

AMENDED ORDINANCE # 2- 1996
ORDINANCE AMENDMENT PROVIDING FOR THE REGULATION OF
TATTOO ESTABLISHMENTS

WHEREAS, the public health is endangered by the epidemic of HIV infection, as well as other contagious diseases such as hepatitis B;

WHEREAS, such diseases are transmittable through use of needles;

WHEREAS, the practice of tattooing utilizes needles and other instruments which pierce the skin and are exposed to the bloodstream of the person being tattooed, such that it is possible for a tattoo needle to transmit viral or other infections.

WHEREAS, a concern has also been expressed by health officers and other community officials concerning the practice of tattoos being imprinted on minors without the consent of their parents,

WHEREAS, there exists no general State regulation of tattoo establishments; WHEREAS, sec. 59.07(64), Stats., authorizes the County Board to adopt ordinances to provide for the public peace and good order in the County,

WHEREAS, the county finds, on the basis of the existence of the current epidemic of HIV infection and other infectious diseases, that County Boards should act to provide for the public health and welfare,

NOW, THEREFORE, it is ordained by the County Board of Supervisors of the
County of Adams as follows:

ADAMS COUNTY TATTOO ORDINANCE

TATTOO ESTABLISHMENTS

(1) LICENSE REQUIRED

(a) **License required:**

1. No person shall engage in the business or practice of tattooing in Adams County unless they possess a valid license.
2. Each license shall apply to the named licensee and premises. Each separate person who engages in tattooing and each separate location where tattooing occurs shall require a separate license.
3. The license shall be issued for a term of one (1) year, commencing on the date of its issuance.
4. Every license may be issued or renewed upon payment of the required fee and a satisfactory inspection of the premises.
5. The denial or revocation of a license may be reviewed under the procedures of Ch. 68, Wis. Stats.

(b) **Fee:** The license fee required is One Hundred Dollars (\$100.00) for each tattoo establishment and One Hundred Dollars (\$100.00) per tattoo artist. These fees shall be non-refundable and paid at the time of application for an initial or renewal license. Sixty dollars of the fee shall be deposited to the general fund of Adams County and forty dollars shall be credited to the county Health Department budget, for the purpose of defraying the administrative costs of enforcing this program.

(c) **Appointment for Inspection:** No initial or renewal license may be issued unless the premises on which tattooing will occur, and all instruments to be used in tattooing, have been inspected by the Health Officer to determine whether the applicant meets the requirements of this ordinance. Seven days prior notice is to be given so inspection can be scheduled.

(d) **Application Investigation:** The application for an initial or renewal license shall be filed with the Health Officer. The Environmental Health Specialist will issue the license only after the Health Officer, after an investigation and inspection of the premises where tattooing is proposed to be practiced, certifies that the sanitary conditions prevailing upon the premises comply with the provisions of third a chapter, and the licensee demonstrates competence in the maintenance of sanitary conditions.

(e) **Display:** The license issued shall be posted at all times on the licensed premises in a conspicuous location.

(2) DEFINITIONS

(a) "Health Officer" shall mean and include the Adams county Health Officer or an authorized agent of the Health Officer.

(b) "Tattooing" shall be defined as any method of placing or removing designs, letters, pictures, insignia, trademarks, scrolls, figures, symbols or any other mark upon or under the skin of a person, through application of pigment, dyes, ink or color by using needles or other instruments. The term shall not include decals or paints which are composed of non-toxic and water-soluble materials and are applied to the surface of the skin for temporary purposes.

- (c) "Approved" means acceptable to the Health Department based upon its determination of conformance to good public health practices.
- (d) "Sterilization" is the killing of all living organisms.

(3) **HEALTH AND SANITARY REQUIREMENTS**

(a) **Premises.**

1. All tattooing establishments shall be maintained in a clean and sanitary condition. Antiseptic procedures shall be followed to insure physical cleanliness and sanitation.
2. The Health Officer shall have the authority to inspect any tattoo shop licensed under the provisions of this article for the purpose of determining whether or not any of the terms of this article are being violated.
3. A hand washing facility supplied with hot and cold water under pressure, soap and single-service towels, shall be located in the room in which tattoo is administered.
4. Approved waste containers with non-absorbent plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the customer.
5. No person shall be present in the immediate vicinity of the area in which tattoos are administered unless authorized by the tattoo operator to be there.

(b) **Equipment.**

1 **General.**

- (a) All tattoo establishments shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit. Sterilization tape, or similar indicator, shall be used with each batch autoclaved to monitor functioning of autoclave. Cold sterilization techniques may be utilized only upon approval by Health officer and with strict adherence to manufacturer's specifications. Alternative sterilization methods shall not be utilized without prior approval of the Health Officer.
- (b) All pigment, dyes and instruments used in the practice of tattooing shall be sterilized before use.
- (c) Needles shall be used on only one customer, and then discarded after used.
- (d) Needles may be reused during the same session on the same person by rinsing them under running tap water followed by rinsing them in 70 percent isopropyl alcohol or other method approved by the Health Officer.
- (e) All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the-instrument. After cleaning, instruments shall be rinsed under fresh running tap water.
- (f) Engineering and work practice controls will be utilized to eliminate or minimize exposure to blood and body fluids. Extraordinary care must be taken to avoid accidental wounds from sharp instruments contaminated with blood or' body fluids and to avoid contact with open skin lesions. Used sharps shall be disposed of in a puncture resistant container designed for this purpose. Needles shall not be broken, bent, or recapped.

- (g) After sterilization, all needles and other instruments not individually wrapped shall be stored in a sterilized and covered glass container or in a stainless steel tray and submerged in an approved sterilizing and disinfecting solution. The Health Officer shall supply all establishments licensed under this ordinance with a list of approved sterilizing and disinfecting solutions.
- (h) Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages or containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.

2. **Stencils.**

- (a) No stencil may be used unless it is sterile.
- (b) Paper stencils shall only be used once. New paper stencils shall be used for every individual.

3. **Dyes and Inks.**

- (a) The Licensee shall submit in writing to the Health Officer the source of all dyes and inks used in administering the tattoos.
- (b) Dyes or inks shall be taken only from squeeze bottle containers, in which the dyes or inks have been sterilized.
- (c) Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the sterile dye bottles into sterile disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.

(c) **Skin Preparation**

- 1. Aseptic technique must be utilized in the practice of tattooing.
 - (a) Each operator is required to scrub his or her hands thoroughly and don disposable, single use gloves before commencing tattooing on the customer's skin.
 - (b) If the customer's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. The blade shall be discarded in sharps container after each use. When reusable blade holders are used, they may be used on one customer only and then must be discarded. Disposal of all regulated waste shall be in accordance with applicable U.S., State, and Local regulations.
 - (c) The skin area to be tattooed shall be prepared by thoroughly washing the area with 70 percent isopropyl alcohol or other method approved by the Health Officer.
 - (d) Single-use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process. Such materials shall be discarded after use.
 - (e) Petroleum jelly used for applying stencils shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.
- 2. After completing work on any person, the tattooed area shall be washed with 70 percent isopropyl alcohol. A dry, sterile gauze dressing shall be used to cover the tattooed area.

(d) **General Supplies**

1. All tattooing establishments shall be clean, shall have laundered towels, washcloths, and disposable paper towels in sufficient quantity for the sanitary operation of the practice of tattooing.
2. A clean towel and washcloth shall be used for each customer.
3. Clean towels and washcloths shall be stored in a closed, dust-proof container.
4. Soiled towels and washcloths shall be stored in an approved covered container.
5. All operators shall wear clean, washable garments.
6. The operating table, chair and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned.
7. Any material or supply which has been contacted by the blood or body fluid of a person, or by an instrument which has had such contact, shall be deemed contaminated and must be disposed of unless it may be sterilized and reused under the specific provisions of this ordinance.

(e) **Operator Requirements.**

1. The operator shall be free of communicable disease that may be transmitted by the practice of tattoo.
2. Operators with open sores or skin infections on the hand or hands shall not be permitted to engage in the practice of tattooing.
3. The operator shall not use tobacco, food or beverages in any form while administering the tattoo.
4. The operator shall wash his/her hands thoroughly with disinfecting soap and water before any skin preparation of tattooing; the hands shall be dried with individual single-service towels.

5. **Physical examinations of operators.**

- (a) The Health Officer shall have the power to require any tattooer to submit to a practicing physician for a physical examination whenever the tattooer is suspected of having any infections or contagious disease that may be transmitted by the practice of tattooing. The expenses of the physical examination shall be paid by the tattooer.
- (b) Any tattooer notified to appear for a physical examination as may be required by the preceding subsection shall immediately cease working as a tattooer and shall not be allowed to work thereafter as a tattooer until he or she shall have first received a certificate in writing from a practicing physician that he or she is not afflicted with any infections or contagious condition or disease that may be transmitted by the practice of tattooing.

(f) **Customers**

1. It shall be unlawful for any person to tattoo any person under the age of eighteen (18) years without parental consent. Every operator shall require proof of age from any person who appears to be age 30 or younger.
2. Inquiry shall be made and no tattooing shall be performed on any person who is suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding six (6) months.
3. Tattooing shall not be performed on any person in an area with an evident skin infection or other skin disease or condition, including, but not limited to rashes, pimples, boils or infections.

(4) **OTHER PROVISIONS**

- (a) **Record Retention:** Records shall be kept of all tattoos administered, including the name of customer, date, time, identification of tattoo, and operator's name. Records shall be kept on the premises of the tattoo shop where tattoos are administered. These records shall be available for inspection for a period of five (5) years after the date of the tattoo is applied.
- (b) **Severability:** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

(5) **PENALTIES**

- (a) Any person who tattoos another person without having first having been licensed to do so shall forfeit not less than One Hundred Dollars (\$100.00). Each day of violation, or partial day, shall constitute a separate offense.
- (b) Any person who tattoos another in violation of the health and sanitary requirements of sec. (3) of this Ordinance shall forfeit not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00). Each service of a separate patron in a manner which violates sec. (3) hereof is a separate offense. Citations shall be issued by a designated Health Officer, or authorized agent of the Health Officer, deputies of Adams County Sheriff's Department, or other law enforcement officers in Adams County.
- (c) The penalties hereunder shall double for second and subsequent offenses.
- (d) Upon conviction of a second violation, the tattoo license of the operator shall be revoked for one (1) year.

(6) **VIOLATIONS**

Violations of this ordinance are an immediate and present danger to the public health and welfare. Unlicensed or unsanitary operation of a tattoo business shall be deemed to cause irreparable harm. Violations of this ordinance may be enjoined, without prejudice, to seek forfeiture for the violations involved.

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Effective Date. This ordinance shall take effect and be enforced upon passage and publication as provided by law.

Published in the Times Reporter, the official newspaper of Adams County on the 2nd day of January 1996.

Recommend for adoption by the Adams County Health Board on this 2nd day of January 1996.

Adopted by: The Adams County Board of Supervisors this 16th day of January 1996.

Defeated ()

Beverly Ward, County Clerk
Ted Albasini, Board Chairman

- *See original ordinance in Amendments Binder for signatures (2003)*