

CHAPTER V

REGULATION AND LICENSING OF TATTOO ARTISTS AND DERMAGRAPHIC TECHNICIANS AND RELATED BUSINESSES

- 5.1 **Purpose** - The regulations in this chapter are enacted for the purpose of regulating and licensing tattoo artists and dermagraphic technicians and persons working for and under them as well as tattoo and dermagraphic technician businesses in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous disease into Boone County, Missouri.
- 5.2 **Authority** - These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo.
- 5.3 **Definitions** - As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:
- 5.3.1 **Health Director or Director** - Any person appointed by the Boone County Commission to supervise the administration of this chapter or such other person so designated on a temporary basis by order of the Boone County Commission. As used in this chapter, the term Health Director or Director shall also include any person to whom the Director has delegated the performance of any duties required of the Health Director under this chapter.
- 5.3.2 **Operator** - A person who practices the art of tattooing or otherwise administers a tattoo or acts as a dermagraphic technician for compensation of any type.
- 5.3.3 **Patron** - A person who enters a tattoo establishment for the purpose of

obtaining a tattoo or who is tattooed in any manner at tattoo establishment.

5.3.4 **Person** - "Person" shall mean any individual, firm or corporation, owner or operator of a tattooing establishment.

5.3.5 **Tattooing** - "Tattooing" shall mean any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink, natural pigments or colors, by the aid of needles or instruments.

5.3.6 **Tattooing Establishment** - Any place or facility where the art of tattooing is performed by an operator as defined in these regulations.

5.4 **Permit Required** - It shall be unlawful for any person owning, controlling or leasing, acting as agent for, conducting, managing or operating any tattooing establishment to practice the art of tattooing or to be an operator as the term is defined in these regulations or engage in the practice of tattooing without first applying for and receiving a permit from the director in the manner herein provided or for any such person to act as a tattoo operator or operate a tattooing establishment while such permit is under suspension or revocation.

5.5 **Permit Issuance** - Upon approval of an operator's application for a permit to engage in the practice of tattooing and after on-site inspection by the Health Director demonstrates that an applicant's tattoo establishment is in compliance with these regulations, the Health Director shall, upon payment of a license fee hereinafter provided, issue the permit to the designated permittee. Every person engaged in the business of conducting, managing or operating a tattooing establishment shall pay a permit user fee each year or for any portion of the year as established by order of the Boone County Commission, payable annually in

advance to the Boone County Department of Health. Upon approval of an application for a permit to engage in the practice of tattooing, the director shall, upon payment of a license fee hereinafter provided, issue the permit to the designated permittee. Every person engaged in the business of conducting, managing or operating a tattooing establishment shall pay a permit user fee each year or for any portion of the year as established by order of the Boone County Commission, payable annually in advance to the Boone County Department of Health. A permit for a tattooing establishment may be granted at any time during the year, but all permits issued hereunder shall expire on the thirty-first day of the next succeeding December. No permit shall be transferable or assignable. All permits and these regulations shall be posted at all times in a conspicuous place in the establishment.

- 5.6 **Permit Suspension and Revocation** - The Health Director may suspend a tattoo establishment permit for failure of the permittee to comply with the requirements of these regulations if the Health Director has issued notice of violation(s) specifying corrective action to be taken and prescribed a reasonable time for the permittee to remedy the violation(s) and the permittee fails to take timely corrective action as required. The Health Director also may suspend a permit immediately without issuance of notice of violation and opportunity to take corrective action if the Health Director finds that the violations of these regulations are an immediate and substantial threat to the public health or safety. A permit suspension shall continue until corrective actions are taken and the permit is reinstated or when corrective actions are not timely taken, for a

reasonable time specified by the Health Director not to exceed 30 days unless the permittee's permit is revoked. The Health Director may revoke a permit if a permittee fails to take prompt corrective action after permit suspension under these regulations, if the permittee continues to operate a tattoo establishment after permit suspension but before permit reinstatement, for repeated violations of these regulations regardless of whether corrective actions are taken, for violations of these regulations that require permit revocation, and for interference with the Health Director's performance of duties under these regulations. Any permittee whose permit issued under these regulations has been suspended or revoked may appeal the suspension or revocation and the Health Director shall grant such permittee hearing within five business days of suspension or revocation and provide the permittee notice of the hearing. Failure of permittee to timely appeal a permit suspension or revocation order after being notified of such order in person or by regular mail at the permittee's address shown in Health Director's records shall constitute a complete waiver of the right to appeal unless the Health Director allows untimely appeal for good cause shown. A hearing may be continued by the Health Director upon application for good cause shown. No permit suspension or revocation shall be stayed pending hearing except upon application of the permittee and a finding by the Health Director that the public health or safety will not be endangered by grant of a stay of suspension or revocation; the Health Director may establish conditions for issuance of a stay in permit suspension or revocation pending hearing as are necessary in the Health Director's judgment to protect the public health and safety. After hearing, the Health Director shall promptly render

a decision in writing concerning the appeal and grant or deny relief as requested or modify the order of suspension or revocation as is reasonably appropriate under the circumstances. Any further appeal of the decision of the Health Director shall be as provided under the requirements of chapter 536 RSMo.

5.6.1 Permit Reinstatement After Suspension - Any tattoo establishment operator whose permit has been suspended until corrective actions are taken may at any time make written application for the reinstatement of the permit. The Health Director shall reinspect a tattoo establishment under permit suspension within three business days after the health Director receives an application for permit reinstatement accompanied by a statement signed by the applicant to the effect that the violated provision(s) of these regulations have been corrected. If the Health Director finds satisfactory compliance after inspection, then the Health Director shall reinstate the permit unless the suspension is for failure to take timely corrective actions after notice of violation(s) or the Director finds that the corrective actions taken are inadequate to protect the public health or safety.

5.7 Tattoo Administration Requirements - Any person maintaining, conducting, operating or managing any tattooing establishment must comply with the following regulations with respect to the administration or application of tattoos:

5.7.1 Minimum Age Requirements - No tattoo may be administered to any person less than 18 years of age without parental consent. Where there is doubt about such age, the tattooist will obtain proof of age before the tattoo procedure is done.

5.7.2 Patron Notification - Before administering a tattoo, the patron must be

advised that the tattoo should be considered permanent; that it can be removed only with a surgical procedure; and that any effective removal may leave permanent scarring and disfigurement. A written cautionary notice to that effect shall be furnished to and signed by the patron and retained on file at the establishment.

5.7.3 Skin Condition - The skin surface to be tattooed must be free of rash, pimples, infection or recent scar tissue. The patron must be in apparent good health, and the skin to be tattooed generally free of all appearances of pathological conditions. The skin should not appear jaundiced (yellowed).

5.7.4 Patron Sobriety - Tattoos may not be administered to any person under the influence of drugs or alcohol, and the tattooist is charged with the responsibility of making reasonable observation and inquiry to assure himself that the patron is, in fact, sober, and not under the influence of drugs or alcohol.

5.7.5 New Tattoo Care Patron Instructions - Written instructions, approved by the Director, regarding the proper care of the tattooed skin as a precaution against infections shall be provided to each patron following the tattoo procedure.

5.7.6 Tattoo Removal Prohibited - The regulations herein provided shall in no way be construed to allow nor permit the removal of any tattoo nor shall the tattoo operator perform or attempt to perform any procedure which is intended to remove any tattoo. Any attempt to perform a tattoo removal procedure by a tattoo operator known by the Director, shall result in the revocation of the tattoo operator's permit.

5.8 Tattoo Establishment Premises - Tattoo establishment premises shall be

governed by the following regulations:

5.8.1 **Sanitation** - Premises and equipment must be maintained in a sanitary manner. This includes physical cleanliness as well as antiseptic precautions. Floors, walls and ceilings shall be clean and in good repair and maintained in a clean condition. All tables and chairs used in the tattooing process shall be constructed of a material allowing easy and thorough cleaning and shall be maintained in a clean and sanitary condition. Adequate equipment and facilities shall be provided for the disposition of cigarette butts and other disposal items.

5.8.2 **Hygiene Facilities** - All tattoo establishments shall be equipped with hot and cold running water. Adequate toilet facilities with soap and towels properly installed and in compliance with applicable ordinances, rules and regulations of the county of Boone and State of Missouri shall be provided.

5.8.3 **Insects, Vermin and Litter** - The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborage on the premises. Non-human animals shall not be allowed in the tattooing room. Litter under the control of the tattoo artist or operator shall not be permitted to accumulate on the premises.

5.8.4 **Lighting** - All tattoo establishments shall be well lit with not less than fifty (50) foot-candles in all cleaning and working areas.

5.8.5 **Ventilation** - All tattoo establishments shall have ventilation as required by applicable ordinances/rules and regulations of Boone County, Missouri.

5.8.6 **Size** - All tattoo establishments shall be of sufficient size to accommodate required equipment and business done therein.

- 5.8.7 **Inspection** - The Director shall be permitted access to all areas of the premises and records at any reasonable time.
- 5.9 **Equipment** - Tattoo operators shall comply with the following regulations with respect to equipment:
- 5.9.1 **Instruments** - Non-reusable items like needles, gauze, styptic pencils, etc., shall be treated as contaminated and be disposed of in appropriate isolation boxes in accordance with state and federal guidelines.
- 5.9.2 **Inks** - Individual cups of ink or colors shall be used for each patron and be discarded after use.
- 5.9.3 **Sanitation** - Needles and other instruments used in administering the tattoo, including hand pieces, needle bars, and razor blade holders must be thoroughly rinsed and sterilized after each use. All styptic pencils, gauze, gloves, etc., shall be used for one (1) patron only and disposed of after a single use.
- 5.9.4 **Sterilization** - Sterilization of equipment shall be done by steam pressure sterilization (autoclave), for a minimum of thirty (30) minutes at 270 degrees Fahrenheit followed by a drying time of not less than fifteen (15) minutes. To prepare for steam pressure sterilization, each needle shall be flushed with distilled water and left distinctly moist, just before the sterilization process is initiated. The tubes containing the needles should rest on their sides in the sterilizer to facilitate the air removal and steam contact to each tube and needle. When an autoclave procedure is used, indicator tape or other acceptable test method shall be used to check the effectiveness of sterilization. A daily log shall be kept of tests of equipment. Records of methods of sterilization together with temperature

cycle for each sterilization process shall be kept on file for inspection by the Director. All instruments and needles shall be stored in a closed metal or glass container. All acetate tattoo stencils shall be cleaned with 70 percent isopropyl alcohol between customers or individual transfers of tattoo designs shall be used once and discarded. All furniture or items splashed with blood or body fluid shall be cleaned with a bactericidal cleaner. All tubes, hoses, and reusable equipment shall be cleaned with soap and water or ultrasounded double wrapped in sterilizer paper or in peel pouches and appropriately sterilized.

5.10 Operator and Aseptic Technique Requirements - The following requirements shall be applicable to tattoo operators and use of aseptic techniques:

5.10.1 Vaccinations - Tattoo operators shall have received the Hepatitis B vaccine unless this requirement is waived by the Director for good cause shown. The Health Department may make these vaccinations available to operators at cost.

5.10.2 Foods, Beverages and Smoking Prohibited - Neither the patron or tattoo operator shall consume or bring food or drink into the tattooing area and shall not smoke during the procedure or in the room(s) where the tattooing takes place.

5.10.3 Diseases Prohibited - The tattoo operator must be free from communicable disease while administering tattoos and present no pustular lesions of the hands or arms.

5.10.4 Tattoo Administration Procedures and Reporting Requirements- Immediately before administering a tattoo, the tattoo operator must thoroughly wash his/her hands in hot water with soap, using a short-bristled brush and then

dry the hands with a disposable paper towel. The tattoo operator shall wear a clean and easily cleanable smock and latex/rubber single use disposable gloves while administering the tattoo procedure. The tattoo operator, while administering a tattoo, shall wear an effective hair restraint, must have clean fingernails and shall in general pay particular attention to his/her personal hygiene. The skin surrounding the area where the tattoo is to be placed shall first be washed with a germicidal soap and then shaved with a disposable blade. Individual razor blades shall be used when customer is shaved and disposed of in an isolation container. During any phase of the tattoo procedure, should the tattoo operator be interrupted for other duties, i.e., answering phones, etc., the tattoo operator shall wash his/her hands as prescribed above before resuming the tattoo procedure. The tattoo shall be bandaged with a sterile non-stick type bandage when tattoo is finished. All infections resulting from the practice of tattooing shall be reported to the Director by the person owning or operating the tattooing establishment within five (5) business days. The operator shall advise the patron to seek appropriate medical treatment for the infection.

- 5.11 **Jurisdiction** - The regulations contained in this chapter shall be applicable to all unincorporated areas within Boone County, Missouri and by order of the Boone County Commission in incorporated municipalities which petition the Boone County Commission for inclusion and the County Commission agrees to order their inclusion after public hearing thereon.