

## **CHAPTER 4. REGULATING TATTOS PARLORS**

### **SECTION 1. PURPOSE & INTENT**

It is the purpose and intent of this Ordinance to establish standards and regulations relating to the practice of tattooing to prevent the transmission of communicable diseases and promote the general welfare of the public.

### **SECTION 2. GENERAL PROVISIONS**

#### **Subsection 2.1: Definitions**

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- A. **Countryside Public Health:** The community Public Health Agency serving Big Stone, Chippewa, Lac qui Parle, Swift and Yellow Medicine counties through a multi-county joint powers agreement established in 1974.
- B. **Health Officer:** Director of Environmental Health, or the director's designee, or any inspector who is designated by Countryside Community Health Board.
- C. **Tattooing:** Any method of marking the skin of a person, by insertion of permanent pigments through puncture of the skin.
- D. **Person:** Any individual, firm or corporation, owner or operator of a tattooing establishment.

#### **Subsection 2.2: License Required**

It shall be unlawful for any person to engage in the practice of tattooing, conduct any establishment where tattooing is practiced, for a fee or any other consideration, without being licensed under this Ordinance.

#### **Subsection 2.3: Location Restricted**

No person shall engage in the practice of tattooing at any place other than the place or location named or described in the license application and license.

#### **Subsection 2.4: Investigation & Inspection**

It shall be the duty of the Health Officer to inspect the premises where tattooing is proposed to be practiced, and if it shall appear to the Health Officer that the sanitary conditions prevailing upon the premises comply with the provisions of the Ordinance and conform to the rules and regulations promulgated by this Ordinance, the license application for the establishment shall be approved.

#### **Subsection 2.5: False Information**

The submission of false information or statements, whether by the licensee or any other person, shall be considered a violation of this Ordinance and subject to any appropriate and authorized penalties.

#### **Subsection 2.6: License Fee Term & Renewal**

The initial fee for a license to engage in the practice of tattooing shall be \$250.00 dollars. All licenses issued under this Ordinance shall expire on December 31 of each calendar year. License renewal shall be granted to any previously licensed tattooist in good standing upon application

and payment of the annual relicensing fee of \$100.00 dollars. Countryside Community Health Board may require inspection of the premises where tattooing is practiced and/or the submission of additional information with an application for renewal as deemed necessary. Any change in the location of an establishment where a licensed tattooist conducts business must be made known to Countryside Community Health Board, which at its discretion may require inspection of the new location. The license shall be amended to reflect the new location at a fee of \$50.00 dollars.

#### **Subsection 2.7: Tattooing of Minors**

It shall be unlawful to tattoo any person under the age of eighteen (18) years, except in the presence of, and with written permission of, the parent or legal guardian of such person.

#### **Subsection 2.8: General Instructions**

The tattooing license and regulations of the Division of Environmental Health shall be posted at all times in a conspicuous place in the tattooing establishment.

### **SECTION 3: HEALTH AND SANITARY REQUIREMENTS**

#### **Subsection 3.1: General**

No person shall engage in the practice of tattooing in any place without complying with the following regulations:

##### **A. Premises.**

1. All tattooing establishments shall be maintained in a clean and sanitary condition. Antiseptic procedures shall be followed to ensure physical cleanliness and sanitation.
2. Every place where tattooing is practiced shall be equipped with a sewer and water connected water closet and hand lavatory, which meet applicable plumbing and sewage codes. The hand lavatory shall be supplied with hot and cold running water under pressure and shall be maintained in good working order and kept in a clean and sanitary condition at all times.
3. No rooms or interior space used for the practice of tattooing shall be used or occupied for living or sleeping quarters, or for any other purpose other than tattooing.
4. There shall be no less than one hundred fifty (150) square feet of floor space at the place where tattooing is conducted and such space shall be so lighted and ventilated as to comply with standards approved by Countryside Community Health Board, and other applicable building codes.

##### **B. Equipment and Materials:**

1. All needles, needle tubes, operating instruments or other equipment or materials which may come in direct or indirect contact with the tattooing process shall be sterilized in a steam pressure autoclave for at least 15 minutes at a minimum of 250 degrees F. (121 degrees C) and at a minimum of fifteen (15) pounds of chamber pressure or in a chemical vapor sterilizer for at least twenty (20) minutes at a minimum of fifteen (15) pounds of chamber pressure or in a chemical vapor

- sterilizer for at least twenty (20) minutes at a minimum of 270 degrees F. (132 degrees C) before use on any customer and after use shall again be so sterilized.
2. Sterilizing solutions may be used for the purpose of sterilizing items other than needles and needle tubes when such sterilizing solutions are approved by Countryside Community Health Board, according to Minnesota Department of Health Sanitizing Guidelines.
  3. All equipment, including, but not limited to, needle bars, tubes, pigment receptacles, stencils, razors, and razor blades shall be kept in a dust proof glass case or container when not in use.
  4. All laboratory and infectious wastes, including, but not limited to, needles razors, other sharps, must be disposed of properly in accordance with the Minnesota Infectious Waste Control Act, Chapter 116.
  5. Single service towels or wipes shall be used for each customer, and such towels and wipes shall be stored and disposed of in a sanitary manner.
  6. All tables, chairs and operating furniture shall be constructed of metal. Work surfaces shall be light colored enamel or porcelain, or stainless steel, or other National Sanitation Foundation International approved equivalent, and shall be kept in a clean and sanitary manner.
  7. Pigments of dyes used in tattooing shall be manufactured solely for the purpose of tattooing shall contain an antiseptic, and shall be free from bacteria and noxious agents and substances. Pigments or dyes used from stock containers shall be placed in single-service receptacles for each customer, and shall be discarded after use on each customer.
  8. Only sterile bandages and surgical dressing may be used in the practice of tattooing.
  9. Every single person shall wear clean, white, washable garments when engaged in the practice of tattooing.

#### C. Skin Preparation.

1. Aseptic technique must be utilized in the practice of tattooing.
2. The tattooist shall scrub his or her hands thoroughly with antibacterial soap before and after each customer. Tattooists with skin infections of the hands, or other communicable diseases which may be transmitted via the tattooing process, shall not tattoo.
3. The tattooist shall wear surgical/latex gloves during the process of tattooing.
4. When necessary to shave the skin area to be tattooed, a single use razor shall be used. If an electric clipper is used for hair removal the clipper shall be sanitized by a method in accordance with Minnesota Sanitizing Guidelines.
5. The skin area to be tattooed must be thoroughly cleaned with a surgical prep soap and sterilized with Isopropyl alcohol, minimum 90% by volume. Only single-service towels or wipes shall be used in the skin cleaning process.
6. Acetate stencils, if used, shall be thoroughly cleaned and sanitized after each use on each customer and stored in a non-absorbent, dust proof container.
7. Tattooing shall not be performed on any area of the skin where there is evident skin infection, open sores, or inflammation.
8. After tattooing, a sterile dressing or bandage shall be applied to the tattooed area.

9. The tattooist shall explain the care required during the healing process to each customer and provide them with printed instructions detailing the approved care during the healing process.

## **SECTION 4: OTHER RESTRICTIONS**

### **Subsection 4.1: Regulations**

No person shall engage in the practice of tattooing at any place without complying with the following restrictions:

- A. Every person to be tattooed shall be asked whether he or she has had viral hepatitis. No person who has had, or is suspected of having had, viral hepatitis shall be tattooed.
- B. No person shall practice tattooing while under the influence of alcohol or drugs.
- C. No person shall be tattooed who is under the influence of alcohol or drugs.
- D. If any infection or blood borne pathogen infections of the skin occur and are known by the licensed tattooist, they shall be reported to Countryside Community Health Board.
- E. Articles contaminated with infectious material should be appropriately discarded or bagged and labeled before being sent for decontamination and reprocessing, in accordance with the Minnesota Infectious Waste Control Act, Chapter 116.
- F. No person shall be granted a license under this Ordinance who is not of good moral character and free from communicable disease or has been convicted of a felony or gross misdemeanor within the past seven (7) years.

## **SECTION 5: INSURANCE**

Every person licensed under this Ordinance shall, during the period of licensure, maintain a policy of liability insurance pertaining to any personal injury occurring during the conduct of the business of tattooing as a result of any negligence, error, omission or oversight on the part of the license holder, in the minimum amount of \$100,000 dollars per individual, and \$250,000 dollars annual aggregate limits.

## **SECTION 6: SURETY BONDS**

A surety bond in the penal sum of five thousand dollars (\$5,000.00) with sufficient sureties, to be approved by Countryside Community Health Board, shall accompany each application for a license and shall become effective upon the issuance of each license. The surety bond shall be conditioned upon the licensee in every situation conforming to the requirements of this Ordinance which may hereafter be passed regulating and licensing tattooing. The surety bond shall be renewed upon the same terms and provided with each application for renewal of license.

## **SECTION 7: DENIAL, SUSPENSION OR REVOCATION OF LICENSE**

Upon the recommendation of Countryside Community Health Board, or the County Sheriff's Department and upon reasonable notice and opportunity for hearing, Countryside Community Health Board may deny, suspend, or revoke any tattoo license as defined in this Ordinance. A conviction for any violation of this Ordinance shall be sufficient cause for revocation of the license. It is specifically provided, however, that violations of this Ordinance, whether or not he subject of criminal prosecution, may be the basis for a recommendation for denial, suspension or revocation. Any person whose license has been denied, suspended, or revoked for any reason may not reapply for a tattooing license in Big Stone, Chippewa, Lac qui Parle, Swift or Yellow Medicine counties for a period of two (2) years. In the event of any violation of this Ordinance reasonably determined to be an immediate hazard by Countryside Community Health Board, any officer of Countryside Community Health Board, may, by written order delivered to and/or posted at the establishment, close the tattooing establishment immediately, pending notice and hearing as aforesaid. Upon such posted notice, the license of the individual tattooist shall be suspended pending hearing.

## **SECTION 8: PENALTY & INJUNCTIVE RELIEF**

### **Subsection 8.1: Penalty**

Any person violating any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor, and shall be penalized in accordance with Minnesota Statutes therefore.

### **Subsection 8.2: Injunctive Relief**

In the event of a violation or threat of violation of this Ordinance, Countryside Community Health Board by action of the County Attorney may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the County Attorney may institute a civil action. All costs of such action, inclusive of reasonable attorney fees, shall be charged against the licensee and the surety bond of the license holder.

## **SECTION 9: SEVERABILITY**

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

## **SECTION 10: REPEAL & EFFECTIVE DATE**

This Ordinance repeals and replaced in its entirety the Regulating Tattoo Parlors Ordinance passed in 1996. This Ordinance shall be in full force and effect upon publication and passage as provided by law.

Passed by the Swift County Board of Commissioners on February 15, 2011.

(Seal)

\_\_\_\_\_  
Chairperson

Attest:

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County Auditor

Approved as to form and execution:

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County Attorney