

**RULES AND REGULATIONS
OF DOUGHERTY COUNTY**

BODY ART STUDIOS AND TATTOO/BODY PIERCING ARTISTS

DOUGHERTY COUNTY BOARD OF HEALTH

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I. Authority.

The legal authority for this Rule is Chapter 16-5-71 and Chapter 31-40 of the Official Code of Georgia Annotated. (O.C.G.A. Chapters 16-5-71, 31-40-1, 31-40-2, 31-40-3, 31-40-4, 31-40-5, 31-40-6, 31-40-7, 31-40-8, 31-40-9, and 31-5.)

II. Purpose.

The purpose of these rules and regulations is to establish reasonable standards for individuals performing tattoo and body piercing procedures and for the facilities from which the procedures are provided. Such standards should insure the health and safety of all individuals performing and receiving these services.

III. Exemptions.

These regulations do not apply to a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath.

IV. Definitions.

Unless otherwise defined by specific sections as used in these rules and regulations the term:

(a) "Antibacterial Solution" means any solution used to retard the growth of bacteria approved for application to human skin and includes all products labeled accordingly.

(b) "County" means the local County Board of Health or its duly authorized representatives.

(c) "Currently Licensed Health Care Professional" includes physicians, Registered Nurses (RN), Licensed Practical Nurses (LPN), and Licensed Emergency Medical Technicians.

(d) "Department" means the local Board of Health

(e) "Administrative Body" means the partnership, the corporation, the association, or the person or group of persons who maintain and control the tattoo/body-piercing studio and who are legally responsible for the operation of the studio.

(f) "Permit" means the authorization granted by the Department/ County to the administrative body to operate a tattoo/body-piercing studio.

(g) "Plan of Correction" means a plan for correcting deficiencies in meeting rules and regulations of the local Board of Health.

(h) "Sanitary" means clean and free of agents of infection or disease.

(i) "Sanitized" means effective antibacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.

(j) "Sterilization" means holding an instrument in an autoclave for required length of time at 15 - 30 pounds pressure at a temperature of 249.8 degrees Fahrenheit or 121 degrees Celsius.

(k) "Tattoo" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin.

(l) "Tattoo Artist" means any person who performs tattooing.

(m) "Body Piercing" means the creation of an opening in an individual's body other than the individual's ear, to insert jewelry or other decoration.

(n) "Body Piercing Artist" means any person who performs body piercing.

(o) "Body Art Studio" means any permanent building or structure on a permanent foundation, holding a valid city or county business license and permit from the County Board of Health, wherein a tattoo/body piercing artist performs tattooing or body piercing. This shall not include tattoo removal.

(p) "OSHA" means Occupational Safety and Health Association.

V. Administrative Body.

(1) The administrative body shall be responsible for compliance with the requirements in Chapter 31-40 of the Official Code of Georgia Annotated, with applicable administrative rules and regulations of the local County Board of Health, including but not limited to all applicable statutes, rules and regulations regarding disclosure of ownership.

(2) The administrative body shall certify in its application the name(s) and exact duties of employees/artists who have been designated as being responsible for carrying out the rules and policies adopted by the administrative body. The following information shall be included: Social Security Number, DOB, gender, home address, home/work phone numbers, ID photos of all operators/technicians.

(3) Prior to being granted a permit, each body art studio shall develop a written statement of policies and procedures outlining the responsibilities of management.

(4) No person under the age of eighteen (18) shall be tattooed or pierced, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to do.

(5) Tattoo/body piercing artists shall not be under the influence of alcohol and/or drugs while performing tattoo/body-piercing procedures.

(6) Operators shall refuse services to any person, who in the opinion of the operator, is under the influence of alcohol or drugs.

(7) No animals, except for service animals accompanying disabled persons or on-duty law enforcement officers, shall be allowed in the tattoo/body-piercing studio.

VI. Minimum Floor Plan Requirements.

(1) Plans.

- (a) Approval of Plans. Properly prepared plans to scale and specifications must be submitted to the Department for review and approval when a body art studio is constructed or extensively remodeled, or when an existing structure is converted to use as a body art studio.
- (b) Submission of Plans. The plans and specifications shall be submitted to the Department at least fourteen (14) business days prior to the anticipated start of construction. Plans shall include floor plan layout, arrangement of equipment, mechanical plans, construction materials and finish schedule and the type and model of proposed fixed equipment and facilities.

(2) The body art studio shall be constructed, arranged, and maintained as to provide adequately for the health and safety of its customers.

(3) The studio shall be constructed in a manner to allow the customer receiving the tattoo/body piercing adequate privacy from observers. The work area shall be separate from the waiting area.

(4) Body art studios must have adequate ventilation.

(5) Walls and ceilings must be painted or covered in a manner which would allow for easy and effective cleaning. Paint or covering must be light in color.

(6) Floors of the work area must not be carpeted. Surfaces shall be of a nonabsorbent material that would allow for effective cleaning by conventional methods.

(7) A clean and sanitary toilet and hand washing facility shall be made accessible to customers; however, it shall be separate from the work area.

(8) The work area shall be equipped with at least one sink and basin providing hot and cold running water for the use of the artists for washing their hands and preparing customers for tattooing/piercing. This area shall be provided with soap, an antibacterial solution, single use towels or air blower, and individual hand brushes for each artist.

(9) The work area shall be provided with adequate lighting. The facility shall be equipped with at least one utility sink, providing hot and cold running water for use in cleaning reusable receptacles and the facility.

(10) The work area shall not be used as a corridor for access to other rooms.

(11) The body art studio shall be constructed in a manner to allow each customer receiving the procedure adequate privacy from observers; thus the procedure room(s) shall be separated by a fixed and solid door(s), wall(s), or partition(s) extending from floor to ceiling from any other area including the waiting area.

(12) The body art studios shall not be allowed to occur in automobiles, mobile, transitory or other non-fixed facilities. Such non-fixed facilities include, but are not limited to, mobile homes, tents, recreational vehicles, and trailers.

(13) Body art studios shall not be allowed in facilities used for human habitation. Body art studios shall have permanent, physical separation from other businesses, if in the same building.

VII. Furnishings and Fixtures.

(1) Furnishings of the body art studio shall be maintained in good condition, intact, and functional. Furnishings should be made of or covered in a material that is easily cleanable and non-absorbent. The studio shall be kept clean, neat, and free of litter and rubbish.

(2) Cabinets for the storage of instruments, dyes, pigments, single use articles, carbon, and stencils shall be provided for each tattoo artist and shall be maintained in a sanitary manner which protects them from contamination.

(3) Work tables and chairs shall be provided for each tattoo/body piercing artist.

(a) Surfaces of all worktables and chairs shall be constructed of material, which is smooth, nonabsorbent, corrosive resistant, and easily sanitized.

(b) Work tables and chairs shall be sanitized with a bactericidal solution after each application.

(4) Body art studios operating prior to the effective date of this Rule will have two (2) year, from the effective date of this Rule, to come in full compliance with Sections VI and VII, except if the Department determines that a significant or eminent health hazard exists.

VIII. Supplies.

(1) Bulk single use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the toilet facilities.

(2) All materials applied to the human skin shall be from single use containers and shall be disposed of after each use.

IX. Dyes and Pigments.

(1) All dyes and pigments used in tattooing shall be from professional suppliers specifically providing dyes and/or pigments for the tattooing of human skin.

(2) In preparing dyes or pigments to be used by a tattoo artist, only nontoxic sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, sterilized individual containers or single-use containers shall be used for each patron.

(3) After tattooing, the remaining unused dye or pigment in the single-use or individual containers shall be discarded along with the container.

X. Piercing Jewelry.

(1) Client and piercer should have appropriate size and quality jewelry chosen before the procedure begins.

(2) Jewelry used in piercing shall consist of an approved material suitable for permanent surgical implant, such as, high quality surgical stainless steel (316LVM series), niobium, titanium, platinum or a dense low porosity plastic material such as Tygon or PTFE. Copies of the jewelry manufacturer's documentation, which verify compliance with standards, must be available for inspection on request of the local Health Department. Solid 14 karat, or high, white or yellow nickel-free gold may be used. Purity verification must also be available for inspection on request of the Department. Appropriate jewelry has no nicks, scratches, or irregular surfaces.

(3) Ear studs or other jewelry designed for earlobe piercing are not appropriate jewelry for other body parts and must not be used by piercers.

XI. Sanitation.

(1) Prior to the start of the tattoo/body piercing procedure, the artist should inspect his/her hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage should be applied for added protection before gloving. Trim fingernails to insure that gloves are not punctured.

(2) All jewelry such as watches, rings, etc. should be removed prior to the start of the tattoo/piercing procedure.

(3) Before working on each client, the fingernails and hands of the tattoo/body piercing artist shall be thoroughly washed and scrubbed with warm water, and antibacterial soap, using an individual hand brush that is clean and in good repair. The hands should then be dried by either an air blower or by single use towels prior to beginning work on each client or when interrupted in the process.

(4) Single use disposable latex or approved non-latex examination gloves shall be worn during the tattooing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo, the gloves become torn or punctured, or whenever their ability to function is compromised.

(5) Each artist shall wear a clean outer garment, apron or smock. These items shall be changed after each client.

(6) Tattoo/body piercing artists who are experiencing symptoms of diarrhea, vomiting, fever, rash, or skin infections shall refrain from tattooing/body piercing activities.

(7) Any body art employee who is diagnosed or shows symptoms of a blood borne pathogen disease, must be excluded from the body art studio, until such time as he/she has a return to work notice from a physician.

(8) Adequate numbers of sterilized needles and tubes must be on hand for each artist for the entire day and night operation.

(9) Only single-use disposable razors shall be used to shave the area to be tattooed.

(10) Smoking and Consumption of food or drink is prohibited in body art studio except in a separate, designated room approved by the Department.

(11) Universal precautions are to be followed per OSHA standards and guidelines. A copy of the OSHA standards and guidelines shall be available in the body art studio.

XII. Sterilization.

- (1) An operational sterilizer (autoclave) shall be provided in each body art studio.
- (2) Used non-disposable instruments shall be kept in a separate puncture resistant container until brush scrubbed in hot water and soap, and then sterilized by autoclaving.
- (3) The following procedures should be followed during the sterilization process:
 - (a) Prior to being placed in the autoclave all equipment shall be bagged, labeled, dated and sealed.
 - (b) Each autoclave bag may hold no more than one tube with needle and bar.
 - (c) Autoclave shall be operated according to manufacturer's instructions and shall be made available for inspection
 - (d) Spore indicators shall be used a minimum of at least once a week and the results must be kept at location for a minimum of three years.

XIII. Tattoo Preparation.

- (1) Before placing the tattoo design on the client's skin, the artist shall treat the skin area with an antibacterial solution.
- (2) If an acetate stencil is used by a tattoo artist for transferring the design to the skin, it shall be thoroughly cleaned and rinsed in a germicidal solution for at least twenty (20) minutes and then dried with sterile gauze or dried in the air on a sanitized surface after each use.
- (3) If a paper stencil is used by a tattoo artist for transferring the design to the skin, it shall be single use and disposable.
- (4) If the design is drawn directly onto the skin, it shall be applied with a single use article only.

XIV. Body Piercers Shall.

- (1) Set up equipment in front of client.

(2) Open sealed autoclave bags containing sterile equipment in front of client, and discard the autoclave bag.

(3) Disinfect all jewelry contaminated with only airborne pathogens (not previously worn or contaminated) with a non-hazardous hard surface disinfectant approved by the EPA. All jewelry contaminated or potentially contaminated with blood borne pathogens (previously worn by another person) should be autoclaved, stored in sterile indicator bags, sealed and dated.

(4) Pre-sterilize all needles used in piercing, use only on one person, at one sitting, for a single piercing, and immediately dispose of in a medical sharps container.

(5) Pre-sterilize all forceps, tubes, etc. in sealed, dated, sterile indicator bags. These items are to be used on one person, in one sitting. After one such use, they must be autoclaved and stored in sterile indicator bags, sealed and dated.

XV. After Tattoo/Body Piercing Application.

(1) The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution.

(2) After the area has dried, apply a layer of antibacterial ointment from a collapsible or plastic tube.

(3) A bandage shall then be applied to the tattoo using sealed telfa (non-sticking) pads.

(4) Verbal and written instructions, approved by the Department for the care of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection and contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. The facility shall also post in public view the name, address and phone number of the local County Health Department and the procedure for filing a complaint. The Notice for Filing a Complaint shall be included in the establishment Application Packet.

(5) Any client reporting an infection shall be immediately referred to a physician.

XVI. Disinfection of Workplace.

Each body art studio must be kept clean and sanitary. The owner must develop and implement a cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed. This written schedule must be based on the location within the studio, the type of surfaces to be cleaned, type of possible contamination present, the tasks or procedures to be performed, and their location within the studio.

The following procedures should be adhered to.

(1) Clean and sanitize all equipment and work surfaces with an appropriate disinfectant after completion of tattoo/body piercing procedures and at the end of work shift when surfaces have become contaminated since the last cleaning.

(2) Remove and replace protective coverings such as plastic wrap and aluminum foil after each tattoo procedure

(3) Inspect and decontaminate, on a daily basis, reusable receptacles such as bins, pails, and cans that have likelihood for becoming contaminated. When contamination is visible, clean and decontaminate receptacles immediately, or as soon as feasible.

XVII. Disposal of Waste.

(1) Needles, razors, or other sharp instruments used during tattoo/body piercing procedures, shall be placed in puncture resistant, closed containers immediately after use.

(2) Needles shall not be purposely bent or broken, or otherwise manipulated by hand.

(3) Needles and other sharp waste must be disposed of in an approved sharps container.

(4) Containers of sharp waste shall be sent to a facility where they are either incinerated or otherwise rendered non-hazardous in compliance with 29 CFR Part 1920.1030, Occupational Exposure to Blood Borne Pathogens.

(5) Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in an approved "red" bag, which is marked with the International Biohazard Symbol. It must then be disposed of in compliance with 29 Code of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Blood borne Pathogens".

(6) Waste containers shall be kept closed when not in use.

(7) Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.

(8) At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

(9) Written documentation of proper sharps and biohazard waste disposal must be maintained at the body art studio.

XVIII. Personnel

(1) Persons performing the tattoo/ body piercing operation shall obtain current certification in first aid and proof of attendance at a Blood borne Pathogen training program (or equivalent), given or approved by the Health Department. Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted for consideration.

(2) If the artist is currently in business at the time of application for permit, the above certification must be obtained within sixty (60) days from the date the permit is issued.

(3) Proof shall be provided upon request that all operators have either completed or were offered and declined in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the employee and that the vaccine cannot be given.

(4) The owner or governing body must maintain a file on all employees who perform tattoo/ body piercing procedures, which will be available for inspection and includes the following:

- (a) Report of Hepatitis B Vaccination, Hepatitis B antibody testing results or Statement of Contraindication to Hepatitis B vaccine.
- (b) Evidence of first aid certification and completed training in Disease Prevention/ Blood borne Pathogens.

XIX. Client Files.

(1) For each client, proper records of identification, tattoo/piercing administered, informed consent, and care instructions shall be kept and retained for a minimum of two (2) years.

(2) Records of each client shall be prepared prior to the procedure being performed and shall reflect the client's name and signature, address, proof of age, date tattooed/ pierced, design, its location and name of the artist.

(3) A statement of informed consent by the individual receiving the tattoo/ piercing must be maintained on file.

(4) A statement by the client attesting that he/she is not under the influence of alcohol and/or drugs shall be on file.

(5) A copy of procedures signed by the client advising them of proper subsequent care of the tattoo/ piercing shall be maintained on file.

(6) A copy of instructions signed by the client informing them on the risks involved and possible complications that might result from the tattoo/body piercing procedure must be maintained on file.

XX. Application For Permit.

(1) The administrative body of each body art studio shall submit to the local County Health Department an application for a permit to operate under the rules and regulations. No studio shall be operated and no tattooing/body piercing performed without such permit, which is current under these rules and regulations.

(2) The application for permit shall be made on forms provided by the County Health Department.

(3) Each application for a permit shall be accompanied by a floor sketch of the body art studio showing windows, doors, room measurements, chairs, tables and equipment placement for clients and/or staff.

(4) A listing of the names of all staff including the owner who will be working in the studio shall be included with the application for a permit. This listing shall include the full name of each staff person.

(5) The ownership of the studio shall be fully disclosed in its application for a permit.

(6) Zoning and other local requirements regarding proper location and establishment of body art studios shall be addressed by the applicant with the responsible local officials.

XXI. Operator/ Artist Permit.

(1) No person shall practice body art procedures without first obtaining an operator/artist permit from the County Health Department.

(2) The operator/artist permit shall be valid from the date of issuance and shall automatically expire in 1 (one) year and must be renewed annually unless revoked sooner by the Department.

(3) Application for the operator/artist permits shall include:

- (a) Name
- (b) Date of Birth
- (c) Sex
- (d) Residence address
- (e) Mailing address
- (f) Phone number
- (g) Place(s) of employment as an operator/artist
- (h) Training and experience
- (i) Proof of attendance at a Blood borne pathogen training program and first aid course given or approved by the Department.

(4) All operator/ artist permits shall be posted in a prominent and conspicuous area, near the front entrance, where they may be readily observed by clients.

XXII. Permit.

(1) The administrative body of each body art studio shall obtain a valid permit from the County/Department prior to beginning operation. To be eligible for a permit the studio must be in compliance with these rules and regulations.

(2) The permit shall be displayed in a conspicuous place on the premises.

(3) Permits are not transferable from one studio to another.

(4) The permit shall be the property of the Department. A permit shall no longer be valid and shall be returned to the County when the studio ceases to operate, has moved to another location, the ownership changes, or the permit is suspended or revoked.

(5) A studio, which fails to comply with these rules and regulations, shall be subject to the sanctions available to the County Health Department pursuant to O.C.G.A. 31-5 including but not limited to denial or revocation of its permit by the County/Department.

XXIII. Inspections.

(1) An inspection of a body art studio shall be performed at least twice annually. Additional inspections of the body art studio shall be performed as often as necessary for the enforcement of this Rule.

(2) The studio and its records shall be available for review and examination by properly identified representatives of the County/ Department.

(3) A copy of the most recent inspection report shall be displayed in a conspicuous place, near the front door where it may be readily observed and inspected by the public.

XXIV. Enforcement and Penalties.

(1) Enforcement of these Rules and Regulations shall be in accordance with O.C.G.A. 31-5.

(2) No body art studio shall operate without a permit. Failure or refusal to file an application for a permit shall constitute a violation of Chapter 40 of Title 31 of the Official Code of Georgia Annotated. Any person who fails or refuses to file including, but not limited to, an order to cease and desist operating a body art studio.

(3) The County Health Department may refuse to grant a permit for the operation of any body art studio that does not fulfill the minimum requirements of these rules and regulations and may revoke a permit, which has been issued and invoke other sanctions if a studio violates any of these rules and regulations. Before any order is entered refusing a permit applied for or revoking a permit the applicant or permit holder shall be afforded an opportunity for a hearing as provided in Article 1 of Chapter 5, of Title 31 of the Official Code of Georgia Annotated. The notice of refusal or revocation shall contain directions on how a hearing may be requested.

(4) The County/Department is empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining violation of any applicable provision of Title 31 of the Official Code of Georgia Annotated, or of the Rules and Regulations.

Effective Date.

These Rules and Regulations shall become effective on _____ 2008.

Adopted by the Dougherty County Board of Health on _____ 2008.

Notice of public hearing published in the Albany Herald on _____ 2008
through _____ 2008 and the Public Hearing was held on May 16, 2008.

Signed: _____
Bernard Scoggins, MD
Chairman, Dougherty County Board of Health

Signed: _____
Jacqueline M. Grant, MD
District Health Director – Health District 8-2

Signed: _____
Phyllis Plummer
Secretary – Dougherty County Board of Health

References:

Rules of the Georgia Department of Human Resources, Public Health, Chapter 290-31-40, Tattoo Studios and Artists, circa 1999.

Ordinance of the Dekalb County, Georgia Board of Health to Regulate the Body Craft Industry, 2005

Jewelry Standards, The Association of Professional Piercers (www.safepiercing.org/standards), April 20, 2007

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