

## CHAPTER 17 BODY ART FACILITIES

Sec. 17-101. Definitions in 410 IAC 1-5 apply in this chapter. A facility shall be operated in accordance with this chapter and 410 IAC 1-5.

Sec. 17-102. A facility shall have a hard-plumbed sink with an approved running water source supplying hot and cold water, soap, and single use towels at each station. The sink shall be separate from the public restroom.

Sec. 17-103. A facility shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where a procedure is performed and equipment is assembled.

Sec. 17-104. An operator shall keep disinfection and sterilization equipment in a secure area. A new facility shall have a sink in the room where the autoclave or sterilization equipment is kept.

Sec. 17-105. A facility shall have a sharps container at each station. Needles shall be single-use only. Needles shall be discarded in sharps containers immediately after use.

Sec. 17-106. A facility shall place single-use disposable barriers on equipment used during a procedure that cannot be sterilized. Barriers shall be discarded immediately after use.

Sec. 17-107. An operator shall ensure that a tattoo artist and body piercer prepares the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution. An operator shall ensure a tattoo artist protects the tattooed area after a procedure by applying germicidal solution, antibacterial ointment, and either a sterile bandage or product specifically made for new tattoos and approved by the Health Officer. An operator shall ensure that a tattoo artist and body piercer gives written and oral care instructions on proper cleansing, side effects, and activity restrictions after a procedure.

Sec. 17-108. An operator shall have all disinfection and sterilization equipment tested by an approved, independent laboratory on a monthly basis. An operator shall provide test results to the Health Officer on a monthly basis. An operator shall pay a fifty dollar fee (\$50) if the Health Officer does not receive test results by the 21<sup>st</sup> day of the following month.

Sec. 17-109. An operator shall maintain at the facility and make available for inspection by the Health Officer patron records including a copy of photo and age identification for two (2) years.

Sec. 17-110. An operator shall require a tattoo artist and body piercer to show proof of having received the hepatitis B vaccination or proof of having declined said vaccination by signing a waiver. An operator shall maintain at the facility and make available for inspection by the Health Officer dated waste disposal records, proof of purchase for needles, and other single-use equipment.

Sec. 17-111. An operator shall ensure that a body piercer uses jewelry for newly pierced areas made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use. An operator shall maintain at the facility and make available for inspection by the Health Officer mill test certificates for all jewelry used for initial piercings which provides evidence of a specific grade of metal with a code designation from the ASTM or ISO or other standard approved by the Health Officer. An operator shall not use externally threaded jewelry on initial piercings. Microblading pens must be either pre-sterilized and single-use or sterilized in a steam autoclave.

Sec. 17-112. An operator shall ensure that if a tattoo artist or body piercer uses numbing products that only over-the-counter topical anesthetics are used. A history of allergic reactions to local anesthetics is an absolute contraindication for their use. Anesthetic eye drops are not permitted for permanent eyeliner procedures.

Sec. 17-113. If an operator has a facility within another type of business, a separate room shall be required for body art procedures. The room shall have floor-to-ceiling walls and a door which shall be locked when the artist is not present.

Sec. 17-114. License and License Fees

- (a) A person may not operate a facility without a license. The operator shall post the license in a conspicuous place at the facility. The license begins September 1 and expires August 31 of the following year. The operator shall renew the license annually.
- (b) The license fee shall be three hundred dollars (\$300) annually. The license fee for a facility not open in the previous licensing year, filing after March 1, shall be one hundred and fifty dollars (\$150).
- (c) An additional fee of one hundred fifty dollars (\$150) shall be imposed for license renewal fees submitted after September 1.
- (d) An additional fee of three hundred dollars (\$300) shall be imposed when a facility is opened without obtaining a license.
- (e) An application fee of one hundred dollars (\$100) shall be paid in advance by a facility not open in the previous licensing year.
- (f) An additional fee of one hundred dollars (\$100) shall be imposed for each reinspection.
- (g) Payment of fees shall be submitted within thirty (30) days of an invoice date.
- (h) A temporary or mobile facility shall be prohibited from obtaining a license.
- (i) No license issued under this article may be transferred to another person or another location.

(j) No refund will be granted for any unexpired period of the license.

**Sec. 17-115. Closure of Tattoo and Body Piercing Facilities.**

The Health Officer may close a facility and suspend a license when any of following occur:

- (a) Untimely reporting of test results.
- (b) Proper hand-washing sink not provided at each station.
- (c) Conditions that present an imminent threat to public health or transmission of communicable disease.
- (d) Three (3) or more occurrences of the conditions described in this article within a 12-month period.

**The Health Officer may post an informational sign at the entrance of the facility. It is a violation of this chapter for any person other than the Health Officer to remove this sign.**

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