

**AN ORDINANCE**

of the

**CITY OF****MINNEAPOLIS**

Biernat

ST READING: 2/16/2001
REFERRED TO (NAME OF) COMMITTEE: H&HS & PS&RS
PUBLIC HEARING: 3/8 & 4/12/2001
3RD READING AND FINAL PASSAGE: 4/20/2001

presents the following ordinance:

**Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations by adding a new Chapter 339 relating to Body Art.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 339 to read as follows:

**CHAPTER 339. BODY ART CODE**

**339.10. Purpose.** It is the considered judgment of the city council that tattooing, body piercing, and other similar body art by untrained persons is dangerous to the public health and welfare. The purpose and intent of this chapter is to establish rules, regulations, and standards for tattooing and body piercing in the City of Minneapolis.

**339.20. Definitions.** The following terms used in this ordinance shall be defined as follows:

*Aftercare* means written instructions given to the client, specific to the tattoo or body piercing procedure(s) rendered, on caring for the tattoo and surrounding area or piercing, and when to seek medical treatment.

*Antiseptic* means an agent that destroys disease-causing microorganisms on human skin or mucosa.

*Apprentice* means a person who is learning the skills of the practice of tattooing or body piercing under an apprenticeship within a licensed tattoo or body piercing establishment.

*Apprenticeship* means the educational time required for an apprentice to learn the skills of the practice of tattooing or body piercing, specifically, thirty (30) days minimum, one (1) year maximum time spent under the direct supervision of a licensed tattooist or piercer within a licensed tattoo or body piercing establishment.

*Body piercer or piercer* means any person engaged in the practice of body piercing.

*Body piercing or piercing* means puncturing or penetration of the skin and tissue of a person and the insertion of jewelry or other adornment into the opening, except puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

*Branding* means a mark made by intentional burning with a hot iron or other instrument.

*Contaminated waste* means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens".

**Convention temporary event** means a tattooing or piercing event held in a building other than the licensed tattooing or piercing establishment.

**Department** means the department of operations and regulatory services, City of Minneapolis.

**Director** means the director of operations and regulatory services, or designee.

**Disinfection** means the destruction of disease-causing microorganisms on inanimate objects or surfaces.

**Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of tattoo or piercing establishment.

**Establishment** means any location where tattooing, piercing, or both tattooing and piercing are practiced.

**Establishment plan** means a to-scale drawing or other suitable drawings and specifications of an establishment's layout which illustrates that the requirements of sections 339.160 (1) and (2) are incorporated into the establishment's proposed facilities.

**Guest artist temporary event** means tattooing or piercing within a licensed tattooing or piercing establishment by a person licensed to tattoo or pierce pursuant to section 339.120(1).

**Handsink** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

**Hot water** means water which attains and maintains a temperature of at least 110°F.

**Implanting** means to fix or set securely an object in or under tissue and includes but is not limited to 3-dimensional body art applications. Implanting does not include medical procedures including but not limited to pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by licensed medical personnel.

**Jewelry** means any personal ornament inserted into a newly pierced area.

**Piercer** (see "Body piercer").

**Piercing** (see "Body piercing").

**Remodel** means, for the purposes of the body art code, any change to the current establishment that would require either a building permit or trades permit for the work to proceed except that remodel does not include changes to the front desk area, wait area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into adjacent space to add workstations are examples of remodeling. Remodel also means any change to an establishment plan previously submitted to the Director.

**Sanitize/sanitization** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level.

**Scarification** means a mark left (as in the skin) by the healing of deliberately injured tissue.

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*Sharps* means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades, and razor blades.

*Sharps container* means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal, and is labeled with the international "biohazard" symbol.

*Single use* means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

*Sterilization* means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

*Suspension* means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus and subsequent hanging of the human body in mid air with the body being lowered and raised off the ground by pullies or other raising/lowering apparatus.

*Tattooing* means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

*Tattooist* means any person engaged in the practice of tattooing.

*Universal precautions* means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

**339.30. Authority.** This chapter is adopted pursuant to Minneapolis City Charter, Chapter 4, Section 5.

**339.40. Enforcement.** The department of operations and regulatory services shall enforce the provisions of this chapter. The director of operations and regulatory services, or designee thereof, after proper identification, shall at all reasonable times have the right to enter into and upon premises and inspect any tattooing or piercing establishment.

**339.50. License required.** No person shall operate any establishment where tattooing or piercing is practiced, nor engage in the practice of tattooing or piercing without being licensed under this chapter.

**339.60. Licensing procedure.** (a) All applications, new and renewal, for licenses shall be made upon forms furnished by the director, and upon payment of the license fee, the application shall be submitted to the city council for disposition, and when granted shall be issued by the director.

(b) Each new applicant shall:

- (1) Provide proof of an apprenticeship; or
- (2) Provide proof of being a credentialed (licensed or certified) medical professional including an MD, Physician Assistant, RN, LPN, Nurse Practitioner, Dentist, Dental Hygienist, Phlebotomist, Veterinarian, Veterinarian Technician, Ophthalmologist Technician, Dermatologist Assistant, Nurse Practitioner; or
- (3) Provide proof of completion of either the American Red Cross or US OSHA courses pertaining to bloodborne pathogens and the prevention of disease transmission. Other courses provided by professional tattooing or piercing organizations/associations, certified educational programs, or by equipment manufacturers, may be submitted to the department for approval.

(c) Each new applicant for a tattoo or body piercing license shall successfully complete an examination administered by the department. Successful completion of the examination given by the department shall be a passing grade of seventy (70) percent or better. The fee for such examination shall be twenty-five dollars (\$25.00).

(d) The city council may grant a tattooist or piercer a license by reciprocity with a municipality, county, or state, which has equal or greater requirements. Each new applicant under this section shall:

- (1) Provide to the department a copy of their license from the municipality, county, or state where they are currently licensed.
- (2) Make license application upon forms furnished by the director, and upon payment of the license fee, the application shall be submitted to the city council for disposition, and when granted shall be issued by the director.

**339.70. Apprenticeship procedure.** (a) No person shall apprentice at a licensed tattoo or body piercing establishment until the licensed tattooist or piercer conducting the apprenticeship submits to the director the following:

- (1) The name and address of the establishment where the apprenticeship is taking place.
- (2) The name of the apprentice.
- (3) The name(s) of the tattooist(s) or the piercer(s) conducting the apprenticeship. If more than one person is conducting the apprenticeship, then a lead person must be identified on the application.
- (4) The starting date of the apprenticeship.
- (5) The anticipated completion date of the apprenticeship.

(b) One of the licensed tattooists or piercers identified pursuant to 339.70 (a) (3) shall be present at all times when the apprentice is tattooing or piercing.

(c) An apprenticeship shall last for a minimum of thirty (30) days, one (1) year maximum.

(d) If the apprenticeship procedure is not followed, the licensed tattooist or piercer conducting the apprenticeship will be sanctioned.

**339.80. Location restricted.** No tattooist or piercer shall engage in the practice of tattooing or piercing at any location other than the location(s) listed in the application and license.

**339.90. Establishment plan review.** Establishment plan review is required for all new, remodeled, and altered establishments prior to commencement of construction. An establishment owner must submit an establishment plan to the director for approval of such plans and specifications. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of sections 339.160 (1) and (2). Failure to submit a plan for approval may result in the closing down of operations until plans have been approved.

**339.100. License fee.** (a) *Tattooist or piercer.* The annual license fee for a tattooist or a piercer shall be one hundred fifty dollars (\$150.00). The type of license sought must be indicated on the application. A person who is a tattooist and a piercer must indicate both on the application, but one (1) fee shall be waived. A tattooist or a piercer may engage in the practice of tattooing or piercing at up to four (4) licensed establishments without acquiring additional licenses provided that the additional establishments are listed on the license application.

(b) *Establishment.* An establishment shall pay an annual license fee of one hundred fifty dollars (\$150.00). The licensee of an establishment, if also a tattooist or piercer, shall not be required to pay the tattooist or piercer fee described in section 339.100 (a).

(c) *Establishment plan review.* The establishment plan review fee shall be one hundred dollars (\$100.00).

**339.110. When licenses expire.** All licenses issued under this chapter shall expire on the first day in May of each year.

**339.120. Temporary event license.** Notwithstanding the requirements set forth in this chapter, the Director may issue a temporary license to a tattooist or piercer for a convention or guest artist temporary event. A convention temporary event shall be sponsored by a licensed tattooist, piercer, establishment, or professional organization. A guest artist temporary event shall be sponsored by a licensed tattooist, piercer, or establishment. The sponsor of a convention or guest artist temporary event shall list on the temporary event license application the name, address, and phone number of each participating tattooist or piercer.

(1) *License requirements.*

- a. A tattooist or piercer must hold a license or similar certification or registration to engage in the practice of tattooing or piercing issued under the jurisdiction of another political subdivision, state, or nation.
- b. An applicant who practices tattooing or piercing in a jurisdiction that does not license, certify, or register tattooists or piercers, may obtain a temporary event license provided the tattooist or piercer passes the examination described in section 339.60 (c) and complies with all other requirements of section 339.120.

(2) *Duration of event.*

- a. A convention temporary event shall be no longer than seven (7) consecutive days.

b. A guest artist temporary event shall be no longer than ninety (90) consecutive days.

(3) *Number of events.*

- a. The same tattooist, piercer, establishment, or professional organization serving as a sponsor of a convention temporary event shall have no more than two (2) tattooing or piercing events in the same calendar year.
- b. The same tattooist, piercer, or establishment serving as a sponsor of a guest artist temporary event shall have no more than four (4) tattooing or piercing events in the same calendar year.

(4) *Convention temporary event location requirements.*

- a. A convention temporary event shall be held in a building other than a licensed tattooing or piercing establishment.
- b. The location must be equipped with the facilities specified in 339.160 (1) and (2).
- c. A portable hand washing station must be located at each tattooing or piercing station.

(5) *Tattooist or piercer fee.* The fee for such a temporary license shall be seventy-five dollars (\$75.00). A sponsor of a convention temporary event with more than ten (10) tattooists or piercers may request a group fee in lieu of individual license fees for tattooists or body piercers based on the cost of inspection as set by the director.

(6) *Sponsor fee.* The fee for a sponsor of a convention or guest artist temporary event shall be seventy-five dollars (\$75.00). If the sponsor is a tattooist or piercer at a convention temporary event, the sponsor must submit a separate temporary event tattooist or piercer application and the tattooist or piercer fee shall be waived.

**339.130. Director of operations and regulatory services.** The director of operations and regulatory services, or designee, may establish additional health regulations deemed necessary to protect health, safety, or welfare of the public and require such regulations to be adhered to by tattooists, tattoo establishments, piercers, and piercing establishments licensed under this chapter. The additional health regulations shall be approved by the city council.

**339.140. Clients.** (a) No tattooist or piercer shall tattoo or pierce any person under the age of eighteen (18) years except in the presence of, and with the written permission of, the parent or legal guardian of such person. Nipple and genital piercing is prohibited on minors regardless of parental consent.

(b) Tattooists and piercers shall request proof of age prior to tattooing a client. Proof of age is established by one of the following:

- (1) a valid driver's license or identification card issued by the State of Minnesota, or another state, and including the photograph and date of birth of the person;
- (2) a valid military identification card issued by the United States Department of Defense;

(3) a valid passport; or

(4) a resident alien card.

(c) Before administering a tattoo, the client must be advised that any tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave scarring. Written information to this effect shall be included on the tattoo consent form.

(d) Tattooing or piercing may not be performed on any person who is under the influence of alcohol, controlled substances as defined in Minnesota Statutes, Section 152.01 Subd.4, or hazardous substances as defined in rules adopted under Minnesota Statutes, Chapter 182.

**339.150. Client records.** The establishment licensee shall maintain proper records for each customer. The records shall include the following:

(1) The date of the procedure.

(2) Record of information on picture identification showing name, age, and current address of client.

(3) The design and location of the tattoo or piercing.

(4) The name and license number of the tattooist or piercer.

(5) Copy of the signed information and consent form to perform the tattoo or piercing.

The record of the procedure shall be kept for three (3) years and shall be available for inspection by the department upon request.

**339.160. Health and sanitary requirements.** No tattooist, tattoo establishment, piercer, or piercing establishment shall engage in the practice of tattooing or piercing without complying with the following regulations:

(1) *Facilities.*

a. Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the Director to ascertain compliance with all other conditions and provisions of section 339.160 (1) and (2).

b. Every establishment shall be equipped with a sewer and water-connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition.

c. There shall be not less than 150 square feet of floor space at the establishment and said establishment shall be lighted and ventilated as to comply with the standards approved by the Director.

d. No establishment shall be used or occupied for living or sleeping quarters.

e. Facilities shall be maintained in good working order and in a clean and sanitary condition.

**(2) *Equipment and Instruments.***

- a. All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:
  1. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least 15 minutes at a minimum of 250°F, 121°C, and at a minimum of 15 pounds of chamber pressure (15 psi); or
  2. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least 30 minutes at a minimum of 240°F, 115°C, and at a minimum of ten pounds of chamber pressure (10 psi); or
  3. By another method approved by the Director which results in sterilization.
- b. Jewelry must be made of surgical implant grade stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, platinum, and/or a dense, low-porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use.
- c. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.
- d. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses.
- e. Every tattooist or piercer shall provide single-service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the Director.
- f. Every tattooist or piercer shall wear clean garments when engaged in the practice of tattooing.
- g. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk-packaged clean.
- h. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.

**(3) *Skin preparation.***

- a. Whenever it is necessary to shave the skin, a new disposable safety razor must be used for each customer. All electric hair clippers shall be sanitized.



- b. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single-service towels and washcloths shall be used in the skin cleaning process.
- c. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.

(4) *Hand washing.*

- a. Each tattooist or piercer shall scrub his or her hands thoroughly before beginning to tattoo or pierce. Tattooists or piercers with skin infections of the hand shall not tattoo or pierce.
- b. The tattooist's or piercer's hands must be washed after contact with the person being tattooed or pierced or after contact with potentially contaminated articles.

(5) Gloves of medical exam quality shall be used for touching persons being tattooed or pierced or for handling blood or body fluids.

(6) Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

- a. Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.
- b. 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 by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- c. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
- d. Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling, storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160 (2) (a).
- e. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(7) No tattooist or piercer shall practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01 subd.4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.

(8) The tattooist or piercer shall provide the person tattooed or pierced with printed instructions on the approved care of the tattoo or piercing during the healing process.

**339.170. Prohibitions.** (a) No person shall engage in the branding, implantation, suspension, or scarification of another person.

(b) No person shall pierce the genitalia or nipples of a minor.

(c) No person shall engage in tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01 subd.4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.

**339.180. Violations.** (a) A violation of this chapter shall be a misdemeanor punishable as provided in Section 1.30 of this code.

(b) Violations of this chapter may subject a license holder, after notice and hearing, to a monetary penalty, or in the case of repeat or serious violations, license revocation, suspension, or non-renewal by the city council.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)

COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Ostrow	X						Thurber	X					
Campbell	X						McDonald	X					
Biernat	X						Mead	X					
Johnson	X						Colvin Roy	X					
Niland		X					Lane	X					
Goodman	X						President						
Herron	X						Cherryhomes	X					

PASSED APR 20 2001 **APPROVED** NOT APPROVED - VETOED APR 25 2001

DATE DATE

*[Signature]* PRESIDENT OF COUNCIL *[Signature]* MAYOR

ATTEST *[Signature]* ASST CITY CLERK