

ORDINANCE NO. 10-14-24-A

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY  
CONCERNING BODY ART AND EYELASH EXTENSION

WHEREAS, the Board of Commissioners of Hamilton County (“the County”) has a duty to ensure the public health and safety for the citizens of Hamilton County; and,

WHEREAS, the Hamilton County Health Department is the responsible County department to ensure the County is in compliance with Indiana Code within the County’s jurisdiction; and,

WHEREAS, the County finds that it is desirous and necessary to implement an Ordinance concerning Body Art and Eyelash Extensions which are attached hereto, in order to promote and ensure safe and healthy practices within the profession; and,

WHEREAS, this ordinance shall be effective upon the County’s adoption of this Ordinance.

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County as follows:

1. The ordinance language (“Ordinance”) is attached to this ordinance as “Attachment A” and is hereby incorporated by reference.
2. This Ordinance shall be in full force and effect upon the County’s adoption of this Ordinance.
3. The Hamilton County Auditor is instructed to publish notice of this Ordinance pursuant to law.

ALL OF WHICH IS ORDINANED by the Board of Commissioners of Hamilton County this 14th day of October, 2024.

BOARD OF COMMISSIONERS  
OF HAMILTON COUNTY

Christine Altman

Mark E. Heirbrandt

Steven C. Dillinger

ATTEST:

Robin M. Mills, Auditor

## **ATTACHMENT A**

### **Chapter 9 10 BODY ART AND EYELASH EXTENSION**

#### **16-20-9-1 SANITARY OPERATION OF BODY ART AND EYELASH FACILITIES**

All requirements set forth in 410 IAC 1-5, IC 16-19-3-4.1, IC 16-19-3-4.2, IC 35-42-2-7, 410 IAC (1-8), and any amendments made to said provisions hereafter, are hereby incorporated by reference. All places, individuals and businesses that offer to affix any type of permanent body art, or eyelash extension to a person shall be regulated by the above-named codes/statutes as well as the requirements specified in this ordinance. All such places, individuals and businesses shall maintain the premises in which body art or eyelash extensions are performed and ensure that the equipment used in the body art or eyelash extension process is maintained in a sanitary manner as specified in the above-referenced codes/statutes and as stated herein.

#### **16-20-9-2 DEFINITIONS**

All definitions set forth in 410 IAC 1-5, IC 16-19-3-4.1, IC 16-19-3-4.2, IC 35-42-2-7, 410 IAC (1-8) and as amended hereafter, are hereby incorporated by reference. Tattoo and Body Piercing has the meaning set forth in 410 IAC 1-5 for the purposes of this ordinance and does not include practices that are considered medical or dental procedures by the state medical or dental board. Nor does this definition include piercing of the lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems. Unless the context specifically indicates otherwise, the meaning of the additional terms used in this ordinance shall be as follows:

- 1) **ADULT** means an individual who is 18 years or older.
- 2) **AFTERCARE** means recommended instructions provided to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 3) **ANTISEPTIC** means a product that is labeled as useful in preventing diseases caused by microorganisms present on the skin and/or on mucosal surfaces of humans. This includes products meant to kill germs and/or labeled as “antiseptic,” “antimicrobial,” “antibacterial,” “microbicide,” or “germicide,” or other similar terms.
- 4) **ASEPTIC TECHNIQUE** means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.
- 5) **AUTHORIZED AGENT** means an employee of the Hamilton County Health Department designated by the Hamilton County Health Officer to enforce provisions of this ordinance.
- 6) **AUTOCLAVE** means a device that is intended for use by a user to sterilize products by means of pressurized steam.
- 7) **AUTOMATED INSTRUMENT WASHER** means a mechanical washer designed specifically for the decontamination of instruments prior to sterilization.
- 8) **BIOCOMPATIBLE** means the ability of an object to be inserted into a person without eliciting any undesirable local or systemic effects in that person.
- 9) **BIOHAZARDOUS WASTE** means any solid or liquid waste that can present a threat of infection to humans, including body tissue, blood and bodily fluids, wastes that contain blood or other potentially infectious material (OPIM). This includes, but is not limited to, absorbent materials with blood, bodily fluids, or excretions/secretions; and other contaminated products used during a body art procedure.
- 10) **BLOODBORNE PATHOGEN** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
- 11) **BODY ART** means body piercing, tattooing, branding, scarification, or cosmetic tattooing.

- 12) **BODY ART ESTABLISHMENT** means any place or premise, whether licensed or not, public or private, temporary or permanent, outside or inside, for profit or not, where the practices of body art are performed.
- 13) **BODY ARTIST** means any person performing body art services, which requires a license per this ordinance. Body Artist does not include individuals who perform ear lobe piercings only at jewelry retail establishments.
- 14) **BODY PIERCING** means the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.
- 15) **BRANDING** means the process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.
- 16) **CAS REGISTRY NUMBER** also referred to as CASRN or CAS Number, means a unique numerical identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature.
- 17) **CHRONIC/REPEAT VIOLATIONS** means a violation that is observed on subsequent inspection or three times within five inspections.
- 18) **CLIENT** means an individual upon whom a body artist performs a body art procedure.
- 19) **COMPLAINT OF INJURY FORM** means a document used to file with the Hamilton County Health Department a notice of injury as a result of a body art procedure.
- 20) **CONTAMINATED** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- 21) **COSMETIC TATTOOING** see **TATTOOING**
- 22) **CRITICAL VIOLATIONS** means those items that are likely to cause an imminent health danger to the public and/or body artist.
- 23) **CYCLE NUMBER** means a unique number that corresponds to each individual autoclave cycle. This number is used as an identifier sometimes known as a lot number. It might or might not include the date as part of the number.
- 24) **DECONTAMINATION** means the use of physical and/or chemical means to remove, inactivate, or destroy pathogens on a surface. A surface/item is decontaminated when there are no infectious particles, and then the surface/item is rendered safe for handling, use, or disposal.
- 25) **DEPARTMENT** means the Hamilton County Health Department or its authorized representatives who have jurisdiction to promulgate, monitor, administer, and enforce regulations.
- 26) **DISINFECTANT** means a product that is tuberculocidal and registered by the U.S. Environmental Protection Agency, as indicated on the label for use in disinfection.
- 27) **DISINFECT** means to destroy pathogenic and other kinds of microorganisms by physical and/or chemical means.
- 28) **DIVIDER** means a partition used to separate or delineate a workstation from other workstations, such as non-absorbent curtains, knee walls, or other hard partitions.
- 29) **EAR PIERCING** see **BODY PIERCING**
- 30) **EAR-PIERCING GUN** means a stud-and-clasp ear-piercing system.
- 31) **ENZYMATIC CLEANING SOLUTION** means a cleaner that relies on biological catalysts to remove proteins or biofilms from a surface.
- 32) **EQUIPMENT** means all machinery, containers, vessels, tools, devices, implements, storage areas, and sinks that are used in conjunction with the storage or application of body art by a body artist or used within the sterilization/decontamination and disinfection processes.
- 33) **EYELASH EXTENSION** means strands of silk, mink, or another synthetic or natural material that are applied one (1) at a time and fixed to an individual's natural eyelashes.
- 34) **FACILITY** see **BODY ART ESTABLISHMENT**
- 35) **FURNISHINGS** means all fixtures, furniture, and other objects within a body art establishment that are not integral to the structure of the physical establishment (e.g., walls, windows, doors) and are not used in the storage of body art equipment, application of body art, or its sterilization/decontamination and disinfection processes.

- 36) GLOVES means medical grade or exam grade, sterile or nonsterile, disposable, single-use, full-hand coverings worn for protection against disease transmission.
- 37) GUARDIAN means a person lawfully invested with the power and charged with the obligation of taking care of managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs.
- 38) HAND WASHING means the act of cleaning one's hands for the purpose of removing dirt, soil, or microorganisms through the use of soap, warm water, and friction.
- HAND WASHING SINK means a sink equipped to provide water at a temperature of at least 38
- 39) \*C (100 \*F) through a mixing valve or combination faucet, used solely for washing hands, arms, or prosthetics.
- 40) IDENTIFICATION means government-issued ID card with name, photo, and birthdate.
- 41) IMMINENT HEALTH HAZARD means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction.
- 42) INDICATOR means a test or device designed to validate one or more of the following critical variables of an autoclave cycle: time, temperature, and steam/pressure. The three types of indicators are chemical, biological, and mechanical.
- a. CHEMICAL INDICATOR means a substance that undergoes a distinct observable change when conditions in its solution change while measuring the sterilization process. This could be a color change, precipitate formation, or bubble formation, in order to show a temperature change, or other measurable quality.
  - b. BIOLOGICAL INDICATOR (BI) means a test system containing viable microorganisms (spores) providing a defined resistance to a specific sterilization process. A biological indicator provides information on whether necessary conditions were met to kill a specified number of microorganisms for a given sterilization process.
  - c. MECHANICAL INDICATOR means a self-recording gauge used to verify the time, pressure and/or temperature obtained during the sterilization process.
- 43) INFORMED CONSENT AND RELEASE FORM means a form signed by a client prior to a body art procedure to confirm that he or she agrees to the procedure and is aware of any risks that might be involved.
- 44) INITIAL PIERCING means a fresh or new body piercing.
- 45) INSPECTION means a careful examination, exploration, or evaluation of the body art establishment and the body artist by the Hamilton County Health Department in compliance with this ordinance.
- 46) INSTRUMENTS/TOOLS/DEVICES/IMPLEMENTS USED FOR BODY ART means handpieces, needles, needle bars, tattoo machines, forceps, and other tools that could come in contact with a client's body or could be exposed to bodily fluids during body art procedures.
- 47) INTEGRATOR also referred to as Type 5 Integrator or an Integrating Indicator, means a device designed to validate all three of the following critical variables of an autoclave cycle: time, temperature, and steam under pressure.
- 48) JEWELRY means any biocompatible object that is worn through a body piercing.
- 49) LICENSE means written approval by the Hamilton County Health Department to operate a body art establishment or to perform body art. Approval is given in accordance with this Ordinance and in addition to any other local, state, or federal requirements.
- 50) MAINTENANCE means repairs and upkeep to equipment as recommended by the manufacturer.
- 51) MATERIAL CERTIFICATE means all documents intended to state the specifics of a material used for body jewelry. Names for these documents include but are not limited to Mill Certificates, Material Certificates, Metal Composition Sheets, Safety Data Sheet, and Material Certification Sheets.

- 52) MEDICAL CARE PROVIDER means a person licensed by the State of Indiana to practice medicine in all its branches and may include other areas such as dentistry, osteopathy, or acupuncture, depending on the rules and regulations particular to that state.
- 53) MICROBLADING see TATTOOING
- 54) MINOR means an individual under the age of eighteen (18) years.
- 55) MOBILE BODY ART ESTABLISHMENT/UNIT means a licensed mobile establishment or unit that is self-propelled or otherwise movable from place to place and operated by a licensed body artist who performs body art procedures.
- 56) MUCOSA see MUCOSAL SURFACE
- 57) MUCOSAL SURFACE means the moisture-secreting membrane lining of all body cavities or passages that communicates with the exterior, including but not limited to the nose, mouth, vulva, and urethra.
- 58) MUNICIPAL SOLID WASTE means common trash or garbage that does not meet the definition of regulated waste.
- 59) NONCRITICAL VIOLATIONS means those items are not likely to cause an imminent health danger to the public and/or the practitioner.
- 60) OPERATOR means any person, whether permitted or not, who controls any interest in, operates, or manages a body art establishment and who is responsible for compliance with these regulations, whether or not actually performing body art activities.
- 61) OTHER POTENTIALLY INFECTIOUS MATERIAL (OPIM) means:  
The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovia
- 1 fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
  - b. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
  - c. HIV-containing cell or tissue cultures, organ cultures, HIV- or HBV-containing culture medium or other solutions, blood, organs, or other tissues from experimental animals infected with HIV, HVC, or HBV.
- 62) PERMANENT COSMETICS see TATTOOING
- 63) PERMIT see LICENSE
- 64) PERSON means an individual, any form of business or social organization, or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts, or unincorporated organizations.
- 65) PERSONAL PROTECTIVE EQUIPMENT means (1) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM. (2) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated. (3) Disposable gloves, such as surgical or examination type, shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused. (4) Gloves shall be worn when decontaminating environmental surfaces and equipment.
- 66) PERSONNEL means employees, body artists, contracted body artists, and agents of the body art facility, whether or not actually performing body art activities.
- 67) PROCEDURE means the act of performing body art or eyelash extension.
- 68) PROCEDURE AREA means a room, booth, or portion of a room or booth, or any surface of an inanimate object that is designated to be used only to perform body art.

- 69) **PROCEDURE SITE** means the area or location on the client's body selected for the placement of body art.
- 70) **PROPYLENE GAS** means any gas that is labeled with a CAS Registry Number of 115-07-1 (this includes but is not limited to MAPP gas and methyl ethylene gas).
- 71) **REGULATED WASTE** means liquid or semi-liquid blood; items contaminated with blood or OPIM, and which would release these substances if compressed; items that are caked with dried blood or OPIM and are capable of releasing these materials during handling; and contaminated sharps containing blood or OPIM.
- 72) **REGULATED WASTE OPERATING PLAN** means a document detailing policies and procedures regarding the containment, labeling, storage, and transport of biomedical waste, in addition to detailed training for personnel of the body art establishment.
- 73) **SAFETY DATA SHEET (SDS)** means a document for any potentially harmful chemical that includes information such as the properties of each chemical; the physical hazards, health hazards, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. SDS is the current term for Material Safety Data Sheet (MSDS).
- 74) **SCALP MICROPIGMENTATION (SMP)** see TATTOOING
- 75) **SCARIFICATION** means the process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.
- 76) **SEMI-PERMANENT MAKEUP** see TATTOOING
- 77) **SHARPS** means any objects that can purposely or accidentally cut or penetrate the skin or mucosa, including but not limited to presterilized, single-use needles; scalpel blades; and razor blades.
- 78) **SHARPS CONTAINER** means a closable, puncture-resistant, leakproof (on sides and bottom) container made specifically to be a sharps container that can be closed for handling, storage, transportation, and disposal. A sharps container must be labeled with the international biohazard symbol.
- 79) **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 cotton balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and protective gloves.
- 80) **SPORE TEST** see INDICATOR – BIOLOGICAL INDICATOR
- 81) **STANDARD OPERATING PROCEDURE (SOP)** means an instructional document that describes all procedures and processes that are to be followed step-by-step, by each worker in a facility, so as to produce the exact same results safely, no matter who performs routine operations.
- 82) **STERILIZATION** means a validated process used to render a product free from viable microorganisms.
- 83) **STERILIZATION AREA** or **STERILIZATION ROOM** means a room or enclosed area, set apart and used only to clean, decontaminate, and sterilize instruments.
- 84) **STERILIZATION LOG** means a physical or digital recording of autoclave cycle number, as well as type of sterilizer and cycle used; the load identification number; the load contents; the exposure parameters (e.g., time and temperature); the operator's name or initials; date and time; and the results of mechanical, chemical, and/or biological monitoring.
- 85) **STRIKE BRANDING** means the process by which a mark is burned with heated metal into the tissue of a person.
- 86) **STERILE GLOVES** means a medical-grade or exam-grade disposable, single-use covering for the hands worn for protection against disease transmission. Sterile gloves have been sterilized by the manufacturer or by following the sterilization protocol set forth by the glove manufacturer.
- 87) **STERILE WATER** means water that is purchased from the manufacturer sterile, in a single-use container.

- 88) **STERILE** means a state of being free from viable microorganisms.
- 89) **TATTOO** means the mark resulting from the act of tattooing.
- 90) **TATTOOING** means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of cosmetic tattooing, branding, or scarification performed on the face or body.
- 91) **TEMPORARY BODY ART ESTABLISHMENT** means any place or premise operating at a fixed location where a body artist performs body art procedures but does not have a permanent body art facility license (i.e., educational, trade show, convention, public or private events, performance, product demonstration, or aesthetic shows).
- 92) **TEMPORARY BODY ARTIST LICENSE** see **LICENSE**
- 93) **THERMAL CAUTERY UNIT (TCU)** means an electrical device that provides direct or alternating current that is passed through a resistant metal wire electrode, generating heat used for branding.
- 94) **TYPE 5 INDICATOR** see **INTEGRATOR**
- 95) **ULTRASONIC CLEANER** or **ULTRASONIC** means a device that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces.
- 96) **ULTRAVIOLET AIR PURIFIER** means a machine designed to use short wave ultraviolet (UV-C) light to inactivate airborne pathogens and microorganisms.
- 97) **VIOLATION** means the act of violating or going against any section or subsection of this ordinance.
- 98) **WORKSTATION** means the area within a procedure area where a body artist performs body art. The workstation includes but is not limited to the client chair or table, counter, mayo stand, instrument tray, storage drawer, and practitioner's chair.

#### 16-20-9-3 BODY ART OPERATOR REQUIREMENTS AND PROFESSIONAL REQUIREMENTS

- 1) Persons performing body art procedures or any other task or function in a body art facility must use aseptic techniques.
- 2) The body artist must be a minimum of 18 years of age.
- 3) It is unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current applicable state, county, or city license, permit, and/or other regulatory requirements as required by this ordinance.
- 4) The body artist must maintain hair, skin, and clothes that are free of visible particulate matter and debris. The body artist must keep fingernails short with smooth, filed edges to allow thorough cleaning and prevent glove tears. Body artists must not wear artificial fingernails or extenders and natural nail tips must be less than 1/8 inch long. Nail polish must be intact without chips or cracks and must be removed and/or reapplied every 7 days.
- 5) The body artist must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedure.
- 6) Wearing jewelry on fingers, hands, and wrists while performing a body art procedure is prohibited.
- 7) Before performing body art procedures, body artists must thoroughly wash their hands in a hand washing sink as specified under Section 12(5) and according to the hand washing procedure below. If a surrogate prosthetic device is being worn, manufacturer recommendations for washing shall be followed.
  - a. Remove all jewelry on fingers, hands, and wrists.
  - b. Turn on warm water, wet hands, and apply soap.
  - c. Rubbing your hands together, make a soapy lather.

- d. Make sure you include all your fingers, wash between your fingers, thumbs, nails, cuticles, wrists, palm to palm, and the top of your hands per CDC hand washing guidelines.
  - e. Rinse your hands with your fingers pointed up toward the faucet and rinse down to your wrists.
  - f. Dry with a clean disposable towel.
  - g. Use a new clean disposable towel to turn off the handles of the sink.
- 8) Any item or instrument used for body art that is anticipated/known to be contaminated, not from the client, during the procedure shall be removed as soon as practical from the procedure area and, if necessary, replaced before the procedure resumes. Any item or instrument no longer necessary for the procedure should be removed as soon as practical.
  - 9) Eating or drinking by anyone is prohibited in the area where body art preparations or procedures are performed and any location where instruments or supplies are stored or cleaned. Exceptions must be made for the purpose of rendering first aid.
  - 10) Any injury or complaint of injury, infections that required treatment by a licensed medical practitioner, or any communicable diseases resulting from the body art procedure that become known to the body artist must be reported by the body artist to the Department using a complaint of injury form within three business days of the body artist becoming aware of the complaint or condition.
  - 11) Body artists shall report all adverse events relating to or suspected of being related to materials used during a body art procedure and its aftercare to the Department and MedWatch, including the name of the artist, client information, description of adverse events, and a complete description of materials involved with lot and/or batch codes if required to seek medical attention. This reporting will help identify outbreaks and identify products with manufacturing defects. A record of this reporting must be maintained with the complaint of injury form in client records.

#### 16-20-9-4 JEWELRY STANDARDS

- 1) All jewelry used for initial piercings must meet the following standards:
  - a. Any and all materials that meet ASTM and/or ISO standards for implantation. Examples of these include but are not limited to:
    - i. steel that is ASTM F138 compliant or ISO 5832-1 compliant,
    - ii. steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant,
    - iii. unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant,
    - iv. alloyed titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant,
    - v. alloyed titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832-11 compliant, and
    - vi. any polymer or plastic material that is ISO 10993-6, 10993-10, and/or 10993-11 compliant and/or meets the U.S. Pharmacopeia (USP) Class VI classification. This includes but is not limited to polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
  - b. Solid 14 karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Gold jewelry used for initial piercing may not be:
    - i. plated, unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that is nickel and cadmium free,
    - ii. gold filled, or
    - iii. gold overlay/vermeil.
  - c. Solid unalloyed or alloyed platinum that is nickel free and cadmium free.
  - d. Unalloyed niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
    - i. commercial grade 2 niobium and

- ii. commercial grade 4 niobium that contains 1% zirconium.
- e. Glass that is lead free. This includes but is not limited to:
  - i. fused quartz,
  - ii. borosilicate, and
  - iii. soda-lime.
- f. All threaded or press-fit jewelry must have internal tapping (no threads on exterior of posts and barbells).
- g. For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, stamps, hallmarks, and polishing compounds.
- h. Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.
- i. All jewelry used for initial piercing on people older than 12 years must be ASTM F2999 compliant.
- j. All jewelry used for initial piercing on people 12 and younger must be ASTM F2923 compliant.

#### 16-20-9-5 TYPES OF BODY ART

##### 1) Piercing

- a. Clarification of other piercing instruments.
  - i. Individuals who perform piercings with ear-piercing guns; presterilized single-use, stud and-clasp ear-piercing systems; or similar devices must adhere to this ordinance and meet the requirements of a body artist.
  - ii. Use of ear-piercing guns is limited to the earlobe.
  - iii. The body artist must wear sterile gloves when coming into contact with sterile instruments and while performing the procedure.
  - iv. For rationale, see the National Environmental Health Association's (NEHA) policy statement on ear-piercing guns.

##### 2) Tattooing/cosmetic tattooing

- a. All inks and pigments must be specifically manufactured for performing body art procedures.
- b. Only distilled water or sterile water may be used for the dilution of inks or pigments. Diluting with potable water is not acceptable. Such dilution must be single use for the individual procedure. Immediately before a tattoo is applied, the quantity of the ink or pigment to be used must be transferred from the ink or pigment bottle and placed into single-use plastic cups or caps.
- c. Upon completion of a tattoo, all single-use items and their contents must be discarded.
- d. For individuals performing microblading or manual procedures, once the needle grouping (blade) is attached to the handpiece it cannot be removed and must be fully disposed of into a sharps container whether or not used.

##### 3) Branding

- a. The client must be 18 years of age. Parental consent release forms do not apply.
- b. The procedure area must have walls that extend to the ceiling and a closable door.
- c. The procedure area must be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations.
- d. Any person present during the procedure, including all personnel and the client, must wear a mask rated as N-95 or higher.
- e. Body artists must use the process of "strike branding" or use a thermal cautery unit (TCU).
- f. Only nongalvanized metal may be used for "strike branding."
- g. Body artists should use only propylene gas to heat the metal for "strike branding."

##### 4) Scarification

- a. The client must be 18 years of age. Parental consent release forms do not apply.
- b. The body artist must wear disposable sleeves for personal protective equipment (PPE).
- c. The procedure area must have walls that extend to the ceiling and a closable door.
- d. The procedure area must be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations.
- e. The body artist must wear sterile gloves when coming into contact with sterile instruments during the procedure.

#### 16-20-9-6 PUBLIC NOTIFICATION REQUIREMENTS

- 1) A current body art establishment license must be posted in a prominent and conspicuous area where it can be readily observed.
- 2) All body artist licenses must be posted in a prominent and conspicuous area where they can be readily observed.
- 3) Written public educational information and aftercare information that has been approved by the Hamilton County Health Department must be posted in a prominent and conspicuous area where it can be readily observed by clients.
  - a. Written instructions must advise the client to consult a licensed health care provider if deemed necessary by the client; and
  - b. Must contain the name, address, and phone number of the body art facility.
- 4) The facility license holder must publicly display the name, address, and phone number of the Hamilton County Health Department.
- 5) A copy of State of Indiana patient bill of rights must be posted in a prominent and conspicuous area available to the public.

#### 16-20-9-7 FACILITY RECORDKEEPING REQUIREMENTS

- 1) A body art facility operator must establish a written plan to eliminate or minimize personnel exposure to blood or OPIM; protect customers; safely handle, store, and dispose of regulated waste; disinfect and sterilize reusable tools and equipment; and reduce the risk of cross-contamination in the body art facility.  
A body art facility operator must keep records of the facility's operation and personnel. All records required by this Code must be kept in print or digital form. The requirements outlined in 6
- 2) (3)-6(8) be kept on file on the premises of a body art facility, except as otherwise noted, and be available to the Department upon request.
- 3) Facility Information
  - a. Current operator's name, address, and phone number
  - b. Facility name
  - c. Facility address
  - d. Facility phone number
  - e. Hours of operation
  - f. State, county, and city licenses
  - g. Aftercare information
  - h. Current local regulations for type of body art performed in the facility
- 4) Operational Records
  - a. 1. All operational records required by this ordinance must be kept in print or digital for three years. All records must be held on the premises for one year but may be stored off the premises afterward.
  - b. Operational records, at a minimum, shall include:
    - i. Disinfection and sterilization instructions for instruments and surfaces
    - ii. Record of instruments purchased pre-sterilized
    - iii. Equipment information
      1. Sterilization records

- 2. Equipment maintenance records
    - 3. Procedure for responding to a positive spore test result
  - c. Regulated Waste Operating Plan
  - d. Red bag letter
  - e. Regulated waste pickup receipts
  - f. Safety Data Sheets (SDS)
  - g. Exposure Control Plan as required in OSHA 1910.1030(b)
  - h. Jewelry documentation
    - i. Receipts for jewelry purchased for initial piercings
      - 1. These receipts must list specifications for materials sold as designated in Section 3.
    - ii. Metal composition sheets for gold
    - iii. Composition sheets for other materials (glass, polymer, etc.)
    - iv. Material certificate from jewelry suppliers for jewelry used for initial piercings
      - 1. These material certificates must be updated from the supplier for each new lot of material.
      - 2. These material certificates must include the:
        - a. name of purchaser of material,
        - b. name of seller of material,
        - c. date of material sales,
        - d. type of material purchased,
        - e. composition of material purchased,
        - f. quantity of material purchased, and
        - g. country of origin
- 5) Client Records
  - a. Client records required by this Code must be kept in print or digital format for three years and be available to the Department upon request. The files must be stored to prevent access from unauthorized personnel (e.g., a locked file cabinet, locked room, password-protected files). All records must be kept on the premises for one year but may be stored off the premises afterward.
  - b. Client records, at a minimum, shall include:
    - i. Customer informed consent and release form(s)
    - ii. Risk notification
    - iii. Any complaint of injury form
- 6) Personnel Records
  - a. Body art facilities shall keep all personnel records secure and confidential in the facility and be made available to the Department upon request. After one year, files for previous employees, contractors, or agents of the body art facility may be retained off-site for a minimum of three years past employment termination.
  - b. Personnel records, at a minimum, shall include:
    - i. full name
    - ii. job title
    - iii. exact duties
    - iv. date of employment
    - v. date of birth showing at least 18 years of age
    - vi. primary residence address
    - vii. contact phone number(s)
    - viii. e-mail address
    - ix. copy of government-issued photo ID
- 7) Personnel Training records

- a. Training records shall be maintained for three years from the date on which the training occurred.
  - b. Training records, at a minimum, shall include:
    - i. trainee's name
    - ii. date(s) of the training session
    - iii. contents or summary of persons conducting the training
    - iv. names and job titles of all persons attending the sessions
    - v. trainer qualifications
- 8) Personnel Medical Records
- a. Facility operators must maintain records for each worker with occupational exposure as required by 29 CFR 1910.1030 and the Department.
  - b. All medical records must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files) and must not be disclosed without the person's express written consent to any person within or outside the facility except as may be required by law.
  - c. Medical records must be maintained for the length of time as dictated by 29 CFR 1910.1020.

#### 16-20-9-8 INFORMED CONSENT AND RELEASE FORM

- 1) In order for the body artist to perform body art on a client, a consent and release form(s) must be completed and stored in accordance with Section 6 of this ordinance. The release form must be in written and/or digital format. A physical and/or digital copy of this form must be offered to the client. The release form must include at a minimum the following sections:
  - a. A risk notification section that provides information detailing the risks and possible consequences of a body art procedure must include risks including but not limited to the following:
    - i. "Body art can cause swelling, bruising, discomfort, bleeding, and pain."
    - ii. "Body art can cause allergic reactions."
    - iii. "Body art can cause irreversible changes to the human body"
    - iv. "Body art has a risk of infection."
  - b. A client evaluation section that asks at a minimum the following questions that evaluate the client's condition for receiving body art without violating their medical privacy. This section must include the following statement: Consult a medical care provider prior to the procedure if you have any concerns about any of the questions below:
    - i. Have you eaten within the past 4 hours?
    - ii. Are you under the influence of drugs or alcohol?
    - iii. Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (aspirin, ibuprofen, etc.) in the last 24 hours?
    - iv. Have you ingested any medication that can inhibit the ability to heal a skin wound?
    - v. Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?
    - vi. Do you have hemophilia, epilepsy, a history of seizure, fainting, narcolepsy, or other conditions that could interfere with the body art procedure?
    - vii. Do you have a history of any diseases, including skin diseases, that might inhibit the healing of the body art procedure?
    - viii. Do you have any communicable diseases that could be transferred to another person during the procedure?
    - ix. Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that could interfere with the body art procedure?

- x. Are you or have you been pregnant within the last 3 months?
- c. Client information:
  - i. name as it appears on government ID,
  - ii. signature,
  - iii. birthdate,
  - iv. permanent address,
  - v. phone number, and
  - vi. a copy of their state or federally issued photo ID with birthdate (i.e., driver's license, state ID, passport, immigration card, etc.).
  - vii. Is the client 18 years of age or older?
- 2) Each body artist must record all body art procedures administered:
  - a. The following information about the body art procedure must be written down:
    - i. type of body art procedure,
    - ii. location on body,
    - iii. design if applicable,
    - iv. jewelry styles and sizes if applicable,
    - v. expiration date and batch and/or lot number of all sterilized instruments used during the body art procedure that corresponds with the sterilization log for those instruments and/or package/lot number that will be applied to or inserted under the skin,
    - vi. expiration date, brand, color, batch and/or lot number of all inks, and pigments used in the body art procedure,
    - vii. date and time of body art procedure, and
    - viii. any complications that occurred during the body art procedure.
  - b. 2. The following information from the body artist must be written down:
    - i. first and last name, and
    - ii. signature.
- 3) An informed consent statement, including a signature obtained from the customer, must confirm at a minimum the following:
  - a. client is voluntarily obtaining services of their own free will and volition,
  - b. client has had the opportunity to read and understand the document,
  - c. client has the ability to ask questions about the procedure, and
  - d. client has received and understands written and verbal aftercare.
- 4) Nothing in this section should be construed to require the body artist to perform a body art procedure upon a client.
- 5) The client is entitled to a copy of the completed release form in written and/or digital format.

#### 16-20-9-9 DISINFECTION AND STERILIZATION PROCEDURES

- 1) All surfaces used in the body art procedure must be smooth; free of nicks, cuts, and tears; easily cleanable; and nonporous. Surfaces must be cleaned and then disinfected with an EPA- registered tuberculocidal disinfectant prior to and after the body art procedure.
- 2) All surfaces of equipment and furnishings that come into contact with the body artist during a body art procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each client.
- 3) All equipment and devices used to clean and sterilize body art materials and reusable instruments must be suitable for their intended use. The equipment and devices must be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the equipment must be available for inspection by the Hamilton County Health Department when available from the supplier.

- 4) When participating in any disinfection or sterilization procedures, individuals must wear personal protective equipment (PPE) that will provide adequate protection to exposure, or potential exposure, to blood and OPIM.
- 5) All reusable instruments are to be cleaned and sterilized after each use in the sterilization room or sterilization area.
- 6) After being cleaned, all reusable instruments used for body art must be sterilized by one of the below methods:
  - a. Contained in sterilization packaging and subsequently sterilized, with the date and cycle number noted on packaging or indicator strips (see Section 8.3).
    - i. This information must match up with the sterilization log.
    - ii. All sterilization packaging must have a color-changing chemical indicator.
  - b. Unwrapped and subsequently sterilized, stored, and sterilized again immediately prior to use.
  - c. Sterilized tools must be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments.
- 7) An autoclave, ultrasonic, and sterilization room or sterilization area is not be required if the body art establishment uses only presterilized disposable instruments, presterilized body art materials, and presterilized supplies.
- 8) All instruments used for body art procedures must remain stored a) in sterile packages and marked with the cycle number until just prior to a body art procedure or b) cleanly in containers and ready for sterilization immediately prior to the procedure.
- 9) Sterile instruments and body art materials must not be used if the package has been compromised. Sterile equipment and body art materials must not be used after the expiration date without first reprocessing and sterilizing. Body art equipment and materials must be disposed of in an appropriate container.
- 10) Each holder of a license to operate a body art establishment must demonstrate that the autoclave used is capable of attaining sterilization by weekly biological monitoring (spore testing). These tests must be verified by an independent laboratory. The license must not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Hamilton County Health Department. These test records should be retained for a minimum of 3 years. Records must be available to the Hamilton County Health Department upon request. The most recent test must be made available to the public upon request.
- 11) The body art facility must follow the procedure outlined in 8(11) (a-g) for responding to a positive spore test if the mechanical (e.g., time, temperature, pressure) and chemical (internal or external) indicators suggest that the autoclave is functioning properly. A single positive spore test result probably does not indicate autoclave malfunction. The autoclave should be removed from service, though, and sterilization operating procedures reviewed to determine if operator error could be responsible (CDC, 2016).
  - a. In the sterilization log, document procedures taken to remedy the situation.
  - b. Remove the autoclave from service and review sterilization procedures (e.g., work practices and use of mechanical and chemical indicators) to determine whether operator error could be responsible for the positive spore test.
  - c. Recall, to the extent possible, and reprocess all items processed since the last negative spore test in a separate autoclave that has negative spore test results.
  - d. Retest the autoclave by using spore tests, mechanical, and chemical indicators after correcting any identified procedural problems.
  - e. If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the autoclave back in service.
  - f. The following are required if the repeat spore test is positive:
    - i. Do not use the autoclave until it has been inspected or repaired and the exact reason for the positive test has been determined. This work should be done by a

- factory authorized service professional, who is certified to repair and maintain the specific autoclave that is being worked on.
- ii. An autoclave shall pass a spore test before being put back into service after repairing or relocating.
- g. Maintain sterilization records (i.e., sterilization cycles, maintenance, and spore tests) in accordance with this ordinance.

#### 16-20-9-10 PREPARATION AND CARE OF THE PROCEDURE SITE

- 1) Any surface of the skin or mucosa to receive a body art procedure must be intact and free from suspected abnormalities of the skin or mucosa such as, but not limited to, suspected rash, visible infection, sunburn, or moles.
- 2) Glove Usage
  - a) Prior to, during, and after a body art procedure, the body artist must wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated. This includes but is not limited to:
    - i) When setting up the procedure area. This set up includes touching containers, ink bottles, ink cups, barrier films, and exteriors of sterile packaging.
    - ii) When prepping skin, applying stencils, or drawing designs on the skin.
    - iii) Once the procedure is completed, cleaning, applying aftercare, or bandaging to the procedure site.
    - iv) When tearing down and disinfecting the procedure area.
  - b) The body artist shall wear gloves when coming into contact with the client while preparing for or performing the procedure. The gloves shall be immediately discarded and the body artist's hands must be washed after the completion of each procedure, and/or when gloves worn for procedures are torn, punctured, or otherwise compromised, or at any other time when necessary to prevent cross-contamination.
- 3) Before a body art procedure is performed, the procedure site must be prepped with an antiseptic in accordance with the manufacturer's instructions.
- 4) If shaving is necessary, it must be done before skin prep, and a single-use disposable razor must be used. After use, razors must be placed immediately into a Sharps container.
- 5) In the event of bleeding, all products used to stop the flow of blood or to absorb blood must be a sterile, single-use item that is disposed of immediately after use in appropriate covered containers.
- 6) Any single-use items that contact the client must meet the requirements outlined in Section 11.
- 7) Any products portioned out for the individual must be discarded upon completion of the body art procedure.

#### 16-20-9-11 REQUIREMENTS FOR SINGLE-USE ITEMS

- 1) Single-use items must not be used on more than one client for any reason. After use, all single-use needles, razors, and other sharps must be immediately disposed of in approved sharps containers. See Section 11 for disposal procedures.
- 2) All products applied to the skin, including body art stencils, pens, markers, etc. must be single use and disposable. Products used in the application of stencils must be dispensed and applied on the area to be tattooed with a suitable clean, single use product and used in a manner to prevent contamination of the original container and its contents. The clean, single use product must be used only once and then discarded.

#### 16-20-9-12 Regulated Waste

- 1) Facility Policies and Procedures
  - a) Each body art establishment must implement a written regulated waste operating plan to

manage regulated waste in accordance with this Ordinance. This written operating plan must be available for review by the Hamilton County Health Department and facility personnel. The operating plan must include the following:

- i) Training for personnel
- ii) Must review procedures for segregating, labeling, packaging, transporting, storing, and treating regulated waste.
- iii) Procedures for decontaminating regulated waste spills; and
- iv) Contingency plan for emergencies. Facilities that have multiple specialty services must include procedures specific to each specialty if procedures vary. Plans must be updated when regulations, facility policies, or procedures change.
  - (1) Each facility or their designee must train new personnel on the operating plan as part of their work responsibilities. This training must be provided prior to commencement of duties. Refresher training must be completed annually by all personnel.
    - (a) Maintain record of training provided including but not limited to initial or refresher training, first and last name of trained person, date, name of trainer and brief description of training provided.
    - (b) Body Artist should retain a copy of training record.
  - (2) All regulated waste management records must be maintained onsite for three years and must be available for review by the Hamilton County Health Department.
- b) Any waste, including biohazardous waste, mixed with regulated waste must be managed as regulated waste.
- c) All surfaces contaminated with spilled or leaked regulated waste must be decontaminated as part of the cleaning process.

## 2) Storage and Containment

- a) Bags
  - i) Regulated waste (except sharps) must be packaged and sealed at the point of origin in a red biohazard bag. Each biohazard bag must meet the following physical properties:
    - (1) Impact resistance of 165 grams (g) and tearing resistance of 480 g in both the parallel and perpendicular planes with respect to the length of the bag. Impact resistance must be determined using ASTM D-1709-91 and tearing resistance must be determined using ASTM D-1922-89.
    - (2) Incidental sum concentrations of lead, mercury, cadmium, and hexavalent chromium must be no greater than 100 ppm for dyes used in the coloration of bags.
    - (3) A letter from the manufacturer of the biohazard bags used in the establishment must be kept on file on the premises.
- b) Sharps containers
  - i) Sharps must be discarded at the point of origin into single-use or reusable sharps containers. Sharps must not be placed directly into double-walled corrugated containers.
  - ii) Sharps containers must be sealed when full. A sharps container is considered full when materials placed into it reach the designated fill line or, if a fill line is not indicated, when additional materials cannot be placed into the container without cramming.
  - iii) Permanently mounted sharps container holders must bear the phrase and the international biological hazard symbol if this information on the sharps container is concealed by the sharps container holder/mount.
  - iv) Reusable outer containers must be rigid and constructed of smooth, easily cleanable materials. Outer containers must be decontaminated after each use.
- c) Storage
  - i) Storage of regulated waste at the generating facility must not exceed 30 days. The 30-day period commences when the first non-sharps item of regulated waste is placed into a

- biohazard bag or sharps container, or when a sharps container containing only sharps is sealed and/or full, whichever comes first.
    - ii) Indoor storage areas must have restricted access and be designated in the written operating plan. They must be located away from pedestrian traffic, be vermin- and insect-free, and be maintained in a sanitary condition. They must be constructed of smooth, easily cleanable materials that are impervious to liquids.
    - iii) Outdoor storage areas, including containers and trailers, must (in addition to the above criteria) be secured against vandalism and unauthorized entry.
  - d) Containment
    - i) Packages of regulated waste must remain sealed until picked up by a licensed transporter. Ruptured or leaking packages of regulated waste must be placed into larger packaging without disturbing the original seal.
    - ii) All packages containing regulated waste must be visibly identifiable with the international biohazard symbol and one of the following phrases: “biomedical waste,” “biohazardous waste,” “biohazard,” “infectious waste,” or “infectious substance.” The label must comply with Section 11(3) of this ordinance.
- 3) Labeling
  - a) Regulated waste bags and sharps containers must be labeled with the international biohazard symbol and the name and address of the body art facility.
    - i) The biohazard label must have a fluorescent-orange or orange-red background with lettering and biohazard symbol in a contrasting color.
    - ii) The international biological hazard symbol must be at least one inch in diameter on sharps containers and must be visible from the direction it faces.
    - iii) The international biological hazard symbol must be at least six inches in diameter on outer containers 19 x 14 inches or larger and must be visible from the direction it faces.
    - iv) If a bag or sharps container is placed into a larger bag prior to transport, the label for the exterior bag must comply with the same labeling requirements in this paragraph.
  - b) Indoor and outdoor storage areas must be conspicuously marked with the international biohazard symbol. The international biohazard symbol on an outdoor storage area must be a minimum of six inches in diameter.
- 4) Transport
  - a) Prior to transport, outer containers must be labeled with the transporter’s name, address, registration number, and 24-hour telephone number.
  - b) The hazardous waste transporter must maintain a tracking document for the purpose of tracking the regulated waste from the point when the regulated waste leaves the body art facility until it receives final treatment. When the regulated waste is received by the transporter, the transporter must provide the body art facility with a copy of the tracking document.
  - c) The transporter must provide labels for bags or sharps containers that are generator-specific, such as bar codes or specific container number.

#### 16-20-9-13 REQUIREMENTS FOR PREMISES

- 1) As part of the license application process, body art establishments applying after adoption of this Ordinance must submit a scale drawing and floor plan of the proposed establishment for a plan review by the Hamilton County Health Department.
- 2) All body art establishments must be completely separated by solid partitions or walls extending from floor to ceiling from any room used for human habitation, any food establishment or room where food is prepared, any nail or hair salon, or any other such activity that could cause potential contamination of work surfaces.
- 3) Walls extending from floor to ceiling from any room used for human habitation, any food establishment or room where food is prepared, any nail or hair salon, or any other such activity that could cause potential contamination of work surfaces.

- 4) No reusable barriers may be employed for body art procedures.
- 5) The body art procedure area must be equipped with a separate, readily accessible hand washing sink that is supplied with soap and disposable paper towels in dispensers.
- 6) If reusable instruments are used in a body art establishment, a separate sterilization room is required. The sterilization room must meet the following requirements:
  - a) The sterilization room must be enclosed and not open to the public.
  - b) The sterilization room must only be used for cleaning, disinfecting, sterilizing, storage, and related tasks.
  - c) A sink must be used only for cleaning contaminated instruments. This sink shall not be used for hand washing.
  - d) A covered ultrasonic cleaner and/or instrument washer must be included.
  - e) If any items are stored in the room, cabinets or drawers must be made of smooth, nonporous wipeable materials.
  - f) No other services including but not limited to tattooing, piercing, or retail sales may occur within the sterilization room.
  - g) The covered ultrasonic unit and the sink used for rinsing and scrubbing contaminated instruments must be separated from the autoclave to prevent contamination. Plexiglass, stainless steel, or other nonporous barriers to prevent cross-contamination are allowed.
- 7) Water supply and wastewater disposal methods must meet all local and/or state regulations.
- 8) All new body art facilities must have access to a mop/utility sink.
- 9) There must be a minimum of one restroom with a hand washing sink accessible to patrons. This sink must not be used for any other purposes.
- 10) The body art procedure area must be equipped with a hand washing sink for personnel with unobstructed access (e.g., no doors), such that the body artists can go to and from their workstations without having to touch anything with their hands.
- 11) There must be a minimum of 80 square feet of floor space for each procedure area in the establishment.
- 12) Ultrasonic cleaners, used for cleaning instruments or other contaminated items, are not allowed in the workstation. Ultrasonic cleaners used only for cleaning non-contaminated jewelry or other non-contaminated items are allowed in the workstation.
- 13) A lined waste receptacle must be provided in every procedure area and restroom. The receptacles must be kept clean. If the waste receptacle is covered, it must have self-closing lids with hands-free controls.
- 14) The establishment must offer an area secluded from public view for clients requesting privacy. If a curtain or partition is used, it must be in compliance with this ordinance.
- 15) The establishment must have and maintain mechanical ventilation that is in compliance with current local and state building codes, if applicable. The establishment must have an artificial light source equivalent to at least 20 lumens per square foot, three feet off the floor. Where the body art procedure is being performed and where instruments and sharps are assembled, there must be an artificial light source equivalent to at least 100 lumens per square foot.
- 16) No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations. All service animals in compliance with ADA are allowed in procedure areas. Fish aquariums are only allowed in waiting rooms. Fish aquariums must contain only aquatic species that can survive underwater for a minimum of 48 hours.
- 17) The facility must be free of pests, including insects, rodents, and vermin.
- 18) All noncontaminated instruments must be stored in a dry, closed cabinet, drawer, or tightly covered container suitable for protecting the contents from moisture and dust and reserved for the storage of such instruments.
- 19) Smoking and vaping are prohibited in all indoor areas.

#### 16-20-9-14 LICENSE REQUIREMENTS

- 1) Establishments and body artists operating at the time of the enactment of this Ordinance must be given 6 months to make application to the Hamilton County Health Department and comply with these regulations. Establishments that continue to operate without proper licenses from the Hamilton County Health Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided.
- 2) Fixed Body Art Establishment License
  - a. No person, firm, partnership, joint venture, association, business trust, corporation, or organized group of persons may operate a body art establishment except with a body art establishment license issued annually from the Hamilton County Health Department.
  - b. The applicant must pay a fee set by the Hamilton County Health Department for each body art establishment license.
  - c. A license for a body art establishment may not be transferable from one place or person to another.
  - d. It is the responsibility of the facility owner to ensure that all employees, contractors, and agents of the facility understand and adhere to this Ordinance.
  - e. Jewelry retail establishments that use an ear-piercing gun to perform earlobe piercings only does not require a license from the Hamilton County Health Department but must meet the same sanitary requirements as a body piercing facility.
  - f. Fixed body art establishment licenses must be posted in a prominent and conspicuous area where they can be easily seen.
- 3) Body Artist License
  - a. No person may practice body art procedures without first obtaining a body artist license from the Hamilton County Health Department. The Hamilton County Health Department sets a fee and procedure for obtaining such licenses.
    - i. Body Artist does not include individuals who perform ear lobe piercings only at jewelry retail establishments.
  - b. The body artist license expires annually on a date identified by the Hamilton County Health Department.
  - c. Application for a body artist license must include:
    - i. name,
    - ii. date of birth,
    - iii. photocopy of identification,
    - iv. address of residence,
    - v. mailing address,
    - vi. phone number,
    - vii. place(s) of employment as a body artist,
    - viii. proof of attendance at an OSHA bloodborne pathogen training program (or equivalent) given or approved by the Hamilton County Health Department.
    - ix. current successful completion of an OSHA first aid training program (or equivalent) given or approved by the Department.
  - d. The body artist needs to demonstrate facility safety and sanitation knowledge prior to issuance of the body artist's license.
  - e. No body artist license must be issued unless the body artist has demonstrated compliance with the provisions of this section and all other provisions of this Ordinance.
  - f. Body artist licenses must be posted in a prominent and conspicuous area where they can be easily seen.
  - g. Convicted sex offenders shall not be permitted to practice as a body artist without the supervision of another worker.
- 4) Temporary Body Art Establishment License

- a. Unless specified elsewhere in these requirements, temporary establishments must meet the same requirements as body art establishments at fixed locations.
- b. Temporary body art establishment licenses may be issued for body art services provided outside of the physical site of a licensed facility for the purposes of educational, trade show, convention, public or private events, performance, product demonstration, or aesthetic show.
  - i. Temporary body art establishment licenses will not be issued unless:
    1. The applicant is currently affiliated with a body art establishment that, where applicable, is licensed by a Local Health Department, and
    2. the temporary site complies with Section 13(2).
  - ii. Temporary body art establishment licenses expire after 14 days or the conclusion of the special event, whichever is sooner.
  - iii. A temporary body art establishment license will not be issued unless the applicant has paid a fee as set by the Hamilton County Health Department.
  - iv. A temporary body art establishment license may not be transferable from one place or person to another.
  - v. The temporary body art establishment license must be posted in a prominent and conspicuous area where it can be easily seen.
  - vi. While working under a temporary art establishment license, all body artist licenses, and temporary body artist licenses must be posted in a prominent and conspicuous area where the licenses can be easily seen.
  - vii. The facility license holder must publicly display the name, address, and phone number of the Hamilton County Health Department that has jurisdiction over the facility, as well as the procedure for filing a complaint.
- c. Compliance with all of the requirements of this Ordinance includes but is not limited to the following:
  - i. Facilities must properly sterilize instruments and evidence of a spore test performed on sterilization equipment 30 days or less prior to the date of the event must be provided; otherwise, only single use, prepackaged, sterilized equipment marked with an expiration date, lot number, and method of sterilization can be used.
  - ii. All temporary body art establishments must have the ability to clean and disinfect the body art procedure areas.
  - iii. Body artists must have a temporary body artist license.
  - iv. There must be at least 50 square feet of floor space for each body artist.
  - v. Flooring must be smooth and non-absorbent that can be cleaned and disinfected or disposed of.
  - vi. If an area screened from public view is offered for clients requesting privacy, it must be in compliance with Section 12 of this Ordinance.
  - vii. Provide enough temporary hand washing sinks with running water to adequately service the number of body artists present.
  - viii. Temporary establishments must supply a municipal solid waste receptacle, biohazardous regulated waste receptacle, and a sharps container within the procedure area, as close as feasible to where the sharps will be used.
  - ix. Temporary establishments must have a written plan for removal of the regulated waste by a licensed transporter.
  - x. Water supply and wastewater disposal methods must meet all local and/or state regulations.
  - xi. No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations.

- d. The facility where the temporary body art facility license is needed must be inspected by the Hamilton County Health Department and a license issued prior to the performance of any body art procedures.
  - e. Temporary body art facility licenses issued under the provisions of this Ordinance may be suspended by the Hamilton County Health Department for failure of the holder to comply with the requirements of this Ordinance.
- 5) Temporary Body Artist License Requirements
- a. A temporary license for performing body art procedures must be issued by the Hamilton County Health Department for educational, trade show, convention, public or private events, performance, or product demonstration purposes. The license expires 14 days after issuance.
  - b. Temporary body artist licenses must be issued by the Hamilton County Health Department for body art services provided outside of the physical site of a licensed body art facility for educational, trade show, convention, public or private events, performance, or product demonstration purposes. The license expires 14 days after issuance.
    - i. This permit need not be obtained if the body artist is already licensed by the Hamilton County Health Department within the licensing jurisdiction.
    - ii. Temporary body artist licenses will not be issued unless the applicant:
      - 1. provides proof of compliance with Sections 13(3) relating to body artist licenses,
      - 2. Is currently affiliated with a body art establishment which, where applicable, is licensed by the Hamilton County Health Department.
      - 3. Has paid a fee as set by the Hamilton County Health Department.
  - c. A temporary body artist license may not be transferable from one person to another.
  - d. Each temporary body artist license must be posted in a prominent and conspicuous area where it may be readily seen.
- 6) Mobile Body Art Establishments
- a. In addition to complying with all the requirements of this Ordinance, mobile body art vehicles and operators working from a mobile body art establishment must comply with all the following requirements:
    - i. Mobile body art establishments are licensed for use only at special events lasting 14 days or less. Licenses must be obtained at least 14 days prior to the event. No body art procedures are allowed to be performed before a license is issued.
    - ii. License holders are responsible for ensuring that all other local agency regulations are complied with, including but not limited to zoning and business license requirements.
    - iii. Body art performed pursuant to this Section must be done only from an enclosed vehicle such as a trailer, mobile home, or mobile vehicle. No body art procedures may be performed outside of the enclosed vehicle.
    - iv. The mobile body art establishment must be maintained in a clean and sanitary condition at all times. Doors must be self-closing and tight fitting. Openable windows must have tight-fitting screens.
    - v. If the mobile body art establishment is not completely disposable, then it must have approved sterilization equipment available in accordance with all requirements of Section 8.
    - vi. The mobile body art establishment must be used only for the purpose of performing body art procedures. No habitation or food preparation is licensed inside the vehicle.
    - vii. The mobile body art establishment must be equipped with a hand washing sink that provides water at a temperature of at least 38 °C (100 °F) through a mixing valve or combination faucet used solely for washing hands, arms, or prosthetics

with liquid soap dispensed from a nonreusable container. The establishment must supply paper towels in dispensers. An adequate supply of potable water must be maintained for the mobile body art establishment at all times during operation. An equipment wash sink is not required if soiled reusable instruments are transported in a suitable covered container to a licensed facility for cleaning. Reusable instruments that are cleaned and sterilized in the mobile facility must meet the requirements of Section 8(4).

- viii. All liquid wastes must be stored in an adequate storage tank with a capacity at least 15% greater than the capacity of the onboard potable water supply. Liquid wastes must be disposed of at a site approved by the Hamilton County Health Department.
- ix. Restroom facilities must be available on site for public use. A hand washing sink must be available inside the restroom cubicle. The hand washing sink has to be supplied with hot and cold running water under pressure to a mixing-type faucet, liquid soap dispensed from a nonreusable container, and paper towels in a dispenser. Restroom doors must be self-closing and adequate ventilation must be available.
- b. All body artists working in a mobile body art establishment must have a body artist license and comply with the body artist requirements of this Ordinance.
- c. No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations.
- d. Mobile body art establishments must receive an initial inspection at a location specified by the Hamilton County Health Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.
- e. All mobile body art establishment licenses, body artist licenses, and local regulatory agency contact information must be posted in public view.
- f. The temporary body art establishment license must be posted in a prominent and conspicuous area where it can be easily seen.
- g. The establishment license holder must publicly display the name, address, and phone number of the Hamilton County Health Department that has jurisdiction over the facility, as well as the procedure for filing a complaint.

#### 16-20-9-15 PROHIBITIONS

- 1) Performing a body art procedure is prohibited on any minor without the written notarized consent of that person's parent or legal guardian. That consent is required to be given in person to the body artist by the parent or legal guardian before the body artist may perform the body art procedure. In addition, the parent or legal guardian must present identification to the body artist and the body artist must retain a copy of the identification for their records. The parent or legal guardian must be present in the procedure area at the time of the procedure.
  - a. Body artists are not allowed to perform genital or nipple piercings on individuals under 18 years of age, even with parental consent.
  - b. Body artists are not allowed to perform Branding or Scarification on individuals under 18 years of age, even with parental consent
  - c. Videotaping, photographing, or other recording, to include but not limited to live social media streaming, of body art, whether during or after the procedure, is prohibited without the client's consent. If the client is a minor, consent from the parent or legal guardian is also required.
- 2) Convicted sex offenders shall not be permitted to practice as body artists without the supervision of another worker.

- 3) It is prohibited to perform body art on a person who, at the discretion of the artist, is visibly impaired.
- 4) It is prohibited to perform body art while under the influence of alcohol or drugs.
- 5) It is prohibited to operate as a body art establishment or body artist without first obtaining all necessary licenses and approvals from the Hamilton County Health Department.
- 6) It is prohibited to obtain or attempt to obtain any body art establishment or body artist license by means of fraud, misrepresentation, or concealment.

#### 16-20-9-16 ENFORCEMENT

- 1) The Hamilton County Health Department is responsible for developing and implementing a system of suspension, revocation, reinstatement, penalties, fines, civil charges based on the severity of violations of this ordinance.

#### 16-20-9-17 INSPECTION

- 1) Hamilton County Health Department personnel must inspect each body art facility to ensure compliance with this Ordinance prior to issuing a license to a body art facility. Department personnel must be granted access to the premises of a body art facility during normal hours of operation, including access to customer and personnel records.
  - a. The Hamilton County Health Department must be allowed entry at will when the facility is occupied, whether routine inspection or not, including the need to investigate complaints or compliance.
- 2) Body art establishment inspections must be conducted no less than once a year and as often as necessary throughout the year to ensure compliance with this Ordinance and to ensure the health and safety of the general public.
- 3) Authorized agents of the Department must properly identify themselves upon entering a body art establishment to make an inspection.
- 4) It is a violation of this Ordinance for the operator in a body art facility to knowingly do any of the following:
  - a. conceal, withhold, or falsify records or evidence;
  - b. interfere with the performance of the duties of the Hamilton County Health Department;
  - c. make a false statement, representation, certification, record, report, or otherwise falsify information required to be submitted or maintained pursuant to this Ordinance.
- 5) A digital or written copy of the inspection report must be furnished to the license holder or operator of the body art establishment. The Hamilton County Health Department retains possession of the original.
- 6) If, after investigation, the Hamilton County Health Department should find that an operator is in violation of this Ordinance, the Hamilton County Health Department must advise the operator, in writing of its findings and instruct the operator to take specific steps to correct such violations. Violations that pose an imminent public health threat need to be corrected before operation may resume.
- 7) If at any time the Hamilton County Health Department has reasonable cause to suspect that public health might be at risk, it can place limitations on the license of a body art facility or artist. The Hamilton County Health Department must notify the facility license holder and the body artist license holder. Limitations can include the imposition of restrictions or conditions, or both, on the operations of that body art facility. A body art facility must comply with all license limitations until the Hamilton County Health Department has conducted an inspection, has determined that the license limitations are no longer necessary, and has issued an order allowing the body art facility to resume operations without the license limitations.

#### 16-20-9-18 SUSPENSION OF LICENSE

- 1) Licenses issued under the provisions of the Ordinance can be suspended temporarily by the Hamilton County Health Department for failure of the holder to comply with the requirements of this Ordinance.
- 2) Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Ordinance, the operator must be notified in writing that the license is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the license holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Hamilton County Health Department within the time specified.
- 3) Any person whose license has been suspended can file an application for reinstatement of the license within 10 business days of notice of suspension by meeting the following requirements:
  - a. Submitting a signed statement that the conditions causing the suspension to have been corrected.
  - b. Providing proof that the conditions have been corrected, including but not limited to photos, receipts, and written documentation.
  - c. Submitting the appropriate reinspection fees, after which the Hamilton County Health Department must reinspect the body art establishment and evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this Ordinance, the license will be reinstated.
- 4) All hearings required under this section, except those set forth in Section 18(5), shall be held only upon at least ten (10) days written notice to the permittee of time, place and nature thereof. The notice of hearing shall be served upon the permittee by leaving, or mailing by Certified Mail, the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Officer.
- 5) At any hearing required under this Ordinance, the Hearing Officer shall be the Health Officer or the Health Officer's designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial, or unduly repetitive evidence may be excluded.
- 6) Upon the conclusion of such hearing, the Hearing Officer shall enter a final order, subject to the right of appeal in accordance with Section 18(2).

#### 16-20-9-19 APPEAL

- 1) Any permittee aggrieved by any final order of the Health Officer, including an order for the payment of immediately assessable fines, shall be entitled to a review of the final order before the Hamilton County Board of Health Board by filing a written request therefore with the Secretary of the Board within fifteen (15) days after such final order is issued.
- 2) Upon the Health Officer's receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten (10) days written notice of the time, place and nature thereof. (The Health Officer and permittee may agree to a shorter period of time, if requested by either party). The notice shall be issued by the Secretary of the Board to the permittee filing the request.
- 3) The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail, the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Secretary of the Board.
- 4) At such hearing, the same rules of procedure shall apply as set forth in Section 17(4), provided, that upon written request by the permittee or the Health Officer, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party, be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party.

- 5) The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing.

#### 16-20-9-20 REVOCATION OF LICENSE

- 1) For repeated violations or repeated critical violations of any of the requirements of this Ordinance or for interference with Department personnel in the performance of their duties, a license can be permanently revoked after a hearing. Before taking such action, the Hamilton County Health Department must notify the license holder or operator in person and hand-deliver a notice in writing stating the reasons why the license is subject to revocation and advising the license holder or operator of the requirements for filing a request for a hearing.
- 2) The Hamilton County Health Department can permanently revoke a license after 5 business days following service of the notice unless a request for a hearing is filed by the license holder to the Hamilton County Health Department.
- 3) The Hamilton County Health Department must conduct the hearings in accordance with all local laws and regulations.
- 4) Once a body art license has been revoked, the artist and/or establishment will be considered to be operating without a license.

#### 16-20-9-21 CITATIONS

- 1) The Hamilton County Health Department will have the authority to levy citations and/or fines against a body art establishment and/or body artist for repeat, noncritical, or critical violations.
- 2) If a body art establishment license and/or body artist license is suspended or revoked and has existing citations, the citations must be paid, and a satisfactory compliance inspection completed prior to reinstating the body art establishment license and/or body artist license.
- 3) Within a licensing period:
  - a. Citations for first-time violations may not exceed \$100 per violation.
  - b. Citations for second-time violations of the same violation may not exceed \$250 per violation.
  - c. Citations for third-time violations of the same violation may not exceed \$500 per violation.
  - d. Citations for the same violation more than 3 times in a 12-month period may not exceed \$1,000 per violation and will put the body art license in suspended status until such a time that the Hamilton County Health Department can be sure that all violations are or will be corrected. In such cases, the license holder can make an application for reinstatement of the license within 10 business days of notice of suspension by following the procedure detailed in 17(3).
- 4) Any citation not paid within 30 days of receipt by the body art license holder will place the body art license in suspension.
- 5) If a body artist continues to operate on a suspended license, the Hamilton County Health Department may issue a citation no greater than \$250 per day. If the body artist continues to operate on a suspended license for longer than 3 calendar days, the body art license will be placed in revoked status.

#### 16-20-9-22 INJUNCTIONS

- 1) The Health Officer may bring an action for an injunction in the Circuit or Superior Court of Hamilton County, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

#### 16-20-9-23 EXPENSE

- 1) Any person violating any of the provisions of this Ordinance shall be liable to the Hamilton County Department of Health for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

#### 16-20-9-24 INTERPRETATION AND SEVERABILITY

- 1) In the interpretation of this Ordinance, the singular may be read as the plural, the masculine gender as the feminine or neutral, and the present tense as the past or future where the context so dictates.
- 2) In the event any particular clause or section of this Ordinance should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

#### 16-20-9-25 EFFECTIVE DATE

This ordinance shall be effect on January 1, 2025.