

**Ordinance No. 2023-062****City of Minneapolis****File No. 2023-00992**

Author: Goodman

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Committee: BIHZ

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RECORD OF COUNCIL VOTE				
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT
Payne	X			
Wonsley	X			
Rainville	X			
Vetaw	X			
Ellison	X			
Osman	X			
Goodman	X			
Jenkins	X			
Chavez	X			
Chughtai	X			
Koski	X			
Chowdhury	X			
Palmisano	X			

MAYOR ACTION☒ APPROVED☐ VETOED

MAYOR FREY

DEC 12 2023

DATE

Certified an official action of the City Council

ATTEST

CITY CLERK

Presented to Mayor: **DEC 07 2023**Received from Mayor: **DEC 12 2023****Amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code.**

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

Section 1. That Section 339.20 of the above-entitled ordinance be amended to read as follows:

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

Aftercare means written instructions given to the client, specific to the procedure rendered, on caring for the body art and surrounding area. The instructions must include information on when to seek medical treatment.

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

Body art or *body art procedure* means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Body art establishment (*establishment*) means any structure or venue, whether permanent or temporary, where body art is performed.

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 an indelible mark burned into the skin using instruments of thermal cautery, radio hyfrecation, and strike branding.

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 Code of Federal Regulations, Title 29, Section 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.~~

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 a body art 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 means an individual who performs body art procedures according to the requirements under section 339.120(1).

~~*Guest artist temporary event* means performing body art procedures within a licensed body art establishment by a person licensed to perform body art procedures pursuant to section 339.120(1).~~

Hand sink means a lavatory equipped with potable hot and cold water held under pressure, used for washing hands, wrists, arms, or other portions of the body.

Hot water means water at a temperature of at least one hundred ten (110) degree F.

Implanting means to fix or set securely an object in or under tissue and includes but is not limited to three-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 ornament inserted into a pierced area.

Licensing official means the licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Liquid chemical germicide means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Microdermal means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Micropigmentation or cosmetic tattooing means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Operator means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Piercer (See "body piercer.")

Piercing (See "body piercing.")

Procedure surface means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

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 licensing official.

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

Scarification means an indelible mark fixed on the body by the production of scars.

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 closed puncture-resistant, leak-proof container labeled with the international "biohazard" symbol that is used for handling, storage, transportation, and disposal.

Single use means products or items intended for one-time, one-person use that are disposed of after use on the client. This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo 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.

Subdermal implantation means the implantation of an object entirely below the dermis.

Suspension means the suspension of the body from affixed hooks placed through temporary piercings.

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

Tattooist means any person engaged in the practice of tattooing.

Technician or body art technician means any individual who is licensed under Minn. Statutes Chapter 146B to perform tattooing or piercing.

~~*Temporary body art establishment* means any place or premises operating at a fixed location where an operator performs body art procedures for no more than twenty-one (21) days in conjunction with a single event or celebration.~~

Tongue bifurcation means the cutting of the tongue from the tip of the base, forking at the end.

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.

Section 2. That Section 339.120 of the above-entitled ordinance be amended to read as follows:

~~339.120. Temporary event license. Notwithstanding the requirements set forth in this chapter, the licensing official may issue a temporary event license for a convention or guest artist temporary event body art establishment. A convention temporary event shall be sponsored by a licensed body art establishment or professional organization. A guest artist temporary event shall be sponsored by a licensed body art establishment. The sponsor of a convention or guest artist temporary event shall list on the temporary event license application the name, address, date of birth, state license number and phone number of each participating body art technician, and the starting and anticipated completion dates the guest artist will be working.~~

~~(1) License requirements. A body art technician must hold a license issued pursuant to Minnesota Statutes Section 146B.04.~~

~~(2) Duration of event.~~

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

~~b. A guest artist may not conduct body art procedures for more than thirty (30) days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license pursuant to Minn. Statutes 146B.03.~~

~~(3) Number of events.~~

~~a. The same 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 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 339.150(1) and (2).~~

~~c. A portable hand washing station must be located at each tattooing or piercing station, or an approved equivalency.~~

~~(5) Sponsor fee. The fee for a sponsor of a convention or guest artist temporary event shall be as established in the license fee schedule, and the fee shall be increased by fifty (50) percent if the completed application is received less than fourteen (14) days prior to the event.~~

Notwithstanding the requirements set forth in this chapter, the licensing official may issue a temporary event license for a temporary body art establishment. The sponsor of a temporary event shall list on the temporary event license application the name, address, date of birth, state license number and phone

number of each participating body art technician, and the starting and anticipated completion dates the guest artist will be working. The application must be received at least fourteen (14) days before the start of the event. The application must include the specific days and hours of operation.

(1) License requirements.

a. A body art technician must hold a license issued pursuant to Minnesota Statutes Section 146B.04.

b. A guest artist may not conduct body art procedures for more than thirty (30) days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license pursuant to Minnesota Statute 146B.03.

c. Applications received less than fourteen (14) days prior to the start of the event may be processed if the commissioner determines it is possible to conduct all required work, including an inspection.

d. The temporary event license must be prominently displayed in a public area at the location.

(2) Duration and number of events.

a. The same body art establishment or professional organization serving as a sponsor of a temporary event cannot exceed ten (10) body art events per calendar year. The number of days per calendar year is limited to twenty-one (21), regardless of the number of events held.

b. An individual who does not hold a current Minneapolis body art establishment license, serving as a sponsor of a temporary event, cannot exceed four (4) body art events per calendar year. The number of days per calendar year is limited to ten (10), regardless of the number of events held.

(3) Temporary Body Art Establishment requirements.

a. A temporary event shall be held in a building other than a licensed body art establishment.

b. The location must be equipped with the facilities specified in Section 339.150(1) and (2).

c. A portable hand washing station must be located at each body art station, or an approved equivalency.

(4) Sponsor fee. The fee for a sponsor of a temporary event shall be as established in the license fee schedule, and the fee shall be increased by fifty percent (50%) if the completed application is received less than fourteen (14) days prior to the event.

(5) No individual with a sustained qualifying violation of this chapter within three (3) years preceding the intended start date of a temporary event may be issued a license for a temporary event. Qualifying violations that preclude issuance of a temporary event license include:

a. Evidence of any individual performing a body art procedure without a license;

b. Practice in an unlicensed location;

c. Any of the conditions listed in Minn. Statutes Section 146B.05, subdivision 1, clauses (1) to (8), (12), or (13);

d. Minn. Statutes Section 146B.08, subdivision 3, clauses (4), (5), and (10) to (12); or

e. Any other violation that places the health or safety of a client at risk.