

**TATTOO AND BODY PIERCING
ESTABLISHMENTS ORDINANCE**

WHEREAS, the State of Indiana has amended the laws concerning tattoos, tattoo parlors, and body piercing facilities, and

WHEREAS, tattoo and body piercing operations and procedures are becoming more and more common among residents of Madison County, Indiana, and

WHEREAS, the safe and proper operation of a tattooing parlor and body piercing business is in the best interest of the residents of Madison County, Indiana, and

WHEREAS, an improperly operated or improperly cleaned tattoo and/or body piercing business could have serious and detrimental effects upon the citizens of Madison County, Indiana, and

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattoo and/or body piercing of a person if that tattoo, body piercing business and artist are not sufficiently skilled and knowledgeable of the dangers associated with said activity, and

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

WHEREAS, the Madison County Health Department can best inspect and provide the necessary training and expertise to oversee the operation of these tattoo businesses, and

WHEREAS, the Madison County Commissioners believe that tattoo and body piercing businesses should be licensed and subjected to reasonable inspections of the Health Department, and

WHEREAS, the Madison County Commissioners desire to adopt an ordinance to regulate the operation of tattoo and body piercing businesses in Madison County, Indiana.

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

Section 1. Sanitary Operation of Tattoo Parlors.

All places, individuals and businesses that offer to affix any type of permanent tattoo or body piercing to a person shall be regulated by this ordinance and shall maintain the

premises in which tattoos and/or body piercing are performed and equipment used in these procedures in a sanitary manner.

Section 2. Definitions. For the purpose of this document the following definitions shall apply unless the rule clearly indicates or requires a different meaning.

“Blood” means human blood.

“Bloodborne pathogens” 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
- (2) the hepatitis C virus
- (3) the human immunodeficiency virus (HIV)

“Body piercer” means any person who performs body piercing on an individual

“Body piercing” means any penetration in or through any skin or mucous membrane on the human body with or by a needle, pin, or other sharp object.

“Body piercing establishment” means any room or space where a body piercer performs any piercing acts on an individual or where body-piercing activities take place.

“Cleaned” means removal of all visible dust, soil, or any other foreign material.

“Contaminated” means the presence or reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

“County Health Department” means the Madison County Health Department. The Madison County Board of Health shall be considered a part of the Department for the purpose of conducting any type of administrative hearing for the appeal of any decision of the Department or the Health Officer.

“Decontaminated” means the use of physical or chemical means to remove, inactivate, or destroy bloodborne 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 Madison County Health Department.

“HBV” means the hepatitis B virus.

“HCV” means the hepatitis C virus.

“HIV” means the human immunodeficiency virus.

“Infectious waste” means 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 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.

“Minor” means individuals who are less than eighteen (18) years of age.

“Other potentially infectious materials (OPIM)” means 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
 - (k) Any body fluids that are difficult or impossible to differentiate between other body fluids
- (2) Any unfixed tissue or organ, other than intact skin, from a human, either living or dead.
- (3) HIV – containing cell or tissue cultures, and HIV or HBV or HCV– containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV or HCV.

“Parenteral” means piercing the mucous membranes of the skin barrier through such events as needle sticks, human bites, cuts, or abrasions.

“Personal protective equipment” means specialized clothing or equipment worn for protection against contact with blood or OPIM.

“Secure area” means an area that is designated and maintained to prevent the entry of unauthorized persons.

“Semi-liquid blood, blood products” means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

“Sterilize” means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

“Store” means the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

“Tattoo” means:

- (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” means any person who provides a tattoo to an individual.

“Tattoo operator” means any person who control, operates, conducts, manages, or owns any tattoo establishment.

“Tattoo establishment” means any room or space where a tattoo artist provides tattoos to individuals or where the tattooing activities take place.

“Universal precautions” 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 bloodborne pathogens.

Section 3. License and permit required.

- (1) No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any tattoo and/or body-piercing establishment within Madison County without first being licensed.
- (2) No tattoo artist, body piercer, employee of a tattoo or body piercing establishment, or person acting on behalf of a tattoo or body piercing establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood shall do business within Madison County without first obtaining a permit.

LICENSE AND PERMIT APPLICATION REQUIREMENTS:

- (A) **License Application Requirements.** A person shall apply for a tattoo and/or body piercing establishment license with the Madison County Health Department on forms prescribed by the Department. The application shall contain, in addition to other information required by the Department, the following information:
 - 1) The name, address and telephone number of the applicant. If the applicant is a partnership, the application shall state the names, addresses and telephones numbers of all persons consisting such partnership. If the applicant is a corporation, the application shall state its principle place of business, the

- full name of such corporation, the state under whose laws it is incorporated, the full names, addresses and telephone numbers of all officers, directors and manager thereof.
- 2) The name, address, and telephone number of all employees, agents or individuals who will be working at the business location.
 - 3) The applicant's business address and telephone number;
 - 4) Qualifications of the applicant or, if a corporation, of the manager, officers, or directors in operating, maintaining or conducting a tattoo and/or body piercing establishment, and dates and location of any previous operation;
 - 5) Written documentation indicating that the applicant has successfully completed the initial and annual training required under the requirements of the Indiana Occupational Safety and Health Administration's bloodborne pathogen standard;
 - 6) A statement of prior criminal record, if any, of applicant, or in case of a corporation, its officers, directors, manager or stockholders and details relating to any such prior criminal record;
 - 7) The number of work stations at the business location;
 - 8) The tattoo and/or body piercing establishment's hours of operation; and
 - 9) Verification under oath that under the penalties for perjury, all information and representations contained in the application are true and accurate.
- (B) Each applicant shall obtain a certificate of inspection from the Madison County Health Department, indicating that his or her establishment has been inspected and is in compliance with the provisions of this rule and shall submit such certificate with its initial and annual renewal applications to the Health Department for review and action.
- (C) Each application must receive approval from the Departments of City and/or County Planning, indicating that the location of the business complies with local zoning requirements.
- (D) **Permit Application Requirements.** Each applicant for a permit to provide tattoos or perform body piercing shall make application to the Madison County Health Department on forms prescribed by the Department which shall include, in addition to other information required by the Department, the following information:
- 1) Name of applicant, including previous names or alias, if any;
 - 2) Place and date of birth;
 - 3) Present resident address;
 - 4) Previous residence addresses during the past five years;
 - 5) For whom applicant intends to work;

- 6) Nature of work applicant intends to perform;
- 7) Description of the applicant's qualifications, including dates and names of previous employers, if any;
- 8) Details relating to any prior criminal record, if any;
- 9) Written documentation from a licensed physician certifying that the applicant has been examined within the 30-day period preceding the date of application for a permit and that he or she is free from any communicable disease; and
- 10) Written documentation that the applicant has successfully completed the initial and annual training program required under the requirements of the Indiana Occupational Safety and Health Administration's bloodborne pathogen standard.

(E) No applicant for a license or permit under this rule shall be issued such license or permit if the applicant:

- 1) Has been convicted of a felony;
- 2) Has been known to be a drug or alcohol abuser; or
- 3) Has been determined by a licensed mental health professional to be mentally incompetent.

LICENSING PROCEDURES:

- (A) Upon receipt of all required documents and any additional reports or information filed by the applicant, the Madison County Health Department shall review and schedule a time with applicant for initial inspection of business to occur within five working days.
- (B) No license shall be issued by the Health Department if it shall be determined that the proposed operation by the applicant will probably constitute a menace to the public health and welfare. No license shall be issued in the event that it is determined that the applicant, or in the case of a corporation, the officers, directors, or manager have previously been connected with any tattoo and/or body piercing establishments whose license has heretofore been revoked or if the premises sought to be so licensed failed to comply in any manner with the regulation, ordinances and rules applicable thereto. Employment by the applicant of any person who practices tattoo artistry or body piercing and is not in possession of a valid permit under this rule shall be grounds for the denial of an application or for its revocation.
- (C) No permit shall be issued by the Department if it is determined that an applicant has not met all the requirements established under this rule and will probably constitute a menace to the public health and welfare.
- (D) Upon favorable review of submitted application and required forms, receiving passing inspection, and payment of all fees, the Madison County Health Department shall issue a "Tattoo Establishment" and/or "Body Piercing Establishment" license to applicant.

DENIAL OF APPLICATION; RIGHT TO PUBLIC HEARING.

- (A) If application for a license or permit is denied, the Madison County Health Department shall notify the applicant of its decision and the grounds therefore by certified mail, return receipt requested. Within five working days after the receipt of such notification, the applicant may file a written request for a hearing with the Department on the application, together with exceptions to the grounds on which the application was denied. Upon filing the request, the Department shall fix a time and place for such hearing, which shall be within 15 days after the request is received, and shall notify the applicant thereof. At the hearing, the applicant may present evidence and make arguments in support of the application and exceptions. Any interested person may be allowed to participate in the hearing to present evidence in opposition to the application and exceptions. Within ten days after the conclusion of the hearing, the Department shall render a written decision to affirm, modify or reverse its original decision.
- (B) A copy of the decision shall be served by certified mail, return receipt requested, upon the applicant.

DISPLAY OF LICENSE

- (A) The person or organization which is issued a license pursuant to this rule to operate tattoo and/or body piercing establishments shall display such license in a conspicuous location near the entry of the facilities or premises.
- (B) The license and information concerning the contact person shall be posted in the business establishment throughout the duration of the time for which the license was issued.

EXPIRATION AND RENEWAL.

- (A) All licenses or permits issued under this rule shall expire on December 31st of each year.
- (B) Each licensed individual shall renew his or her license or permit on an annual basis according to the application requirements and procedures set forth in this rule.

FEES.

- (A) The annual fee for a tattoo and/or body piercing establishment license shall be five hundred dollars (\$500.00) and is not transferable.
- (B) The annual permit fee for a tattoo artist and/or body piercer shall be one hundred dollars (\$100.00).

HOURS OF OPERATION.

No tattoo and/or body piercing establishment shall be operated between the hours of 10:00 p.m. and 7:00 a.m.

TRANSFER OF LICENSE.

Licenses issued under this rule shall be deemed personal to the licensee and shall not be assigned or transferred to any other person.

SUSPENSION AND REVOCATION OF LICENSE.

- (A) **Grounds for Revocation.** Any license or permit issued under this chapter may be suspended or revoked for any of the following reasons:
- (1) Violation of any of the provisions of this rule or any rules and regulations either now or hereafter adopted pursuant hereto, or of any laws of the State of Indiana;
 - (2) Permitting, aiding or abetting the commission of any illegal act, or committing or attempting to commit any illegal act, on premises licensed under this rule;
 - (3) Selling or permitting the consumption of alcoholic beverages or controlled substances, or consuming alcoholic beverages or controlled substances, on premises licensed under this rule;
 - (4) Tattooing or body piercing any person under the influence of alcoholic or controlled substances;
 - (5) Engaging in acts, conduct or practices detrimental to the health, safety or welfare of any person in the County.

(B) **Procedures.** If the Madison County Health Department has reason to believe that a licensee or permittee has violated any of the provisions of this rule, the Department shall immediately suspend the license or permit and give the licensee or permittee written notice in person or by certified mail, return receipt requested, of the suspension and of a hearing to be held within fourteen (14) working days of the suspension to determine whether or not the license should be revoked. This notice must contain a statement of the facts on which the Department has acted in suspending the license. At the hearing, the licensee or permittee, and any other interested person, shall have the right to present evidence showing cause why the license should not be revoked by the Department for violation of the provisions of this rule or other applicable ordinances or statutes. If, after the hearing, the Department finds that the provisions of this rule or other applicable ordinances or statutes have been violated, it shall send the licensee or permittee within ten (10) working days after the hearing, a written statement of the facts on which it bases its findings and shall immediately revoke the license. If, after the hearing, the Department finds that the provisions of rule or other applicable ordinances or statutes have not been violated, it shall send the licensee or permittee within ten (10) working days after the hearing, a written statement canceling the suspension of the license and stating that no violation of said ordinance or statute has occurred.

Section 4. Operator Training Responsibilities.

- (A) All operators of tattoo or body piercing establishments shall comply with the following training responsibilities:

- (1) Ensure that the training described in the Indiana Occupational Safety and Health Administration's bloodborne pathogens standard is provided to all tattoo artists and body piercers, anyone employed by the tattoo or body piercing establishment or anyone acting on behalf of the tattoo or body piercing establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parental contact with blood or OPIM.
- (2) Ensure that training on the handling of infectious waste is provided to all artists and body piercers, anyone employed by the tattoo or body piercing establishment or anyone acting on behalf of the tattoo or body piercing establishment who has reasonably anticipated risk for skin, eye mucous membrane, or parental contact with blood or OPIM.
- (3) Ensure that a record of the training described in section seven (7) is maintained, as required under the Indiana Occupational Safety and Health Administration's bloodborne pathogens standard of an individual's participation in the training that is provided. The record shall be made available for inspection upon request by the Department, or its duly authorized agent or designee.
- (4) Ensure that a record of all training is maintained. The record shall be made available for inspection upon request by the Department or its duly authorized agent or designee.

Section 5. Operator Responsibilities.

- (A) All operators of any tattoo and/or body piercing establishment shall ensure that tattoo artists or body piercers, anyone employed by the tattoo or body piercing establishment, or anyone acting on behalf of the tattoo or body piercing establishment who has reasonably anticipated risk for skin, eye, mucous membrane, or parental contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's bloodborne pathogens standard.
- (B) All operators of any tattoo and/or body piercing establishment shall require tattoo artists or body piercers, anyone employed by the tattoo or body piercing establishment, or anyone acting on behalf of the tattoo or body piercing establishment who has reasonably anticipated risk for skin, eye mucous membrane or parental contact with blood to provide evidence of compliance with the universal precautions education requirements contained in Section Seven.
- (C) All operators of any tattoo and/or body piercing establishment shall display, or make available to the public, a description of his or her compliance with all requirements of this rule.
- (D) All operators of any tattoo and/or body piercing establishment shall display, or make available to the public, written materials approved by the County Health Department or its designee explaining universal precautions and patron's rights under this chapter. These materials shall include information on how to report violations of universal precautions and shall

include information regarding the County Health Department's duties to investigate.

Section 6. Operator Policies.

- (A) All operators of any tattoo and/or body piercing establishment shall develop a written policy in compliance with this rule and the requirements of the the Indiana Occupational Safety and Health Administration's bloodborne pathogen standard that:
- (1) Requires the use of universal precautions when performing tattooing, body piercing, and/or any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parental contact with blood or OPIM.
 - (2) Includes the safe handling of infectious waste; and
 - (3) Provides sanctions, including discipline and dismissal, if warranted, against employees for failure to use universal precautions and/or handle infectious waste safely.

Section 7. Minimum Training, Certification, and License Requirements.

- (A) All tattoo artists and/or body piercers, anyone employed by the tattoo and/or body piercing establishment, and anyone acting on behalf of the tattoo or body piercing establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parental contact with blood or (OPIM) shall complete the training program which is required under the requirements of the Indiana Occupation Safety and Health Administration's bloodborne pathogen standard. The programs under this section shall be as follows:
- (1) A bloodborne pathogen training session provided by a trainer approved by the County Health Department that meets the requirements under the Indiana Occupational Safety and Health Administration's bloodborne pathogens standard.
 - (2) Any bloodborne pathogen continuing education program accredited by a health care licensing entity.
- (B) All tattoo artists and/or body piercers, anyone employed by the tattoo and/or body piercing establishment, and anyone acting on behalf of the tattoo and/or body piercing establishment who has a reasonably anticipated risk for skin, eye mucous membrane, or parenteral contact with blood or OPIM must be trained in the establishment's policies on the handling of infectious waste.
- (C) All tattoo artists and/or body piercers, anyone employed by the tattoo and/or Body piercing establishment, and anyone acting on behalf of the tattoo and/or body piercing establishment who has a reasonably anticipated risk of skin, eye, mucous membrane, or parental contact with blood or OPIM

shall provide written evidence from the establishment operator stating that all requirements under this chapter have been met. Then an application for an artist's license may be obtained for the Department.

Section 8. Patron Records.

- (A) Records of each patron shall be maintained for five (5) years. Each record shall include the following:
- (1) Patron's name;
 - (2) Address;
 - (3) Age. Age must be verified by two items of identification, one of which must be a valid government issued identification. *If individual requesting service is a minor, see Section 21.*
 - (4) Date of tattoo and/or body piercing;
 - (5) Design of tattoo;
 - (6) Type and number of body piercings
 - (7) Location on the patron's body; and
 - (8) The name of the individual who performed the work.

Section 9. Condition, illness and/or infections.

- (A) Tattoo artists or body pierces who are experiencing symptoms of acute disease which include, but are not limited to, diarrhea, vomiting, fever, rash, productive cough, jaundice, or draining (or open) skin infections, boils, impetigo, or scabies shall refrain from providing tattoos or performing any body piercing.
- (B) Inquiry shall be made, and anyone giving a history of recent jaundice, hepatitis, or AIDS/HIV shall not be tattooed or body pierced.
- (C) No person, customer or patron having any skin infection or other disease of the skin, or any communicable disease shall be tattooed or body pierced. All infections resulting from the practice of tattooing or body piercing which become known to the operator shall promptly be reported to the Madison County Health Department by the operator of the tattoo and/or body piercing establishment, and the infected client shall be advised to see a physician.
- (D) No tattooing or body piercing shall be done on skin surfaces that have a rash, pimples, boils, or manifests any evidence of unhealthy conditions.
- (E) No tattooing or body piercing shall be done on any person, customer or patron who is deemed under the influence of drugs and/or alcohol.

Section 10. Hand Washing and Skin Preparation.

- (A) Hand washing facilities shall be readily accessible in the same room where tattooing and/or body piercing is provided.
- (B) Hands shall be washed with soap and warm running water immediately before putting on gloves and after removal of gloves and/or other personal protective equipment.

- (C) Only single use towels shall be used.
- (D) The area to be tattooed or pierced shall first be thoroughly washed with warm water containing an antiseptic liquid soap. A single-use sterile article shall be used to scrub the area.
- (E) After shaving and before tattooing or body piercing has begun, a solution of 70% alcohol shall be applied to the area with a sterile single use article.

Section 11. Other Restrictions.

- (A) No skin area shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.

Section 12. Personal Protective Equipment.

- (A) Appropriate personal protective equipment shall be worn as follows:
 - (1) A clean protective clothing layer shall be worn whenever there is reasonably anticipated risk of contamination of clothing by blood or OPIM.
 - (2) 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.
 - (3) Disposable gloves shall be worn during the procedures. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or the piercing of the body, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.
 - (4) Gloves shall be worn when decontaminating environmental surfaces and equipment.

Section 13. Tattooing Equipment.

- (A) Only single use razors shall be used to shave the area to be tattooed.
- (B) All stencils shall be properly disposed of after a single use.
- (C) If the design is drawn directly onto the skin, it shall be applied with a single use article only.

Section 14. Needles.

- (A) Needles shall be individually packaged and sterilized prior to use.
- (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 or broken or otherwise manipulated by hand.

Section 15. Reusable Equipment.

- (A) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.
- (B) Records must be maintained to document the following:
 - (1) Duration of sterilization technique;
 - (2) Determination of effective sterility, such as use of a biological indicator, is performed monthly; and
 - (3) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.
- (C) 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.
- (D) Reusable contaminated equipment shall be placed in puncture resistant containers, labeled with the biohazard symbol, leak proof on both sides and bottom, and stored in a manner that does not require reaching by hand in the container where the equipment is stored until cleaning prior to sterilization.
- (E) Contaminated reusable equipment shall be effectively cleaned prior to sterilization.
- (D) Reusable tubes shall be effectively cleaned and sterilized before reuse.

Section 16. Dyes or Pigments.

- (A) All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments 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) After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.

Section 17. Work Environment.

- (A) No tattooing or body piercing shall be conducted in any room used as living quarters or any room which 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 the following:
 - (1) Patrol dogs accompanying security or police officers;
 - (2) Guide dogs accompanying the following:
 - (a) Blind persons
 - (b) Partially blind persons
 - (c) Physically disabled persons
 - (d) Guide dog trainers

(c) Persons with impaired hearing

- (C) Eating, drinking, smoking, 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 and decontaminated after contact with blood or OPIM.
- (F) Environmental surfaces and equipment not requiring sterilization, which has been contaminated by blood, shall be cleaned and decontaminated.
- (G) All work surfaces shall be non-absorbent, easily cleanable, smooth, free of breaks, open seams, cracks, chips, pits, and similar imperfections.
- (H) Disinfectant solutions shall be:
 - (1) a hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
 - (2) sodium hypochlorite five-tenths percent (0.5%) concentrations, 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 that twenty-four (24) hours old.

Section 18. Infectious Waste Containment.

- (A) Contaminated disposable needles or instruments 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 final disposal.
- (B) Infectious waste that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers 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:
 - (1) Is locked or otherwise secured to eliminate access by or exposure to the general public;
 - (2) Affords protection from adverse environmental conditions and vermin; and
 - (3) 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) Disinfect reusable containers for infectious waste each time 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 19. Treatment and Transport of Infectious Waste.

- (A) All operators of any tattoo establishment and/or body piercing establishment 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 install 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) All operators shall ensure that infectious waste, effectively treated or not is transported off-site in compliance with 410 IAC 1-3.

Section 20. Licensees To Permit Inspections.

All licensees under this chapter shall permit the inspection of their business premises at all reasonable times by duly authorized representatives of the Madison County Health Department, or their designees, upon the showing of proper credentials by the inspectors. The denial of inspection privileges shall constitute grounds for revocation of the license.

Section 21. Minors.

No minor shall receive a tattoo or body piercing without the presence of a parent or guardian and written permission from both parents or guardians, if not deceased.

Section 22. Penalties.

Any person, firm or corporation which violates or disregards any of the provisions of this rule in any manner whatsoever shall be fined a sum of not more than \$2,500.00. Fines shall be imposed on persons providing services, and/or operator, and/or manager, and/or owner if proper licensees and/or permits are not obtained, or are allowed to expire while services continue. Each day of violation of this ordinance shall constitute a separate offense. The Madison County Health Department may bring legal action to enforce this ordinance and shall be entitled to recover all costs and expenses associated with any action for enforcement of this ordinance including reasonable attorney fees and court cost.

Section 23 Fee Collection.

The Madison County Health Department is empowered to establish and collect fees in accord with the definitions and provisions established in the original Fee Collection Ordinance and this Tattoo and Body Piercing Ordinance, pursuant to *Indiana Code §16-1-4-24*.

Section 24. Fees for Services.

The Madison County Health Department having jurisdiction to charge all service fees as stated in this Ordinance, may additionally collect fees for the following:

- (A) To obtain an application for permit for licensure of a tattoo and/or body piercing establishment or annual renewal of such application.
- (B) To make application for individual permit to provide tattoo and/or body piercing services and the annual renewal of such permit.

Section 25. Collection, Accounting and Disposition.

The Madison County Health Department shall follow guidelines and regulations of original Ordinance for collection, accounting and disposition of these additional fees.

Section 26. Unconstitutionality Clause.

Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby.


Section 27. Effective Date.

That this Ordinance be in full force and is in effect from and after its passage and legal publication effective August 1, 2002.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 4th day of June, 2002.

MADISON COUNTY BOARD OF COMMISSIONERS

BY: 
PAUL H. WILSON, *President*


OTIS E. COX, *Member*


SANDRA S. HUNTZINGER, *Member*

ATTEST:


PATRICIA DILLON, *County Auditor*

Publish:
Anderson Herald-Bulletin
Elwood Call-Leader

PREPARED BY:
Gerald P. Shine, Jr. (#297-48)
Madison County Attorney

**ORDINANCE AMENDING ORDINANCE
#2002-BC-0-05 ESTABLISHING TATTOO
AND BODY PIERCING ESTABLISHMENTS**

WHEREAS, the Board of Commissioners of Madison County, Indiana did, heretofore on the 4TH day of June, 2002, approved an Ordinance entitled Tattoo and Body Piercing Establishments Ordinance; and

WHEREAS, the Madison County Health Department has recommended certain modifications of said Ordinance; and

WHEREAS, the Board of Commissioners of Madison County, Indiana desire to amend said Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS AS FOLLOWS:

WHEREAS, the state of Indiana has amended the laws concerning tattoos, tattoo parlors, and body piercing facilities, and

WHEREAS, tattoo and body piercing operations and procedures are becoming more and more common among residents of Madison County, Indiana, and

WHEREAS, the safe and proper operation of a tattooing parlor and body piercing business is in the best interest of the residents of Madison County, Indiana, and

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

WHEREAS, the Madison County Health Department can best inspect and provide the necessary training and expertise to oversee the operation of these tattoo businesses, and

WHEREAS, the Madison County Commissioners believe that tattoo and body piercing businesses should be licensed and subjected to reasonable inspections of the Health Department, and

NOW THEREFORE BE IT RESOLVED THAT ORDINANCE NO. 2002-BC-0-05 ESTABLISHING TATTOO AND BODY PIERCING ESTABLISHMENTS IN MADISON COUNTY BE AMENDED AS FOLLOWS AND MADE A PART OF THE PERMANENT RECORDS OF MADISON COUNTY, INDIANA:

Section 3. License and permit required.

LICENSE AND PERMIT APPLICATION REQUIREMENTS:

- (A) **License Application Requirements.** A person shall apply for a tattoo and/or body piercing establishment license with the Madison County Health Department on forms prescribed by the Department. Applicants for establishments shall retain forms until all are completed and will submit all completed forms at one time to the Health Department. No individual forms shall be accepted. These forms shall include: 1) Establishment Application; 2) Prof of Universal Precautions Training; and 3) Zoning Statement, which is required only for new businesses or for change of location of established businesses. Zoning Statements are not required for renewals. The application shall contain, in addition to other information required by the Department, the following information:
- (D) **Permit Application Requirements.** Each applicant for a permit to provide tattoos or perform body piercing shall make application to the Madison County Health Department on forms prescribed by the Department. These applicants shall retain required forms until all are gathered and completed and shall then submit all completed forms to the Health Department at one time. No individual forms will be accepted. These forms shall include: 1) Artist Application; 2) Proof of Universal Precaution Training; and 3) Physician signed Health Statement with tuberculin skin test results from test within last 30 days. If tuberculin skin test result is significant, Tuberculosis Control recommendations of the Madison County Health Department will be followed. Artist Application shall include, in addition to other information required by the Department, the following information:
- 9) Signed Health Statement from a licensed physician certifying that the applicant has been examined within the 30-day period preceding the date of application for a permit and that there is no known reason why individual cannot safely provide tattoo and/or body piercing services; and

EXPIRATION AND RENEWAL.

- (B) Each licensed individual shall renew his or her license or permit on an annual basis according to the application requirements and procedures set forth in this rule. Individuals that are renewing will be mailed instructions and renewal forms by November 15, at the address of the current application. It is the responsibility of any individual that has relocated to contact the Health Department for renewal information. It is expected that all forms will be completed and returned to the Madison County Health Department in a timely manner, preferably by December 15, which will allow ample time for processing and inspections. Individuals that have not applied by December

31, will be operating on an expired license/permit as of January 1, and will be subject to loss of artist and establishment certification/licensure and immediate closure of facility.

FEES.

- (A) The annual fee for a tattoo and/or body piercing establishment license shall be five hundred dollars (\$500.00) and is not transferable. The fee for a new establishment license after July 1, of the current year, will be half the usual amount (\$250.00).
- (B) The annual permit fee for a tattoo artist and/or body piercer shall be one hundred dollars (\$100.00). The fee for a new artist permit after July 1, of the current year, will be half the usual amount (\$50.00).
- (C) A late fee equal to ten percent (10%), in addition to standard fees, will be charged to any establishment/individual that has not submitted all renewal forms by December 26 of the current year, in order to allow adequate time for processing and inspections as needed to complete certification and licensure by Health Department by December 31.

HOURS OF OPERATION.

No tattoo and/or body piercing establishment shall be operated between the hours of midnight and 7:00 a.m.

Section 24. Fees for Services.

The Madison County Health Department having jurisdiction to charge all service fees as stated in this Ordinance, may additionally collect fees for the following:

- (A) To obtain an application for permit for licensure of a tattoo and/or body piercing establishment or annual renewal of such application, including all applicable late fees.
- (B) To make application for individual permit to provide tattoo and/or body piercing services and the annual renewal of such permit, including any applicable late fees.

Section 27. Effective Date.

That this Ordinance be in full force and is in effect from and after its passage and legal publication effective August 1, 2002, with revisions to be in full effect January 1, 2005..

All other terms of Ordinance No. 2002-BC-0-05 Establishing Tattoo and Body Piercing Establishments as approved on June 4, 2002, not modified herein shall remain in full force and effect.

PASSED AND ENACTED by the Board of Commissioners of Madison County,
Indiana, this 21st day of December, 2004.

MADISON COUNTY BOARD OF
COMMISSIONERS

BY: OTIS E. COX
OTIS E. COX, *President*

PAUL F. WILSON
PAUL F. WILSON, *Member*

SANDRA S. HUNTZINGER
SANDRA S. HUNTZINGER, *Member*

ATTEST:

PATRICIA DILLON
PATRICIA DILLON, *County Auditor*

Publish:
Anderson Herald-Bulletin
Elwood Call-Leader

PREPARED BY:
Gerald P. Shine, Jr. (#297-48)
Madison County Attorney

Second Amendment

ORDINANCE 2008-BC-0-07

AN ORDINANCE AMENDING ORDINANCE #2002-BC-0-05 ESTABLISHING TATTOO AND BODY PIERCING ESTABLISHMENTS

WHEREAS, the Board of Commissioners of Madison County, Indiana did, heretofore on the 4th day of June, 2002, approve an Ordinance entitled Tattoo and Body Piercing Establishments Ordinance;

WHEREAS, the Board of Commissioner of Madison County, Indiana, did, heretofore the 21st day of December 2004, approved an Ordinance Amending Ordinance 2002-BC-0-05; and,

WHEREAS the Board of Commissioners of Madison County, Indiana, hereby desire to further amend Ordinance 2002-BC-0-05.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS THAT ORDINANCE NO. 2002-BC-0-05, AS AMENDED, BE FURTHER AMENDED BY THE ADDITION OR MODIFICATION OF THE FOLLOWING LANGUAGE:

Section 3. License and permit required.

LICENSE AND PERMIT APPLICATION REQUIREMENTS:

- (A) **License Application Requirements.** A person shall apply for a tattoo and/or body piercing establishment license with the Madison County Health Department on forms prescribed by the Department. Applicants for establishments shall retain forms until all are completed and will submit all completed forms at one time to the Health Department. No individual forms shall be accepted. These forms shall include: 1) Establishment Application; 2) Proof of Universal Precautions Training; 3) Criminal Background Check Consent Form; and 4) Zoning Statement, which is required only for new businesses or for change of location of established businesses. Zoning Statements are not required for renewals. The application shall contain, in addition to other information required by the Department, the following information:
 - 6) The applicant's consent to the Madison County Board of Health for acquiring the applicant's Criminal Background Report.
- (E) No applicant for a license or permit under this rule shall be issued such license or permit if the applicant:

- 1) Has been convicted of a felony in the past five (5) years prior to application or is presently serving probation resulting from a felony conviction.
- 2) Has been convicted of a crime in the past ten (10) years that classifies the applicant as a "serious violent felon" as defined by I.C. §35-47-4-5, as amended or replaced.
- 3) Has ever been convicted of a crime which required applicant's registration on a Sex or Violent Offender Registry pursuant to I.C. §11-8-8-1 et seq., as amended or replaced.
- 4) Has been convicted of more than one (1) felony.
- 5) Submits false information on its his her License Application.

FEES

- (C) For every new artist permit issued, there will be an additional background check fee of One Hundred Dollars (\$100.00).

Section 15. Reusable Equipment


- (B) Records must be maintained to document the following:
 - 1) Duration of sterilization technique;
 - 2) Determination of effective sterility such as the use of biological indicator is performed within seven (7) days prior to use or as required by the Indiana Administrative Code.

Section 21. Minors

No minor shall receive a tattoo or body piercing without the presence of a parent or guardian and written permission from both parents or guardians, if not deceased. Parents of a minor must provide two (2) pieces of picture identification to prove parentage. Guardians must provide, in addition to the two (2) pieces of picture identification, documentation establishing their guardianship responsibility of the minor.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana,
this 7th day of May, 2008.

MADISON COUNTY BOARD OF
COMMISSIONERS


John M. Richwine, President


Patricia Dillon, Member


Paul F. Wilson, Member

ATTEST:


Kathy Stoops-Wright, Auditor

3rd
amendment

ORDINANCE NO. 2017-BC-O- 17

**AN ORDINANCE OF THE
MADISON COUNTY BOARD OF COMMISSIONERS
AMENDING ORDINANCE #2002-BC-0-05, AND ALL SUBSEQUENT
AMENDMENTS THEREAFTER, ESTABLISHING TATTOO AND BODY
PIERCING ESTABLISHMENTS**

WHEREAS, the Madison County Board of Commissioners approved Ordinance No. 2002-BC-0-05, entitled Tattoo and Body Piercing Establishments Ordinance, on June 4, 2002; and,

WHEREAS, the Madison County Board of Commissioners approved Ordinance No. 2004-BC-0-11, entitled Ordinance Amending Ordinance #2002-BC-0-05 Establishing Tattoo and Body Piercing Establishments, on December 21, 2004; and,

WHEREAS, the Madison County Board of Commissioners approved Ordinance No. 2008-BC-0-07, entitled An Ordinance Amending Ordinance #2002-BC-0-05 Establishing Tattoo and Body Piercing Establishments; and,

WHEREAS, the Madison County Board of Commissioners desire to further amend Ordinance #2002-BC-0-05.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Madison County, Indiana, that Ordinance No. 2002-BC-0-05, as amended, be further amended as follows:

1. That **Section 3. License and permit required**, shall be amended as follows:

a. **LICENSE AND PERMIT APPLICATION REQUIREMENTS:**
Subsections (D) and (E) shall be amended to now reads as follows:

(D) Each applicant for a permit to provide tattoos or perform body piercing shall make application to the Madison County Health Department on forms prescribed by the Department. These applicants shall retain required forms until all are gathered and completed and shall then submit all completed forms to the County Health Department at one time. No individual forms will be accepted. These forms shall include: 1) Artist

Application; 2) Proof of Universal Precaution Training; and 3) Physician signed Health Statement with tuberculin skin test results from test within last thirty (30) days. If tuberculin skin test result is significant, Tuberculosis Control recommendations of the Madison County Health Department will be followed. Artist Application shall include, in addition to other information required by the Department, the following information:

9) Signed Health Statement from a licensed physician certifying that the applicant has been examined within the thirty (30) day period preceding the date of application for a permit and that there is no known reason why the individual cannot safely provide tattoo and/or body piercing services. This requirement is due upon the applicant's initial application to the County Health Department. It is not required to be redone yearly, unless medically necessary; and

(E) No applicant for a license or permit under this rule shall be issued such license or permit if the applicant:

- 1) Has ever been convicted of a crime which required applicant's registration on a Sex or Violent Offender Registry pursuant to I.C. § 11-8-8-1 et seq., as amended or replaced.
- 2) Submits false information on his/her License Application.

b. **EXPIRATION AND RENEWAL:** Subsections (A) and (B) shall be amended to now read as follows:

(A) All licenses or permits issued under this rule shall expire on April 30th of each year.

(B) Each licensed individual shall renew his or her license or permit on an annual basis according to the application requirements and procedures set forth in this rule. Individuals that are renewing will be mailed instructions and renewal forms by March 15, at the address on the current application. It is the responsibility of any individual that has relocated to contact the County Health Department for renewal information. If an individual prefers to pick-up instructions and forms at the County Health Department, he/she may do so. If an individual elects to pick-up the instructions and forms in person, he/she will be required to sign and date a receipt acknowledging his/her receipt of the information. All forms and fees shall be returned to the Madison County Health Department and are due by April 15, which will allow ample time for processing and inspections. Individuals that have not applied by April 30 will be operating on an expired license/permit as of May 1, and will be subject to loss of artist and establishment certification/licensure and immediate closure of facility.

c. FEES: Subsections (A), (B), and (C) shall be amended to now read as follows:

(A) The annual fee for a tattoo and/or body piercing establishment license shall be five hundred dollars (\$500.00) and is not transferable. The fee for a new establishment license after October 1, of the current year, will be half the usual amount (\$250.00).

(B) The annual permit fee for a tattoo artist and/or body piercer shall be one hundred dollars (\$100.00). The fee for a new artist permit after October 1, of the current year, will be half the usual amount (\$50.00).

(C) A late fee equal to ten percent (10%), in addition to standard fees, will be charged to any establishment/individual that has not submitted all renewal forms by April 15 of the current year, in order to allow adequate time for processing and inspections as needed to complete certification and licensure by the County Health Department by April 30.

2. That Section 7. Minimum Training, Certification, and License Requirements, shall be amended to add a new subsection (D) with the following language:

(D) All tattoo artists, body piercers, and/or tattoo operators shall provide the following documentation to the County Health Department upon request:

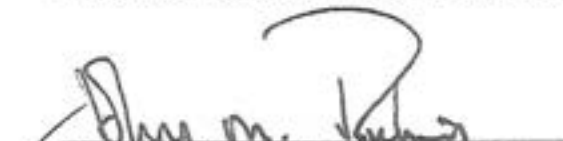
1. That each tattoo artist, body piercer, and/or tattoo operator has completed or has been offered and declined the Hepatitis B vaccination series. A Hepatitis B declination form will be given to those who have declined the vaccine, after being consulted to its benefit. This form will be kept by the County Health Department in the individual's file.
2. That antibody testing has revealed that the tattoo artist, body piercer, and/or the tattoo operator is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons.
3. That if the tattoo artist, body piercer, and/or tattoo operator has not completed the Hepatitis B vaccination series, they shall provide documentation showing at least the first of the series of Hepatitis B has been received, and they also must show proof of completion of the series within six (6) months of the issuance of the permit.

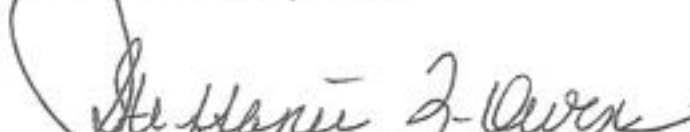
3. That all other terms of Ordinance No. 2002-BC-0-5 Establishing Tattoo and Body Piercing Establishments, and all amendments thereafter, not modified herein, shall remain in full force and effect.

4. This Ordinance shall become effective upon the adoption and signature of the Madison County Board of Commissioners and publication as required by law.

ADOPTED THIS 7 DAY OF November, 2017.

MADISON COUNTY BOARD OF COMMISSIONERS


John M. Richwine, President


Steffanie Owens, Member

W. Michael Phipps, Member

ATTEST:


Rick Gardner, Madison County Auditor

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