

ORDINANCE NO. 2024-09

**AN ORDINANCE PERTAINING TO REGULATING ESTABLISHMENTS
PROVIDING TATTOOS AND/OR BODY PIERCINGS AND
ARTISTS ADMINISTERING TATTOOS AND/OR PERFORMING BODY PIERCINGS**

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

WHEREAS, an improperly operated or unclean tattoo or body piercing business may have serious and detrimental effects upon the citizens of Bartholomew County, Indiana, and

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

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

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

WHEREAS, The Bartholomew County Commissioners believe that tattoo and body piercing businesses should be permitted and subjected to reasonable inspections by the Health Department, and

WHEREAS, The Indiana Department of Health has, pursuant to Indiana Code 16-19-3-4, adopted reasonable rules to regulate the sanitary operation of tattoo and body piercing facilities, and

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

NOW, THEREFORE, be it resolved that the following ordinance shall be adopted and made part of the permanent records of Bartholomew County, Indiana:

Bartholomew County Health Department Tattoo and Body Piercing Ordinance

Purpose

The purpose of this Ordinance is to define a tattoo parlor and body piercing facility, to require permits and permit fees for the operation of a tattoo and body piercing business, to prohibit the application of a tattoo or body piercing to a minor, to regulate the inspection of a tattoo business, to provide for the enforcement of this Ordinance, and to affix penalties in accordance with 410 IAC 1-5: Sanitary Operation of Tattoo and Body Piercing Facilities.

State Law Adopted

All of the terms and conditions of 410 IAC 1-5 and any amendments thereto regarding the licensing and operation of a tattoo and/or body piercing facility are hereby incorporated by reference.

Application

All places, individuals, and business that offer to affix any type of permanent tattoo or body piercing to a person shall be regulated by the above-named code as well as the requirements specified in this Ordinance.

Definitions

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

“Blood” means human blood.

“Blood-borne 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: HBV, HCV, and HIV.

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

“Body Piercing” means the perforation of any human body part, other than the ear lobe, for the purpose of inserting jewelry or other decoration, or for some other nonmedical purpose.

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

“Contaminated” means the presence or reasonably anticipated presence of blood or OPIM on an item or surface.

“Disinfect” means the use of directly applied chemical or physical means, or other appropriate processes to destroy or inactivate communicable disease-causing agents on inanimate objects.

“HBV” means the Hepatitis B virus.

“HVC” means the Hepatitis C virus.

“HIV” means the human immunodeficiency virus.

“Health Officer” means The Bartholomew County Health Officer or his/her appointed Representative.

“Operator” means any person who controls, operates, manages or owns any tattoo parlor and/or body piercing facility.

“Other Potentially Infectious Material or 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; 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.
 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.

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

“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.

General Provisions

1. Tattoo parlors and body piercing facilities shall be operated in accordance with this Ordinance and 410 IAC 1-5, or any of its successor provisions, and as the same is amended thereafter.
2. Operators shall require all tattoo artists and/or body piercers to show proof of having received the hepatitis B vaccination or proof of having declined the vaccination by signing a waiver.
3. Artists and operators must:
 - a. Ensure that the skin area, before a procedure, is cleaned with a germicidal soap, rinsed with water, and disinfected with an antiseptic solution.
 - b. Protect the tattooed area after a procedure by:
 - (1) Applying germicidal solution;
 - (2) Antibacterial ointment; and
 - (3) Either a sterile non-adhesive bandage or product specifically made for new tattoos and approved by the Health Officer.
 - c. Provide each patron or legal guardian (if patron is less than eighteen (18) years of age), verbal and written guidelines for the aftercare of the tattoo or body piercing. The written guidelines shall:
 - (1) Provide guidelines to the patron regarding methods for the proper cleansing, side effects, activity restrictions, infection prevention (such as the use of bactericidal creams and ointments, soap, and appropriate barrier dressings where indicated);
 - (2) Advise the patron to consult a physician or dentist, as appropriate, at any indication of infection (e.g. fever, pus-like drainage, or pain at the site); and
 - (3) Contain the name, address and phone number of the facility from which the tattoo or body piercing was received.
 - d. Maintain records for each patron that are signed and dated by both the artist and patron indicating that the written guidelines were reviewed, and a written copy was provided to the patron.

4. Artists and operators may use saran wrap to cover the tattooed area if the artist, operator, or patron needs to take a fifteen (15) minute break.
5. Artists shall keep and maintain the following records of all patrons for two (2) years:
 - a. Photo identification;
 - b. Age of patron; and
 - c. Signed acknowledgment of receipt of written guidelines referenced above under section 3.c. of the General Provisions.

Work Environment

1. Restroom facilities shall be available to employees at all times the tattoo parlor and/or body piercing facility is open for operation and be located within the same physical structure. The restroom facilities shall be equipped with a toilet, toilet tissue, a hand washing sink supplied with hot and cold running water from an approved water source, soap, single use towels, and a waste receptacle.
2. All tattoo parlors and/or body piercing facilities shall have hand-washing facilities in each tattooing and/or body piercing station. These hand washing sinks shall be supplied with running water under pressure at a minimum temperature of 100 degrees Fahrenheit, liquid antibacterial soap, single-use paper towels, and a waste receptacle.
3. All tattoo parlors and/or body piercing facilities shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles three feet off the floor, except that at least 70 foot candles shall be provided at the level where the tattooing or body piercing is being performed and where instruments and sharps are assembled.
4. All walls and floors near equipment used for tattooing and body piercing activities shall be smooth, nonabsorbent, easily cleanable, and be maintained in a sanitary manner at all times.
5. Operators shall keep disinfection and sterilization equipment in an area that is not accessible to the public.
6. Food is not permitted in any tattooing and/or body piercing stations.
7. Beverages may be allowed in a tattooing and/or body piercing station so long as the beverage is in a closed container such that spills cannot occur if the container is tipped over, and the container must be placed on the floor or in a designated area that does not need to be sanitized. However, no beverages of any kind may be kept in areas where there is a reasonably anticipated risk of exposure to blood or other potentially infectious materials.
8. Tattoo parlors and/or body piercing facilities shall be maintained in good repair.
9. Tattoo parlors and/or body piercing facilities shall be cleaned as often as necessary to keep them clean. If a spill and/or accident has occurred, immediate action must be taken to clean the spill and/or accident.
10. Operators shall have all disinfection and sterilization equipment tested by an approved independent laboratory on a monthly basis. Operators shall provide test results to the Health Officer on a monthly basis. The test results must be submitted by the 25th day of each month.
11. No live animals shall be allowed in the areas where tattooing and body piercing is being conducted, other than the following:

- a. Patrol dogs accompanying security or police officers;
- b. Guide dogs accompanying the following:
 1. Blind persons;
 2. Partially blind persons;
 3. Physically disabled persons;
 4. Guide dog trainers; or
 5. Persons with impaired hearing.
- c. Any other animal meeting all provisions necessary to be designated as a service animal by the Americans with Disabilities Act (ADA).

Equipment and Jewelry

1. All insertable jewelry is to be sterilized and kept in an individual, sterile, and closed container or package.
2. All jewelry placed in new piercings must be made of one of the following:
 - a. Solid 14K (or higher) white or yellow nickel-free gold;
 - b. Surgical implant stainless steel, CrNiMo 316LVM, ASTM F-138;
 - c. Niobium;
 - d. Surgical implant grades of titanium;
 - e. Solid platinum; or
 - f. Inert plastics.
3. Jewelry must have a mirror finish and be free of nicks, scratches, burns, and polish compounds.
4. Mill certificates from the manufacturer or an independent assay must be available to prove material compositions.

Artist License and Licensing Fees

1. License fees will be charged according to the Bartholomew County Fee Ordinance.
2. Every person that desires to perform any tattoo or body piercing activities shall, before doing so:
 - a. obtain a "Tattoo/ Body Piercing Artist License" from the Bartholomew County Health Department;
 - b. receive the necessary training and provide any necessary documentation; and
 - c. be subject to regulations as set forth herein.
3. No person, in an effort to advertise or solicit business with the intent to perform tattooing or body piercing activities, may use or assume title of tattoo artist or body piercer, or designate or represent themselves to be a tattoo artist or body piercer, unless he or she has first obtained a license from the Bartholomew County Health Department.
4. The license shall be posted where the tattoos or body piercing activities are performed and shall be clearly visible to the public.
5. Licensed Tattoo and Body Piercing Artists shall only provide this service and conduct this activity within a facility issued a facility permit by the Bartholomew County Health Department.

Facility Permits

1. Facility permit fees will be charged in accordance with the Bartholomew County Fee Ordinance.
2. No person may operate a tattoo parlor and/or body piercing facility without first obtaining a Facility Permit.
3. The Facility Permit shall provide the name and address of the owner of the business.
4. Facilities that open without first obtaining a license are subject to a doubling of the annual permit fee.
5. Facilities already in operation prior to the effective date of this Ordinance shall apply for permitting, be reviewed for applicable standards, and be given a reasonable time, not to exceed 6 months, to meet those standards prior to permitting.
6. Temporary or mobile tattoo parlors and/or body piercing facilities that do not meet the standards as set forth in this Ordinance shall be prohibited from obtaining a Facility Permit.
7. A Facility Permit issued under this Ordinance may not be transferred to another person or another location.
8. A Facility Permit expires on December 31 of each year.

Prohibited Acts

1. The following activities are strictly prohibited:
 - a. Branding, as defined as a form of extreme body modification and scarification using a super-heated metal object, chemical, or electricity to burn an image onto the human body.
 - b. Cutting, as defined as a method of extreme body modification and scarification which creates scars on the skin by using a sharp object, such as a scalpel or knife, to cut into the skin.
 - c. Implantation, as defined as a form of extreme body modification where items such as shaped metal or other foreign bodies are placed under the skin to produce the outline and texture of the desired image on the surface of the skin or a protrusion from the surface of the body.
 - d. Nullification, as defined as the voluntary removal of body parts including, but not limited to, castration or amputation.
 - e. Scarification, as defined as an extreme body modification that uses methods or techniques to produce scars on the human body for decorative purposes.
 - f. Skin Peeling, as defined as an extreme body modification and scarification that consists of cutting on the human body the outline of a design and removing the center, thereby creating a scar where the skin is removed.
 - g. Suspension Piercing, as defined as the act of hanging the human body from, or partially from, hooks pierced through the flesh in various places around the body.
 - h. Tongue Bifurcation, as defined as a non-surgical process in which the tongue is split with the use of lasers or nylon material.
 - i. Tongue Splitting, as defined as a surgical procedure in which the tongue is cut centrally from its tip part of the tongue to its base.
 - j. Piercing that goes through the tongue horizontally.

Inspections

1. The Bartholomew County Health Department shall conduct a minimum of two (2) inspections per year of each tattoo parlor and/or body piercing facility. Additional inspections may be conducted by the Bartholomew County Health Department as it determines is necessary and/or in response to complaints submitted.
2. Each inspection will be conducted by an environmental health specialist and/or a public health nurse.
3. The results of the inspection shall be provided to each operator in written form (electronic or hard copy).
4. Violations noted on the inspection shall be corrected immediately or within the time frame set forth in the inspection report. The health department shall conduct follow-up inspections to determine compliance with this Ordinance as deemed necessary.

Facility Permit Suspension and Revocation

1. The Health Officer may order the suspension or revocation of any permit issued for a tattoo parlor and/or body piercing facility. Such order shall include the prohibition of any further operation for the following reasons:
 - a. Interference with the Health Officer in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering, or blocking the Health Officer in the performance of his/her duties.
 - b. Willful and/or continuous violation of any provision of this Ordinance.
2. Except as set forth in this Ordinance, no suspension or revocation shall be ordered by the Health Officer until after a hearing held by the Health Officer.
3. Notwithstanding the provisions of this Ordinance, whenever the Health Officer finds unsanitary or other conditions involving the operation of any tattoo parlor and/or body piercing facility, which in the Health Officer's reasonable belief constitute an immediate health hazard, the Health Officer shall, without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its operations, shall cite the existence of said unsanitary condition and shall specify the corrective actions to be taken.
 - a. Such order shall be effective immediately.
 - b. Upon written request to the Health Officer, the permittee shall be afforded a hearing within ten (10) business days.
 - c. The Health Officer shall conduct a re-inspection upon the request of the permittee at a time agreed upon by the Bartholomew County Health Department and the permittee. When the Health Officer determines that the necessary corrective actions have been taken, applicable reopening fees will be assessed, and the operations may be resumed.

Artist License Suspension and Revocation

1. The Health Officer may order the suspension or revocation of any license issued for a tattoo and/or body piercing artist. Such order shall include the prohibition of any further activities for the following reasons:
 - a. Interference with the Health Officer in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the Health Officer in the performance of his/her duties.

- b. Willful and/or continuous violation of any provision of this Ordinance, or of any training or licensing requirements as set forth in 410 IAC 1-5.
2. Except as set forth in this Ordinance, no suspension or revocation shall be ordered by the Health Officer until after a hearing held by the Health Officer.
3. Notwithstanding the provisions of this Ordinance, whenever the Health Officer finds unsanitary or other conditions involving the activities of any licensed tattoo and piercing artist, which in the Health Officer's reasonable belief constitute an immediate health hazard, the Health Officer shall, without notice or hearing, issue and serve a written order upon the licensee requiring the immediate cessation of service, shall cite the existence of said unsanitary condition, and shall specify the corrective actions to be taken.
 - a. Such order shall be effective immediately.
 - b. Upon written request to the Health Officer, the permittee shall be afforded a hearing within ten (10) business days.
 - c. The Health Officer shall conduct a re-inspection upon the request of the licensee at a time agreed upon by the Bartholomew County Health Department and the permittee. When the Health Officer determines that the necessary corrective actions have been taken, applicable reopening fees will be assessed, and the operations may be resumed.

Appeal

1. Any permittee aggrieved by any final order of the Health Officer shall be entitled to seek judicial review.

Approval of Plans

1. All tattoo parlors and/or body piercing facilities which are hereafter constructed or altered shall conform to the applicable requirements set forth in this Ordinance. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer before starting any construction work. A plan review fee as set forth in the Bartholomew County Fee Ordinance shall be remitted at the time of plan submittal.

Penalty

1. Any person found to be interfering with the duties of the Health Officer or found to be violating any provision of this Ordinance commits an infraction. Upon being found liable of committing such an infraction, the violator shall be punished for the first offense by a fine of not more than \$500.00, and for the second and each subsequent offense, by a fine of not more than \$1,500.00. Each day after the expiration of the time limit for abating any unsanitary conditions, as ordered by the Bartholomew County Health Department pursuant to Section 4 of Inspections, shall constitute a distinct and separate offense.

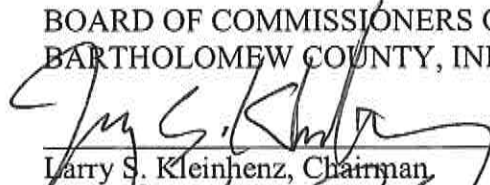
Severability

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

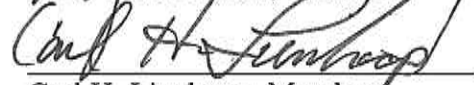
This Ordinance upon its passage shall be in effect January 1, 2025.

PASSED ON FIRST READING THIS 5TH DAY OF AUGUST, 2024.

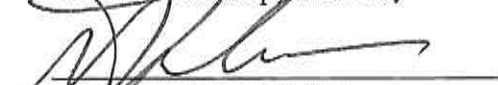
BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA



Larry S. Kleinhenz, Chairman



Carl H. Lienhoop, Member



Tony London, Member

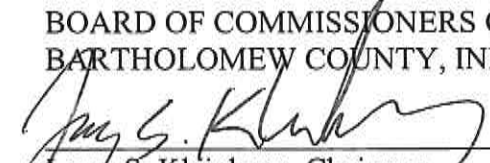
ATTEST:



Pia O'Connor, Auditor

PASSED ON SECOND READING AND ADOPTED THIS 12TH DAY OF AUGUST, 2024.

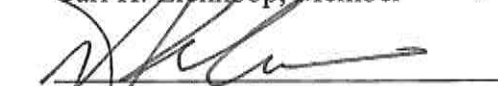
BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA



Larry S. Kleinhenz, Chairman




Carl H. Lienhoop, Member



Tony London, Member

ATTEST:



Pia O'Connor, Auditor