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No. 250701-2

**TATTOO PARLOR AND BODY PIERCING FACILITY ORDINANCE  
OF BROWN COUNTY, INDIANA**

WHEREAS, the state of Indiana has amended the laws concerning tattoos and tattoo parlors; and

WHEREAS, tattoo operations and procedures are becoming more and more common among residents of the state of Indiana and the residents in Brown County, Indiana; and

WHEREAS, the reasonable regulation of the tattooing parlor business is in the best interest of the residents of Brown County, Indiana; and

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

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

WHEREAS, the Board of Health of Brown County, Indiana, has, after study and deliberation, recommended passage of this ordinance;

WHEREAS, the Brown County Health Officer is empowered to protect the health and safety of the citizens of Brown County; and

WHEREAS, the Brown County Health Officer can best inspect to oversee the operation of tattoo businesses; and

WHEREAS, the Brown County Health Officer believes that tattoo businesses should be licensed and subjected to reasonable inspections by the Health Department; and

WHEREAS, the Indiana State Department of Health has, pursuant to Indiana Code § 16-19-3-4.1, adopted reasonable rules to regulate the sanitary operation of tattoo parlors, and the Brown County Health Officer desires to adopt an ordinance to enforce the State Board of Health regulation of the operation of tattoo parlors in Brown County, Indiana; and

BE IT THEREFORE ORDAINED by the Board of Commissioners of Brown County, Indiana, that

**Chapter 1. Definitions**

Unless otherwise apparent from the context, as used in this ordinance the following

definitions shall apply throughout this ordinance:

“Body piercing” means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

“Body piercing facility” means any place used for the purpose of body piercing.

“Artist” means any person who performs body piercing or tattooing.

“Artist assistant” means any person who assists an artist in the performance of body piercing or tattooing.

“Housekeeper” means any person who cleans or is responsible for cleaning a body piercing facility or tattoo parlor.

“Operator” means any person who owns, possesses, controls or has a financial interest in a body piercing facility or tattoo parlor.

“Patron” means any person who is a customer of a body piercing facility or tattoo parlor.

“Person” means any human being, firm, association, cooperative, partnership, company or corporation.

“Tattoo” means: (1) any indelible design, letter, scroll, figure, symbol, or other mark placed upon or under the skin of the human body with the aid of needles or other instruments; or (2) any design, letter, scroll, figure, or symbol done by scarring upon or under the skin of the human body.

“Tattoo parlor” means any place used for the purpose of tattooing.

## **Chapter 2. Application and Scope**

A. The provisions of this ordinance shall apply throughout Brown County, Indiana.

B. The provisions of this ordinance shall not apply to an act of a health care professional (as defined in Ind. Code § 16-27-2-1) licensed under Ind. Code, Chapter 25, when the act is performed in the course of the health care professional's practice.

## **Chapter 3. Minimum standards for tattoo parlors and body piercing facilities.**

All tattoo parlors and body piercing facilities shall be operated in accordance with the terms and provisions of this Ordinance, including rules incorporated herein by reference, and any other applicable health codes or standards prescribed by law. In the event of any conflict

between the provisions of this Ordinance and the rules incorporated herein, the provisions of this Ordinance shall control.

## Chapter 4. Licensing and Fees

### I. General

A. The Brown County Health Department, by the Health Officer or the duly appointed agent of the Health Officer, shall have the authority to issue licenses required pursuant to this Ordinance for the operation of tattoo parlors and body piercing facilities and for the practice of tattooing and body piercing.

B. No person shall operate a tattoo parlor or body piercing facility, nor shall any person practice tattooing or body piercing, unless that person has obtained a license to do so from the Brown County Health Department.

### II. Facilities

A. All applications for a license for a proposed tattoo parlor or body piercing facility shall be made on a form prescribed for that purpose by the Brown County Health Department and when submitted shall be accompanied by a non-refundable \$25.00 application fee.

B. Upon receipt of the application and application fee, the Brown County Health Department shall conduct an inspection of the proposed tattoo parlor or body piercing facility to determine compliance with the terms of this Ordinance and any other applicable health codes or standards.

C. If the proposed tattoo parlor or body piercing facility does not meet or exceed the standards set forth in this Ordinance and any other applicable health codes or standards:

(1) The Brown County Health Department shall give the applicant, in writing, a statement of all deficiencies found.

(2) The statement shall notify the applicant that he may either:

(a) seek to correct the deficiencies within 30 days from the issuance of the statement and, upon payment of a \$10.00 non-refundable reinspection fee, be subject to another inspection to determine his compliance with this Ordinance and any other applicable health codes or standards; or

(b) decline the reinspection provided in paragraph (a), above, and submit a new application as provided in this ordinance after 60 days have passed from the date the statement of deficiencies was issued.

(3) If the reinspection reveals that the deficiencies have not been corrected, or that other deficiencies exist, the application shall be denied. Provided, however, if additional deficiencies are found that were existing at the time of the initial inspection that should have been discovered at that time, the applicant shall be

given written notice of any such deficiencies and shall be permitted an additional 30 days within which to correct them, and such reinspection to determine whether such corrections have been made shall be done at no additional cost to the applicant.

(4) If the reinspection reveals that the deficiencies have been corrected, and no other deficiencies are found, the Brown County Health Department may issue a license as provided in this Ordinance.

D. If the proposed tattoo parlor or body piercing facility meets or exceeds the standards set forth in this Ordinance and any other applicable health codes or standards, the Brown County Health Department shall issue a license to operate the parlor or facility.

### III. Artists

Applications for a license to practice tattooing or body piercing shall be made upon a form prescribed by the Brown County Health Department and shall be accompanied by a \$25.00 licensing fee.

### IV. License Period and Renewal

A. All licenses issued pursuant to this Ordinance shall be effective for one calendar year or the remainder thereof from the date of issuance.

B. All licenses shall be renewed each year during the period starting January 1 and ending at the close of business on January 15.

C. Licenses not renewed within the above period will be deemed expired. Provided, however, that a license may be reinstated within 7 days after its expiration upon payment of a late fee. No reinstatement of any license shall be thereafter permitted, and no person who has allowed his license to expire shall be permitted to reapply for any license under this Ordinance for a period of 60 days from the date of expiration.

### V. Licensing Fee Amounts

A. The fee for a license to operate a tattoo parlor or body piercing facility, or a combined tattoo parlor and body piercing facility, shall be \$100.00 per calendar year.

B. The fee for a license to practice tattooing or body piercing, or a license to practice tattooing and body piercing, shall be \$25.00 per calendar year.

C. License fees shall not be prorated according to time remaining in a calendar year from the date of application or date of issuance.

D. Late fees for reinstatement of an expired license shall be, in addition to the annual

licensing fee:

- (1) \$25.00 for reinstatement of a license to operate a tattoo parlor or body piercing facility; and
- (2) \$10.00 for reinstatement of a license to practice tattooing or body piercing.

## VI. Purpose and Use of Funds

A. The purpose of all fees collected pursuant to this Ordinance is to defray the costs of inspections and record-keeping required by this Ordinance and any other applicable health codes or standards.

B. All fees collected pursuant to this Ordinance shall be deposited in the Brown County Health Fund.

## Chapter 5. Standards and Practices

### I. Operators

A. All tattoo parlors and body piercing facilities shall require that all persons working in the parlor, including but not limited to artists, artists' assistants, housekeepers and other workers who have a reasonably anticipated risk of exposure to blood or other bodily fluids, to receive bloodborne pathogen training in accordance with OSHA bloodborne pathogen standards. Such training shall be administered by an accredited organization or individual (i.e. Red Cross) authorized by law to certify its successful completion. Certificates showing current compliance with such training standards shall be displayed in public view within the facility.

B. All tattoo parlors and body piercing facilities shall display in public view within the facility a copy of the patron's rights information prescribed by the Indiana State Board of Health.<sup>1</sup>

C. All tattoo parlors and body piercing facilities shall display in public view within the facility a copy of a license to operate issued by the Brown County Health Department.

D. Operators of tattoo parlors and body piercing facilities shall supply all persons working therein with appropriate personal protective equipment.

E. All tattoo parlors and body piercing facilities shall maintain records of each patron, including his name, age, date tattooed or pierced, location and description of the tattoo or piercing on his body, and the name of the artist who performed the tattooing or piercing.

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<sup>1</sup> Information: A copy of the patient's rights information notice may be obtained from the Brown County Health Department.

Such records shall be maintained for inspection by the Brown County Board of Health for a period of 2 years after the procedure was completed.

F. All tattoo parlors and body piercing facilities shall maintain a policy manual, prepared in accordance with 410 IAC 1-5-29 and all other applicable health codes and standards, setting forth rules which shall be followed by persons working therein, and which shall include, but not be limited to the following:

(1) The manual shall set forth all policies and procedures for using, handling, maintaining, cleaning, sterilizing, discarding and ordering of equipment and waste, including but not limited to:

- (a) requiring disposable gloves to be used when decontaminating surfaces and equipment;
- (b) requiring that disposable gloves be changed when their ability to function as a barrier is compromised;
- (c) requiring disposable gloves to be used during all tattooing and body piercing procedures and their removal and replacement if such procedures are interrupted;
- (d) prohibiting the reuse of disposable gloves for any purpose;
- (e) requiring that clean protective clothing be worn when there is a risk of contamination with blood or other bodily fluids;
- (f) requiring that appropriate mask or eye protection is worn if there is a risk of contamination of the eye, mouth or nose by blood or other bodily fluids;
- (g) requiring needles to be discarded into sharps containers immediately after use;
- (h) requiring the use of only single-use needles, sterile and individually packaged;
- (i) prohibiting the bending, breaking or otherwise manipulating by hand of contaminated needles;
- (j) requiring the use of only single-use towels;
- (k) requiring the sterilization of all reusable equipment through or by which an infectious agent may be transmitted to any person before its reuse, including a list of such equipment;
- (l) setting forth sterilization procedures to be used for any reusable equipment, including temperature and time required for sterilization of heat-stable reusable equipment and chemicals and time required for sterilization of non-heat-stable reusable equipment;
- (m) requiring that sterilized equipment be packaged in single-use packaging;
- (n) requiring documentation of sterilization techniques used including, as applicable, their duration and temperature or chemicals used;
- (o) requiring that a log be kept demonstrating the monthly determination of sterility by use of a biological indicator and equipment maintenance as recommended in the equipment owner's manual;

- (p) requiring that contaminated reusable equipment is placed in puncture-resistant containers, labeled with the biohazard symbol and leak-proof on sides and bottom, stored in a manner that does not require reaching by hand into the container;
  - (q) requiring that all contaminated equipment be cleaned prior to sterilization;
  - (r) requiring that all reusable tubing be cleaned and sterilized before use; and,
  - (s) requiring that all dyes and pigments be obtained from a professional supplier and used in individual portions from single use containers, which shall be discarded along with any remaining dye or pigment after each single use.
- (2) The manual shall set forth all policies and procedures to be observed in cases of illness, whether of staff, visitors or patrons, including:
- (a) prohibiting any tattoo or body piercing artist who is experiencing symptoms of acute illness (including but not limited to diarrhea, vomiting, fever, rash, productive cough, jaundice, draining or open skin infections or wounds, boils, impetigo or scabies) from providing tattooing or body piercing services; and
  - (b) prohibiting any person who is experiencing symptoms of acute illness from being in the immediate area where any tattooing or body piercing procedure is performed.
- (3) The manual shall set forth all policies and procedures:
- (a) requiring the use of universal precautions (i.e. personal protective equipment),
  - (b) requiring disinfection or sterilization of contaminated reusable items,
  - (c) requiring the safe handling and disposal of infectious waste, and
  - (d) requiring handwashing:
    - (i) with soap and running water,
    - (ii) immediately before putting on protective gloves and immediately after their removal or the removal of other personal protective equipment.
- (4) The manual shall set forth all record-keeping procedures required of persons working in the facility to insure compliance with the manual, this Ordinance, or any other applicable health codes or standards.
- (5) The manual shall set forth sanctions for failure to observe practices required by the manual, this Ordinance, or any other applicable health codes or standards.

F. All infectious waste shall be stored in covered containers that are leak-proof at the sides and bottom and labeled with the biohazard symbol. Such waste shall not be stored in an area accessible to the general public. Such waste shall only be picked up by a person authorized by law to transport and dispose of infectious waste. Records of each pick-up of such waste shall be made and kept for inspection by the Brown County Health Department.

## II. Facilities

- A. All work surfaces shall be non-absorbent, smooth and easily cleaned. They shall be free of breaks, open seams, cracks, pits or similar imperfections.
- B. Surfaces and equipment that have been contaminated with blood or other bodily fluids shall be cleaned and disinfected. Disinfectant solutions must be:
- (1) a hospital-grade tuberculocidal disinfectant that is EPA approved;<sup>2</sup> or
  - (2) a solution consisting of 10% household bleach in clean, fresh water, mixed no more than 24 hours prior to its use.
- C. Handwashing facilities and supplies, including germicidal soap, shall be readily available to all persons working in any tattoo parlor or body piercing facility.
- D. No eating, drinking, smoking or applying cosmetics shall be permitted in areas where exposure to blood or other bodily fluids is likely.
- E. No tattooing or body piercing shall be conducted in living quarters or any room that opens into living quarters.
- F. No animals shall be permitted in areas where tattooing or body piercing is to be performed. Provided, however, that this shall not apply to guide dogs and dogs used by law enforcement while engaged in the performance of their duties.

## III. Artists and Facility Workers

- A. All persons working in tattoo parlors or body piercing facilities shall display in public view therein valid and current certificates of bloodborne pathogen training and infectious waste training, conducted in accord with OSHA standards and issued by an accredited training individual or organization.
- B. All persons working in tattoo parlors or body piercing facilities shall, in all respects, comply with the policies and procedures set forth in the facility's policy manual, this Ordinance and any other applicable health codes or standards.

## Chapter 6. Access to Records and Inspections

- A. All records, manuals, certifications and other documents required to be kept by any person subject to this Ordinance shall be subject to inspection by the Brown County Health Department or a designated representative thereof at any time the tattoo parlor or

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<sup>2</sup> Information: Disinfectants that kill tuberculosis are believed strong enough to kill hepatitis B and C and HIV. The label should identify tuberculocidal solutions.



body piercing facility is open for business and, upon notice, at such other times as may be arranged by agreement.

B. The Brown County Health Department or a designated representative thereof may inspect the premises of any tattoo parlor or body piercing facility at any time thereof at any time the tattoo parlor or body piercing facility is open for business and, upon notice, at such other times as may be arranged by agreement to determine compliance with this Ordinance and any other applicable health codes or standards.

C. The Brown County Health Department or a designated representative thereof shall conduct any such inspections with due regard to the privacy of any patron of the tattoo parlor or body piercing facility.

D. As a condition of obtaining or keeping a license for the operation of a tattoo parlor or body piercing facility, the licensee shall permit the above inspections.

E. The licensee, his agents and employees, shall render such reasonable assistance to the Brown County Health Department or its designated representatives engaged in such inspection as may be required to enable it to perform its duties. The licensee shall furnish the facilities and assistance necessary to allow the officer it to conduct any necessary tests and fill out all papers and forms required in the discharge it duties.

F. Refusal to permit or interference with such an inspection shall result in the immediate revocation of all licenses to operate a tattoo parlor or body piercing facility held by the operator of the parlor or facility and the suspension of all licenses to practice tattooing or body piercing held by any artist who refuses to permit or interferes with such an inspection.

## Chapter 7. Miscellaneous

### I. Venue and Choice of Law

A. Proper venue for the enforcement of this ordinance shall be in a court of competent jurisdiction in Brown County, Indiana.

B. The provisions of this ordinance shall be construed using the laws of the State of Indiana.

### II. Conflicts and Severability

A. The provisions of this ordinance are intended to be supplemental to the laws of the State of Indiana, and to the extent that they may conflict with said laws, the laws of the State of Indiana shall control.

B. Should any provision of this ordinance be found by a court to be invalid, the remainder of the ordinance shall remain in full force and effect.

### III. Construction

All terms of this ordinance, unless defined or otherwise apparent from the context in which they are used, shall be construed in terms of their plain and ordinary meaning. Masculine terms shall be construed so as to include the feminine, and singular terms shall include the plural.

### Chapter 8. Effective Date

This ordinance shall be effective upon its passage and publication as required by law.

APPROVED AND ORDAINED by the Board of Commissioners of Brown County, Indiana this 7 day of May, 2001.

BOARD OF COMMISSIONERS  
OF BROWN COUNTY, INDIANA

\_\_\_\_\_  
Amy S. Couch, President

James L. Gredy  
James L. Gredy, Vice-President

Guy L. Platter  
Guy L. Platter, Commissioner

ATTEST:

Kathi S. Smith  
Kathi S. Smith, Auditor

Instrument      Book Page  
200100001985 OR      36 1871

**BROWN COUNTY HEALTH DEPARTMENT**  
**201 LOCUST LANE NASHVILLE IN 47448**  
**812-988-2255**



**TATTOO PARLOR APPLICATION**

NAME of ESTABLISHMENT	
Tax ID number	
BUSINESS ADDRESS:	<hr/> <hr/> <hr/>
BUSINESS PHONE: CELL PHONE: FAX:	<hr/> <hr/> <hr/>
OWNER'S NAME ADDRESS PHONE if different from above	<hr/> <hr/> <hr/>
MANAGER'S NAME ADDRESS PHONE if different from above	<hr/> <hr/> <hr/>
BIOHAZARD WASTE DISPOSAL COMPANY ADDRESS; PHONE:	<hr/> <hr/> <hr/>

**FEES: Tattoo Parlor \$100 Each Artist \$25 per artist**  
**List all artists with addresses and contact information on the back of this sheet.**

APPROVED; \_\_\_\_\_ DATE \_\_\_\_\_

# ARTIST NAME, ADDRESS, CONTACT INFORMATION

\$25.00 per artist

name	phone	Address

Please send application and payment to:

Brown County Health Department

Attn: Jennifer Rugenstein, EHS

P O Box 281

Nashville IN 47448

We can now take credit card payments, cash or money orders.  
No checks please.