

TATTOO AND BODY PIERCING ORDINANCE

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

WHEREAS, tattoo and body piercing operations are becoming more and more common among the residents of the State of Indiana and the residents in Huntington County, Indiana, and

WHEREAS, an improperly operated or unclean tattoo or body piercing facility may have serious and detrimental effects upon the citizens of Huntington 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 Huntington County Commissioners are empowered to protect the health and safety of the citizens of Huntington County, and

WHEREAS, the Huntington County Department of Health can best inspect the operation of tattoo and body piercing facilities, and

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

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

WHEREAS, the Huntington County Commissioners desire to adopt an ordinance to enforce the Indiana State Department of Health's regulations for the operation of tattoo and body piercing facilities in Huntington County, Indiana.

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

Sec. 1-1. Sanitary Operation of Tattoo Facilities

All requirements 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 any amendments made to said provisions hereafter are hereby incorporated by reference. All places, individuals and businesses that offer to affix any type of permanent tattoo or body piercing to a person shall be regulated by the above-named codes/statutes as well as the requirements specified in this ordinance. All such places, individuals and businesses shall maintain the premises in which tattoos and body piercings are performed and equipment used in the tattoo or body piercing process in a sanitary manner as specified in the above-named codes/statutes and herein.

Sec. 1-2. 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:

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 – Hepatitis B Virus, HCV – Hepatitis C Virus, HIV – Human Immunodeficiency Virus.

Branding means a form of extreme body modifications and scarification using a super-heated 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 Huntington County Department of Health.

Extreme Body Modification means any method, other than tattoo, permanent makeup, or body piercing methods, used to alter the appearance, sensation, or function of the human body for decorative or cultural purposes. Some examples include, but are not limited to, scarification (branding, cutting, skin peeling), implantation, suspension piercing, nullification (voluntary amputation), and tongue splitting. Techniques of extreme body modification are considered medical or surgical procedures and are prohibited acts in permitted facilities.

Facility has the meaning set forth in 410 IAC 1-3-7.5 and for the purposes of this ordinance.

Health Officer means the duly appointed Huntington County Health Officer as set forth in IAC 16-20-2-16. The Huntington 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.

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 and infectious agent stock.
3. Pathological waste.
4. Blood and blood products in liquid and semi-liquid form.
5. Body fluids in liquid and semi-liquid form, and bedding of laboratory animals.
6. Other waste that has been intermingled with infectious waste.

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.

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. 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 – contaminated 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.

Personal Protective Equipment means specialized clothing or equipment worn for protection against contact with blood or OPIM.

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.

Tattoo means any indelible design, letter, scroll figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, figure, or symbol done by scarring upon or under the skin.

Tattoo Artist means any person who provides a tattoo to an individual or who performs any type of piercing of the mucous membranes or the skin through which needles or other objects are inserted for temporary or permanent placement.

Tattoo Facility means any room or space where tattooing is provided or where the business of tattooing is conducted.

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.

Sec. 1.3 Operator Responsibilities

The tattoo and/or body piercing facility operator has the responsibility to notify the Huntington County Department of Health 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 Huntington County Department of Health within five (5) business days will result in a \$25 dollar fine for each occurrence.

- A. The tattoo operator shall ensure that tattoo artists, anyone employed by the tattoo facility, or anyone acting on behalf of the tattoo facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral 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 blood borne pathogen standard (as found in 29 CFR 1910.1030).
- B. The tattoo operator shall require tattoo artists, anyone employed by the tattoo facility, or anyone acting on behalf of the tattoo facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in Section 27 of the Indiana tattoo Legislation (410 IAC 1-5).
- C. The tattoo operator shall display a description of compliance with the requirements contained in subsection (d).
- D. The tattoo operator shall display written materials prepared or approved by the Department explaining universal precautions and patrons' rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the Department's duties to investigate.

- E. The following information shall be kept on file on the premises of a tattoo or body piercing facility and available 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.
- F. Each operator/artist should be able to provide documentation of the following information upon request of the Department:
 - a. That each operator/artist has either completed or been offered and declined, in writing the Hepatitis B vaccination series.
 - b. That antibody testing has revealed that the employee is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons.
 - c. If the operator/artist 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 the first permit.

The tattoo operator shall develop a written policy in compliance with this rule and the requirements of the Indiana Occupational Safety and Health Administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) that:

- A. Requires the use of universal precautions when performing tattooing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- B. Includes the safe handling of infectious waste; and
- C. Provides sanctions, including discipline and dismissal, if warranted for failure to use universal precautions and/or handle infectious waste safely.

An individual or entity that is a tattoo operator shall comply with the following training requirements:

- A. Ensure that the training described in the Indiana Occupational Safety and Health Administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists, anyone employed by the tattoo facility, or anyone acting on behalf of the tattoo facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- B. Ensure that training on the handling of infectious waste is provided to all tattoo artists, anyone employed by the tattoo facility, or anyone acting on behalf of the tattoo facility who as a reasonable risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- C. Ensure that a record for the training described in subdivisions (A) and (B) is maintained, as required under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) for an individual's participation in the training that is provided. The record shall be made available to the Department for inspection upon request.

Sec. 1-4 Tattoo Artist Responsibilities

All tattoo artists, anyone employed by the tattoo facility, and anyone acting on behalf of the tattoo facility who has a reasonably anticipated risk for skin, eye, mucous membrane, parenteral contact with blood or OPIM shall complete the training program that is required under the Indiana Occupational Safety and Health Administration's blood borne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

- A. A blood borne pathogen training session provided by the tattoo operator meeting the requirements under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).
- B. Any blood borne pathogen continuing education program accredited by a health care licensing entity.

All tattoo artists, anyone employed by a tattoo facility, and anyone acting on behalf of the tattoo facility who has a reasonably anticipated risk for skin eye, mucous membrane, or patenteral contact with blood or OPIM must be trained in the tattoo facilities policies on the handling of infectious waste.

All artists and operators must:

- A. Possess a valid artist permit issued by the Huntington County Department of Health 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, absorbent 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:
 - a. 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.
 - b. 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.
 - c. Contain the name, address and phone number of the facility,
 - d. Be provided to the patron. The patron's record as set forth in Section 1-5 below shall be signed and dated.

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

- A. Diarrhea
- B. Vomiting
- C. Fever

- D. Rash
- E. Productive cough
- F. Jaundice; or
- G. Draining (or open) skin infections, boils, impetigo, or scabies; shall refrain from providing tattoos or body piercings.

Sec. 1-5. Patron Records

Records for each patron shall be maintained for three (3) years. The record shall include the following:

- A. Patron's name.
- B. Address
- C. Age. Age must be verified by two items of identification, one of which must be a valid government issued identification.
- D. Date that the tattoo or body piercing occurred.
- E. Design of the tattoo or body piercing.
- F. Location of the tattoo or body piercing on the patron's body.
- G. The 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 or 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.

Sec. 1-6. 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, 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.

Sec. 1-7. Personal Protective Equipment

Appropriate personal protective equipment shall be worn as follows:

- A. A clean, protective layer of clothing shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.
- B. Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- C. Disposable gloves shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the

application of the tattooing or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

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

Sec. 1-8. Tattooing Equipment

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 content. The applicator or gauze shall be applied to the skin only once and then discarded.

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

Sec. 1-9. Needles, Instruments, Contaminated Sharps

- A. Needles shall be individually packaged and sterilized prior to use.
- B. Needles shall be single use only.
- C. Needles shall be discarded in sharps containers immediately after use.
- D. Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

Sec. 1-10. Reusable Equipment

- A. Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized. Equipment which cannot tolerate heating procedures may be sterilized using a technique that is approved by the Department.
- B. Records must be maintained to document the following:
 - a. Duration of sterilization technique.
 - b. Determination of effective sterility, such as the use of biological indicator, is performed monthly.
 - c. Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.
- 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:
 - a. Placed in puncture-resistant containers;
 - b. Labeled with the biohazard symbol;
 - c. Leakproof on both sides and bottom, and
 - d. Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.
- E. Contaminated reusable equipment shall be effectively cleaned prior to sterilization.

- F. Reusable tubes shall be effectively cleaned and sterilized before reuse.

Sec. 1-11. Dyes, Pigments and Jewelry

- A. All dyes or pigments 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 non-toxic 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.
- D. All insertable jewelry is to be sterilized and kept in an individual, sterile, closed container or package.
- E. 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
 - g. Mill certificates from the manufacturer or an independent assay must be available to prove material compositions.
- F. Jewelry must have a mirror finish and be free of nicks, scratches, burns and polishing compounds.

Sec. 1-12. Work Environments

- A. No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.
- B. Tattooing 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.
- C. 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.
- D. During a procedure, a facility shall place single-use disposable barriers on equipment that cannot be sterilized. Barriers shall be discarded immediately after use. If used, disposable table or chair paper or cover shall be changed between patrons.
- E. 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.
- F. Equipment and supplies used in the course of tattoo and body piercing services or disinfection and sterilization shall not be stored or utilized within the lavatory.

- G. Live animals, with the exception of guide or service dogs, shall be excluded from the procedure rooms.
- H. Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.
- I. Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.
- J. All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM or between each procedure.
- K. Environmental surfaces and equipment not requiring sterilization, that have been contaminated by blood, shall be cleaned and decontaminated.
- L. All work surfaces shall be:
 - a. Nonabsorbent
 - b. Easily cleanable
 - c. Smooth, and
 - d. Free of:
 - i. Breaks
 - ii. Open seams
 - iii. Cracks
 - iv. Chips
 - v. Pits, and
 - vi. Similar imperfections.
- M. Disinfectant solutions shall be:
 - a. A hospital grade, tuberculocidal, Environmental Protection Agency (EPA) registered disinfectant; or
 - b. Sodium hypochlorite, five-tenths percent (0.5%) concentrations, by volume (common household bleach is ten percent (10%)).
 - c. Concentrations in water – the solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.

Sec. 1-13. 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 wastes that are contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:
 - a. Impervious to moisture
 - b. Sufficient strength and thickness to prevent expulsion
 - c. Secured to prevent leakage/expulsion
 - d. Labeled with the biohazard symbol
 - e. Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

- 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:
 - a. Is locked or otherwise secured to eliminate access by or exposure to the general public
 - b. Affords protection from adverse environmental conditions and vermin, and
 - c. Has a prominently displayed biohazard symbol.
- 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 that they are emptied unless the surface of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

Sec. 1-14. Treatment and Transport of Infectious Waste

- A. All tattoo or body piercing operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.
- 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:
 - a. Incineration in an incinerator designed to accommodate infectious waste
 - b. Steam sterilization
 - c. Chemical disinfection under circumstances where safe handling of the waste is assured
 - d. Thermal inactivation
 - e. Irradiation, or
 - f. Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.
- C. All persons subject to this rule shall:
 - a. Transport infectious waste in a manner that reasonable protects waste haulers and the public from contracting a dangerous communicable disease; and
 - b. Effectively treat infectious waste in accordance with this rule before it is compacted.
- D. The tattoo or body piercing operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 1-3.

Sec.1-15. Prohibited Acts

The following activities are strictly prohibited:

1. Branding
2. Cutting
3. Dermal punching
4. Implantation
5. Nullification

6. Scarification
7. Skin peeling
8. Suspension piercing
9. Tongue bifurcation
10. Tongue splitting

Sec. 1-16. Permits

Business

Each tattoo or body piercing facility shall obtain a permit from the Huntington County Department of Health. The permit shall provide the name and address of the owner of the business. The cost for this permit shall be \$100.00 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Huntington County Department of Health shall provide the appropriate forms for this permit. Said permit shall be posted at the facility in the place where the tattoos and body piercing are performed and clearly visible to the public.

Artist/Body Piercer

Every person that desires to perform any tattoo or body piercing shall obtain a "Tattoo Artist/Body Piercer Permit" from the Huntington County Department of Health. This permit must be obtained before any tattoos are affixed to any person and after the requisite training. The applicant must satisfy the minimum requirements as set forth herein in Section 1-4. The cost of said permit shall be \$20.00 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Huntington County Department of Health shall provide the appropriate forms for this permit. Said permits shall be posted at the facility in the place with tattoos and body piercing are performed and clearly visible to the public.

Owner/Operator

In the event that a tattoo or 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.

Sec. 1-17. Inspections

The Huntington County Department of Health shall conduct inspections of each and every tattoo and body piercing facility located in Huntington County, Indiana. The Department shall conduct a minimum of three (3) inspections per year. Additional inspections may be conducted by the Department as it determines and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this ordinance.

Sec. 1-18. Procedures When Violations Are Noted

- A. If, during the inspection of any tattoo or body piercing facility, the Health Officer or designee discovers the violation of any provision of this ordinance, he/she shall issue a written report/order listing such violations and the remedial actions to be taken. A copy of said report/order shall be delivered to the permittee by hand delivering the report/order to him/her on site, or mailing the notice by Certified Mail to the address listed on the permit.
- B. A copy of the written report/order shall be filed in the records of the Department after appropriate review by supervisory personnel and then shall be made available to the public upon request.

Sec. 1-19. Permit Suspension/Revocation

The Health Officer may order the suspension or revocation of any permit issued for a tattoo or body piercing facility which shall include the prohibition of any further operations for the following reasons:

- A. Interference with the Health Officer or his/her authorized representatives, in the performance of their 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.

Sec. 1-20. Other Permit Revocation, Suspension and Immediate Closure Orders

- A. Except as set forth in Section 1-20 (A)(1), no suspension or revocation shall be ordered by the Health Officer except after a hearing held pursuant to Sec. 1-21.
- B. Notwithstanding the provisions of Section 1-20 (A), whenever the Health Officer, or his/her authorized representatives find unsanitary or other conditions, involving the operation of any tattoo or body piercing facility which, in his/her reasonable belief, constitutes an imminent health hazard, he/she 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 conditions 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 on the next business day as set forth in Section 1-21.
 - c. The Health Officer shall make 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.

Sec. 1-21. Hearing

- A. All hearings required under this section, except those set forth in Sec. 1-20(A), shall be held only upon request at least ten (10) days written notice to the permittee of time, place and nature thereof. The notice of hearing shall be served upon the permittee by hand delivering or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Officer.
- B. At any hearing required under this Ordinance, the Hearing Officer shall be the Health Officer or his/her designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.
- C. Upon the conclusion of such hearing, the Hearing Officer shall enter a final order, subject to the right of appeal in accordance with Section 1-22.

Sec. 1-22. Appeal

- A. Any permittee aggrieved by any final order of the Health Officer shall be entitled to a review of the final order before the Huntington County Board of Health by filing a written request therefore with the Department within fifteen (15) days after such final order is issued.
- B. Upon receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten (10) days written notice of the time, place and nature thereof. (The Health Officer and permittee may agree to a shorter period of time, if requested by either party.) The notice shall be issued by the Board to the permittee filing the request.
- C. The notice of hearing shall be served upon the permittee by hand delivery or mailing by Certified Mail, the notice to the address listed on the permit application as the permittee's mailing address or such other addresses as the permittee shall designate in writing to the Board.
- D. At such hearing, the same rules of procedure shall apply as set forth in Section 1-21(B), provided, that upon written request by the permittee or the Health Officer, the board shall cause the proceedings before it to be recorded by a reported employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party, be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party.
- E. The expense of such proceedings shall be charged to the permittee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting the same. At the time the transcript is requested, the Board may require the permittee to pay a deposit in an amount determined by the Board to be necessary to secure such expense(s).
- F. The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing.

Sec.1-23. Enforcement

It shall be the duty of the Health Officer to enforce the provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void. A violation of an order issued by the Health Officer or Board shall be considered a violation of this Ordinance.

Sec.1-24. **Violations**

Whenever the Health Officer determines that any tattoo or body piercing facility, or any other person, is in willful violation of any of the provisions of this Ordinance, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Huntington County, Indiana or the attorney for the Board who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

Sec. 1-25. **Penalty**

Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be considered to be a separate offense.

Sec. 1-26. **Injunction**

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

Sec. 1-27. **Expense**

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

Sec. 1-28. **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.

Sec. 1-29. **Severability**

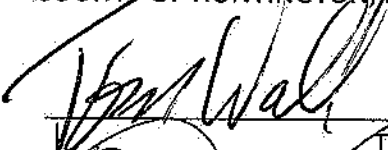
Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

Sec. 1-30. Effective Date

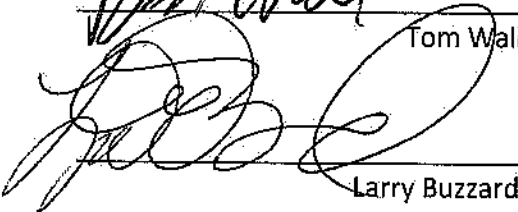
This Ordinance shall be in full force and effect from and after 12:01 a.m. on the 13 day of NOV, 2017.

Adopted by the Board of Commissioners of the County of Huntington, Indiana, on the 13 day of NOV, 2017.


BOARD OF COMMISSIONERS OF THE
COUNTY OF HUNTINGTON, INDIANA



Tom Wall



Larry Buzzard



Rob Miller

Attest:



Cindy Yeiter, Huntington County Auditor