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

WHEREAS, tattoo operations and procedures are becoming more common among the residents of the State of Indiana and the residents of Dubois County, Indiana and

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

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

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

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

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

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

WHEREAS, the Dubois 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 Dubois County, Indiana.

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA DOES HEREBY ADOPT THE FOLLOWING ORDINANCE:

SECTION 1
SANITARY OPERATION OF TATTOO FACILITIES

All places, individuals and businesses that offer to affix any type of permanent tattoo to a person shall be regulated by this ordinance and shall maintain the premises in which tattoos and piercing are performed and equipment used in the process in a sanitary manner.

SECTION 2
DEFINITIONS

All definitions set forth in 410 IAC 1-5, IC 16-19-3-4.1, IC 16-19-3-4.2 and IC 35-42-2-7 and as amended hereafter are hereby incorporated by reference (and are not being repeated in this ordinance). Tattoo and Body Piercing as defined in 410 IAC 1-5 for the purposes of this ordinance does not include practices that are considered medical or dental procedures by a state medical or dental board. Nor does this definition include piercing of the lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems. Unless the context
specifically indicates otherwise, the meaning of the additional terms used in this ordinance shall be as follows:

**Body** means a human body.

**Branding** means a form of extreme body modifications and scarification using a superheated metal object, chemical, or electricity to burn an image into the human body.

**Contaminated Sharp** means any object that can cut or penetrate the skin, including but not limited to needles, razors, scalpels, and other similar objects used to penetrate the skin.

**Cutting** means 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. Cutting is differentiated from a method called “Skin Peeling” in that no tissue is removed to create the scar during the cutting method.

**Dermal Punching** means a method of creating piercings in the body, which removes a segment of tissue, as opposed to traditional piercing, which makes a half moon shaped slice in the tissue. It is generally used when large gauge jewelry insertion is desired at the time of the procedure.

**Department** means the Dubois County Health Department.

**Extreme Body Modification** means any method, other than tattoo, permanent makeup, or body piercing methods, used to alter the human skin.

**Facility** has the meaning set forth in 410 IAC 1-3-7.5.

**Health Officer** means the duly appointed Dubois County Health Officer as set forth in IC 16-20-2-16. The Dubois County Health Officer or his/her authorized designee shall enforce this ordinance. The Health Officer may designate a representative in the Health Department to perform those duties and responsibilities of the Health Officer.

**Implantation** means 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.

**Nullification** is the voluntary removal of body parts. Most commonly this means castration (and sometimes penectomy), amputation of fingers or toes, or, in extreme cases, removal of full limbs.

**Scarification** means a form of extreme body modification that uses methods or techniques to produce scars on the human body for decorative purposes. Examples of Scarification methods include Branding, Cutting, and Skin Peeling.

**Skin Peeling** means a technique of extreme body modification and scarification which consists of cutting on the human body the outline of a design and removing the center, thereby creating a scar where the skin was removed.
Suspension Piercing means the act of hanging the human body from or partially from hooks pierced through the flesh in various places around the body.

Tongue Bifurcation means a non-surgical process in which the tongue is split with the use of lasers or nylon material.

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

Unregulated (unapproved and prohibited) Invasive Body Modification means the act of performing branding, cutting, dermal punching, implantation, scarification, skin peeling, tongue splitting, suspension piercing or any other extreme body modification not otherwise specifically approved in these regulations, or use of any drug or cosmetic other than topical over-the-counter anesthetic and/or performing any recognized medical procedure not specifically approved in these regulations by any person other than a licensed medical professional.

SECTION 3
OPERATOR RESPONSIBILITIES

The tattoo and/or body piercing Facility operator has the responsibility to notify the Dubois County Health Department of any change of ownership or employment of licensed tattoo artists at the permitted Facility within five (5) business days of its occurrence. Failure to notify the Dubois County Department of Health within five (5) business days will result in a twenty-five $25 dollar fine for each occurrence.

SECTION 4
TATTOO ARTIST AND BODY PIERCER RESPONSIBILITIES INCLUDING MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS

The following information shall be kept on file on the premises of a tattoo and body piercing facility and available for inspection by the Dubois County Health Department upon request:

a) Full name, date of birth, gender, and identification photos of all Operators/Artists;

b) Proof that all artists and operators are a minimum of eighteen (18) years of age,

c) Each artist and operator should be able to provide documentation of the following information upon request of the Health Department:

1. That each artist and operator has completed the Hepatitis B vaccination series.

2. That antibody testing has revealed that the employee is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons.
3. If the artist and operator have not completed the Hepatitis B Vaccination series, they shall provide documentation showing at least the first of the series of Hepatitis B vaccination has been received, and must show proof of completion of the series within 6 months of issue of first permit.

4. A bloodborne pathogen training certification update annually.

All artists and operators must:

a) Possess a valid artist permit issued by the Dubois County Health Department and shall be posted at the Facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public.

b) Prepare the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution.

c) Require all oral piercings to be preceded by the patron performing a minimum of one-minute vigorous application of an antiseptic mouthwash.

d) Protect the tattooed area after a procedure by applying antibacterial ointment, and a single-use, non adherent bandage with an impermeable cover that must be worn until the patron leaves the facility.

e) Provide each patron or legal guardian (if patron is less than eighteen (18) years of age), verbal and written guidelines for the after-care of the tattoo or body piercing. The written public education materials shall:

1) Provide guidelines to the patron regarding methods for proper cleansing, side effects, activity restrictions, infection prevention, 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.

3) Contain the name, address and phone number of the facility.

4) Be provided to the patron. The patron’s record as set forth in Section 5 below shall be signed and dated by the patron and the artist.

SECTION 5
PATRON RECORDS

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

a) Patron’s name.
b) Patron’s address.

c) Patron’s age.
   Age must be verified by a valid Government issued photo ID.

d) Date that the tattoo or body piercing occurred.

e) Design of the tattoo.

f) Location of the tattoo or body piercing on the patron’s body.

g) The full name of the tattoo artist or body piercer who performed the work.

h) Jewelry or other decoration used; including jewelry material type.

i) Signature of the artist and patron indicating that after-care guidelines have been reviewed and a written copy received by the patron.

j) Signature indicating proper parental consent when performing tattoo and body piercing activities on any minor as required by law. IAC 35-42-2-7(e) requires the parent to be present and provide consent in writing. Parent must also show valid ID and provide a copy of minor’s Birth Certificate.

SECTION 6
HANDWASHING

Handwashing Facilities shall be readily accessible in the same room where tattooing or body piercing is provided. A hand sink supplied with running water at a temperature of a minimum of 100 degrees Fahrenheit, liquid antibacterial soap, single use paper towels, and a waste receptacle shall be located in close proximity (within 25 feet) of each artist’s station and shall be readily accessible and available without passing through any door or barrier.

SECTION 7
ILLNESS

Tattoo artists and 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, and scabies; shall refrain from providing tattoos and piercings.

SECTION 8
TATTOOING EQUIPMENT

a.) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a tattoo or body piercing with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be applied to the skin only once and then discarded.

b.) All supplies used in the activity of tattooing or body piercing that come into contact with the tattooing or piercing station must be disposed of after single use.

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

SECTION 9
NEEDLES, INSTRUMENTS, CONTAMINATED SHARPS

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

b.) Needles shall be single use only.

c.) Needles, instruments, and contaminated sharps shall be discarded in sharps containers immediately after use.

d.) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

SECTION 10
PERSONAL PROTECTIVE EQUIPMENT

Appropriate personal protective equipment shall be worn as follows:

1) A clean protective clothing layer shall be worn whenever there is a reasonable anticipated risk of contamination of clothing by blood.

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

3) Disposable gloves shall be worn during the tattoo and piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application/act, when the gloves become torn or punctured, or when the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

SECTION 11
REUSABLE EQUIPMENT

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

SECTION 12
DYES, PIGMENTS AND JEWELRY

All insertable jewelry is to be sterilized and kept in an individual, sterile, closed container or package with expiration date.

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, CrNMo 316LVM, ASTM F-138
   c) Niobium
   d) Surgical implant grades of titanium
   e) Solid platinum
   f) Inert plastics

Mill certificates from the manufacturer or an independent assay must be available to prove material compositions Jewelry must have a mirror finish and be free of nicks, scratches, burns and polishing compounds.

SECTION 13
WORK ENVIRONMENT

Tattoo and body piercing Facilities shall be equipped with artificial light sources equivalent to at least twenty (20) foot-candles of light at a distance of thirty (30) inches above the floor throughout the establishment. A minimum of seventy (70) foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.
Tattoo and body piercing areas shall be separated from waiting patrons or observers by a non-absorbent panel, a door, or by a minimum of ten (10) foot distance apart. If, however, the patron is a minor, then the parent/legal guardian must be present during the procedure. If the facility allows it, the patron may sign a written consent allowing an observer to watch the procedure without space restrictions.

All walls and floors near equipment used for tattooing and body piercing activities shall be smooth, nonabsorbent and easily cleanable surfaces and be maintained in a sanitary manner at all times.

During a procedure, a Facility shall place single-use disposable barriers on equipment that cannot be sterilized. Barriers shall be discarded immediately after each use. If used, disposable table or chair paper or cover shall be changed between patrons.

Lavatory facilities shall be available to employees at all times the Facility is open for operation and they must be located within the same physical structure/building. The lavatory(s) shall be equipped with a toilet, handsink, and covered waste receptacle.

An additional hand sink, other than the one located in the lavatory, shall be located in close proximity (within 25 feet) of each artist’s station and shall be readily accessible and available without passing through any door or barrier. These handsinks shall be supplied with running water at a minimum temperature of 100 degrees Fahrenheit, liquid antibacterial soap, paper towels, and a waste receptacle.

Equipment and supplies used in the course of tattoo and body-piercing services or disinfection and sterilization procedures shall not be stored or utilized within the lavatory.

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

Eating, drinking, smoking or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood.

Disinfectant solutions shall be:

1) A hospital grade, tuberculocidal EPA registered disinfectant; or

2) Sodium hypochlorite, five-tenths percent concentration, by volume; the solution shall be dated and shall not be used if older than twenty-four (24) hours.

Live animals shall be excluded from areas where tattooing is being conducted. This does not apply to the following:

1) Patrol dogs accompanying law enforcement; and

2) Guide dogs.
SECTION 14
TREATMENT AND TRANSPORT OF INFECTIOUS WASTE

Prior to approval of any permit, the operator must submit proof of a current contract with an infectious waste removal company or agreement with other agencies where treated infectious waste will be disposed. The operator must document how the infectious waste was treated and/or disposed. An operator must maintain these records for a period of two (2) years following each pick-up of such infectious waste or disposal and allow inspection of such records by the Dubois County Health Department upon request.

The infectious waste must be disposed of at least annually. A copy of the transporting infectious waste off-site form in accordance to 410 IAC 1-3-28 must be on file at the Facility and available for review by the Dubois County Health Department upon request.

SECTION 15
PROHIBITED ACTS

The following activities are strictly prohibited:

a) Branding
b) Cutting
c) Dermal Punching
d) Implantation
e) Nullification
f) Scarification
g) Skin Peeling
h) Suspension Piercing
i) Tongue Bifurcation
j) Tongue Splitting

SECTION 16
PERMITS

Business. Each tattoo/body piercing Facility/operation shall obtain a permit from the Dubois Department of Health. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer located at each location. The permit shall not be transferable. The permit expires on December 31st of each
year. Should a facility fail to obtain the permit prior to the opening of a Tattoo and Body Piercing Facility or should any permittee fail to renew his/her permit on or before the expiration date of December 31st, a late fee will be assessed for the Tattoo and/or Body Piercing Facility. Any holder of a permit shall be subject to inspection as set forth herein. The Dubois County Health Department shall provide the appropriate application forms for this permit. Said permit shall be posted at the Facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

**Tattoo Artist or Body Piercer.** Every person that desires to perform any tattoo or body piercing activities shall, before doing so, obtain a “Tattoo Artist Permit”, “Body Piercer Permit” or a “Tattoo Artist-Body Piercer Permit” from the Dubois County Health Department. No person shall tattoo or body pierce another person unless he or she has first obtained a permit from the Dubois County Health Department. No person shall, in an effort to advertise or solicit business with the intent to perform tattoo or body piercing activities, use or assume the title of tattooist or body piercer, designate or represent themselves to be a tattooist or body piercer unless he or she has first obtained a permit from the Dubois County Health Department. The applicant must satisfy the minimum requirements as set forth in Section 4 of this ordinance. The permit shall not be transferable. The permit expires on December 31st of each year. Should a tattoo artist or body piercer fail to obtain the permit prior to performing any tattoo or body piercing or should any permittee fail to renew his/her permit on or before the expiration date of December 31st, a late fee will be assessed. Any holder of a permit shall be subject to inspection as set forth herein. The Dubois County Health Department shall provide the appropriate application forms for this permit. Said permits shall be posted at the Facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public.

**Temporary Tattoo and Body Piercing Facility.** Each Temporary Tattoo and Body Piercing Facility operation shall obtain a permit from the Dubois County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer operating at each location. The permit shall be valid for a period not to exceed seven (7) days. Any holder of a permit shall be subject to inspection as set forth herein. Should a tattoo artist or body piercer fail to obtain the permit prior to performing any tattoo or body piercing a late fee will be assessed. Said permit shall be posted at the Temporary Tattoo and Body Piercing Facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

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

**Exceptions.** The provisions of this Ordinance shall not apply to an act of a health care professional (as defined in Indiana Code 16-27-2-1) licensed under Indiana Code, Chapter 25, when the act is performed in the course of the health care professional’s practice.
SECTION 17
INSPECTIONS

The Dubois County Health Department shall conduct inspections of each Facility located in Dubois County, Indiana. The Dubois County Health Department shall conduct a minimum of two (2) inspections per year for fixed Facilities. Additional inspections may be conducted by the Dubois County Health Department as it determines necessary and/or in response to complaints submitted. The results of the inspections shall be provided to each operator in written form. Violations noted by the Dubois County Health Department shall be corrected immediately or within the timeframe set forth on the inspection report. The Department shall conduct follow-up inspections to determine compliance with this ordinance as deemed necessary.

SECTION 18
PROCEDURES WHEN VIOLATIONS ARE NOTED

If, during the inspection of any Facility, the Health Officer discovers the violation of any provision of this Ordinance, as amended, he/she shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee (or their authorized representative) by hand delivering the report to him/her on-site, or mailing the notice by Certified Mail to the address listed by the permittee as his/her/its mailing address on the permit application.

A copy of the written order shall be filed in the records of the Dubois County Health Department and be made available to the public as required.

SECTION 19
PERMIT SUSPENSION/REVOCATION/CLOSURE ORDERS

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

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

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

1. Such order shall be effective immediately.

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

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

SECTION 20
PENALTY

The Health Officer may bring an action in the Circuit or Superior Court to enforce this ordinance. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this ordinance including reasonable attorney fees.

Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of; not more than two thousand five hundred dollars ($2500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be considered a separate offense.

CHAPTER 23
INJUNCTION

The Health Officer may bring an action for an injunction in the Circuit Court of Dubois, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

CHAPTER 24
EXPENSE

Any person violating any of the provisions of this Ordinance shall be liable to the Dubois County Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney’s fees and costs.

CHAPTER 25
CUMULATIVE

The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.
CHAPTER 26
SEVERABILITY

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

CHAPTER 27
EFFECTIVE DATE

This ordinance shall be effect on the date of passage.
Passed this _______ day of ________, __20__.  

THE BOARD OF COMMISSIONERS OF THE COUNTY OF DUBOIS, INDIANA

_________________________________
Larry Volmer

_________________________________
Randy Fleck

_________________________________
Doug Uebelhor