Officer is authorized to commence a civil action for appropriate relief, including: a permanent or temporary injunction for any violation; and/or civil penalties of not more than \$50 for the first offense and not more than \$500 for the second offense; and of not more than \$500 for each subsequent offense. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate those conditions where compliance with such as ordered by the County Board of Health or by the duly appointed Health Officer of the county or his or her representative has not been met shall constitute a distinct and separate offense. Any action under this chapter may be brought in the County Circuit Court and may be brought by the County Attorney or by another attorney of the choosing of the Health Board.

(2) Any person found to be in violation of any provision of this chapter shall be assessed all costs and expenses of the investigation and shall, in addition, be liable for all reasonable attorney fees and costs incurred by the County Health Department, in addition to any fines assessed in favor of the County Health Department, for the enforcement of this chapter.

**SECTION 28.0- EFFECTIVE DATE.**


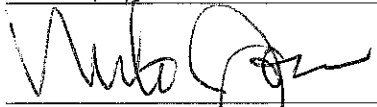
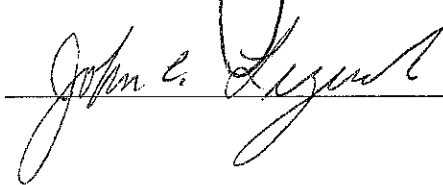
This chapter shall take effect upon passage and publication in accordance with I.C. 36-2-4-8(b).

This Ordinance to be in full force and effect as of January 1, 2020.

Passed by the Board of Commissioners, Scott County, Indiana on this 18<sup>th</sup> day of September, 2019.

**AYES**

**NAYS**

	ROBERT TOBIAS
	MIKE JONES
	JOHN LIZENBY