

# **Rules and Regulations Pertaining To Body Art For Hall County Georgia**

## **LEGAL AUTHORITY**

**Pursuant to the authority vested in the County Board of Health under O.C.G.A Volume 23 Title 31, Chapter 40, section 31-40-5, we the members of the County Board of Health, do hereby adopt and promulgate the following Rules and Regulations relating to Body Art and Tattoo Studios**

## **PURPOSE**

**To establish minimum standards for individuals performing body art procedures and the facilities from which the procedures are provided. Such standards are designed to promote the health and safety of all individuals performing and receiving body art services.**

## **I. DEFINITIONS**

**The following terms used in these regulations shall be defined as follows:**

- 1.01 “AFTERCARE” means written instructions given 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.**
- 1.02 “ANTISEPTIC” means an agent that destroys disease-causing micro-organisms on human skin or mucosa.**
- 1.03 “BODY ART” means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this code, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.**
- 1.04 “BODY ART ESTABLISHMENT” means any permanent place or premise, whether public or private, in nature or location, where the practices of body art, whether or not for profit, are performed.**

- 1.05 “BODY PIERCING” means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.**
- 1.06 “CLIENT” means any person receiving body art services.**
- 1.07 “BIOMEDICAL WASTE” means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens.”**
- 1.08 “COSMETIC TATTOOING” see “TATTOOING”.**
- 1.09 “DEPARTMENT” means the agency, or its authorized representatives, having jurisdiction to promulgate, monitor, administer, and enforce these regulations.**
- 1.10 “DISINFECTION” means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.**
- 1.11 “EAR PIERCING” means the puncturing of the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following manufacturer’s instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.**
- 1.12 “EQUIPMENT” means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.**
- 1.13 “HAND SINK” means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.**

- 1.14 **“HOT WATER”** means water that attains and maintains a temperature of at least 110 degrees F.
- 1.15 **“INSTRUMENTS USED FOR BODY ART”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or may be exposed to bodily fluids during body art procedures.
- 1.16 **“INVASIVE”** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break, or compromise the skin or mucosa.
- 1.17 **“JEWELRY”** means any personal ornament inserted into a newly pierced area, which must be 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 which has been properly sterilized prior to use.
- 1.18 **“LIQUID CHEMICAL GERMICIDE”** means a disinfectant or sanitizer registered with the U. S. Environmental Protection Agency or an approximately 1:10 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, ¼ cup per gallon or 2 tablespoons per quart of tap water).
- 1.19 **“MOBILE BODY ART ESTABLISHMENT/UNIT”** means a mobile establishment or unit which is self-propelled or otherwise movable from place to place and can be self-sufficient for utilities such as gas, water, electricity, and liquid waste disposal which operates at a fixed location where a permitted operator performs body art procedures for more than 14 days in conjunction with a single event or celebration. *NOTE: MOBILE BODY ART ESTABLISHMENTS/UNITS ARE NOT ALLOWED IN HALL COUNTY.*
- 1.20 **“OPERATOR/TECHNICIAN”** means any person who controls, operates, manages, conducts or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.
- 1.21 **“PERMIT”** means written approval by the Department to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.
- 1.22 **“PERSON”** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited liability companies, associations, trusts or unincorporated organizations.

- 1.23 **“PHYSICIAN”** means a person licensed by the state 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.
- 1.24 **“PROCEDURE SURFACE”** means any surface of an inanimate object that contacts the client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which require sanitizing.
- 1.25 **“SANITIZATION PROCEDURE”** means a process of reducing the number of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.
- 1.26 **“SHARPS”** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized single-use needles; scalpel blades; and razor blades.
- 1.27 **“SHARPS CONTAINER”** means a puncture resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.
- 1.28 **“SINGLE USE”** means products or items that are intended for one-time one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.
- 1.29 **“STERILIZATION”** means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 1.30 **“TATTOOING”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
- 1.31 **“TEMPORARY BODY ART ESTABLISHMENT”** means any place or premise operating a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration. **NOTE: TEMPORARY BODY ART ESTABLISHMENTS ARE NOT ALLOWED IN HALL COUNTY.**

- 1.32 **“UNIVERSAL PRECAUTIONS”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as **“Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health Care and Public Safety Workers”** in *Morbidity and Mortality Weekly Report (MMWR)*, June 23, 1989, Vol. 38, No. S-6, and as **“Recommendations for Preventing Transmission of Prone Invasive Procedures”**, in *MMWR*, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include handwashing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

## **II. BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS**

- 2.01 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:
- A. **Employee Information**
    - 1. Full names and exact duties;
    - 2. Date of birth;
    - 3. Gender;
    - 4. Home address;
    - 5. Home/work phone numbers;
    - 6. Identification photos of all body art operator/technicians.
  - B. **Establishment Information**
    - 1. Establishment name;
    - 2. Hours of operation;
    - 3. Owner’s name and address;
    - 4. Owner’s contact phone number.
  - C. **A complete description of all body art procedures performed. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.**
  - D. **Operator or Technician Injury**
    - 1. Policy/Procedure outlining steps to be taken if the operator or technician pierces their own skin while performing a body art procedure.
    - 2. Accident log to include date, incident, operator/technician name, and action taken.
  - E. **A copy of these regulations.**

- 2.02 *It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.*
- 2.03 The body art operator/technician must be a minimum of 18 years of age.
- 2.04 Smoking, eating, or drinking is prohibited in the area where body art is performed. Operator/technician may keep a drink with a lid in the procedure area.
- 2.05 Operator/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.
- 2.06 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, operators/technicians must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- 2.07 While performing body art procedures, the operator shall wear a disposable medical glove on each hand. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for handwashing procedures as part of a good personnel hygiene program.
- 2.08 If, while performing a body art procedure, the operator's/technician's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section 2.07 shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see 2.06 above) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 2.09 If an operator or technician's skin is pierced while performing a body art procedure the incident must be recorded on an incident log and the policy set forth by the establishment owner, followed.
- 2.10 Contaminated biomedical waste, as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked

with the international biohazard symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste onsite shall be disposed of in a sanitary manner and according to State of Georgia Rules and Regulations 391-3-4-.15 Biomedical Waste. Amended.

- 2.11 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 2.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- 2.13 Proof shall be provided to the Department that all operators/technicians have completed, within 7 months from the date of employment, the Hepatitis B vaccination series. This vaccination should be included as a pre-employment requirement, unless there are extenuating medical conditions documented by a physician. Failure to complete this series will result in the operator/technician's license being revoked.

### **III. EXEMPTIONS**

- 3.01 Physicians licensed by the State of Georgia who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.
- 3.02 Individuals who pierce only the outer perimeter and lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations. Individuals who use ear-piercing systems must conform to the manufacturer's directions on use and applicable to U.S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

#### **IV. PUBLIC NOTIFICATION REQUIREMENTS**

- 4.01 All infections, complications, or diseases resulting from any body art procedure that become known to the operator shall be reported to the Department by the operator within 24 hours. If a disease outbreak is linked with a particular body art studio, all Body Artists in the studio will be required to be tested for the disease in question and will be excluded from performing Body Art while they can transmit the disease.**
- 4.02 Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and shall contain the name, address, and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of body art services. The facility permit holder shall also post in public view the name, address and phone number of the local/state Department that has jurisdiction over this program and the procedure for filing a complaint. The Disclosure Statement and Notice for Filing a Complaint shall be included in the establishment Permit Application Packet.**

#### **V. CLIENT RECORDS**

- 5.01 So that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator or technician shall ask for the information as follows:**
- In order to prevent the transmission of disease and help insure your body art procedure heals properly, we ask that you disclose if you have or have had any of the following conditions:**
- A. Diabetes;**
  - B. History of hemophilia (bleeding);**
  - C. History of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;**
  - D. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;**
  - E. History of epilepsy, seizures, fainting, or narcolepsy;**
  - F. Use of medications such as anticoagulants, to include aspirin, which thin the blood and/or interfere with blood clotting;**



- 5.02** The operator/technician or administrative personnel should ask the client to sign a Release Form confirming that the above information was obtained or that the information was attempted to be obtained. The client should be asked to disclose any other information that would aid the operator/technician in evaluating the client's body art healing process. If medical information is obtained by administrative personnel it must be passed on to the operator/technician prior to performing the body art.
- 5.03** The client shall provide the operator/technician or administrative personnel a photo ID with date of birth for a tattoo. The operator/technician or administrative personnel shall make a copy for the client records.
- 5.04** The client shall provide the operator/technician or administrative personnel a photo ID with date of birth for a body piercing. If the client is under the age of 18, identification must be provided and written consent from a custodial parent or guardian of the client is required. The guardian shall provide photo ID with date of birth and proof of guardianship to the operator/technician or administrative personnel.
- 5.05** Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and operator's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.
- 5.06** Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

## **VI. RECORD RETENTION**

- 6.01** The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, contact phone number, the date of the procedure, the name of the operator who performed the procedure(s), type and location of procedure performed, copy of medical condition form, after care instruction form, signature of client, and copy of photo ID with date of birth or other approved qualifying documentation. If the client is under the age of 18, all required guardian information must be placed in the client file. Such records shall be retained for a minimum of three (3) years and shall be available to the Department upon request. The Department and the body art establishment shall keep such records confidential.

## **VII. PREPARATION AND CARE OF THE BODY ART AREA**

- 7.01** Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
- 7.02** In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate contaminated waste container as described in (2.09). (See definition).

## **VII. SANITATION AND STERILIZATION PROCEDURES**

- 8.01** All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an autoclave and operated in accordance with manufacturer's instructions.
- 8.02** After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 8.03). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months, unless otherwise specified by the manufacturer.
- 8.03** All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- 8.04** Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by

- performing spore destruction tests at least every 2 months, unless otherwise specified by the manufacturer. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.
- 8.05** All needles used in tattooing and cosmetic tattooing shall be single use and disposable. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 8.06** All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- 8.07** All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.
- 8.08** A sterilizer load log shall be maintained for the Studio and made available for inspection by properly identified representatives of the Board of Health during normal operation hours. The log shall be kept for a minimum of one (1) year. The log shall contain the following documentation for each load:
- A.** Description of instruments contained in the load;
  - B.** Date of sterilization and time if more than one load is processed in a single day;
  - C.** Sterilizer cycle time and temperature;
  - D.** Indication of proper sterilization of instruments, as indicated by the appropriate color change of the sterilizer indicator on each package. The indicator used shall be compatible with the sterilization process being used; and
  - E.** Action taken to repeat or correct when appropriate color change did not occur.
- 8.09** All procedure surfaces, including client chairs/benches, shall be cleaned and sanitized after each client with a disinfectant solution or a liquid chemical germicide.

## **IX. REQUIREMENTS FOR SINGLE USE ITEMS**

- 9.01** Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers.
- 9.02** All products applied to the skin, including body art stencils, shall be single use and disposable. If the Department approves, acetate stencils shall be allowed for reuse if sanitization procedures (see definition 1.25) are performed between uses. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

## **X. REQUIREMENTS FOR PREMISES**

- 10.01** Body art establishments applying after adoption of this code shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the Permit Application process. The Department may charge a reasonable fee for this review.
- 10.02** All walls, floors, ceilings, and procedure surfaces of a body art establishment shall be free of open holes and cracks, washable or easily replaced, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client. (For existing establishments, when client chairs/benches need replacing, new furniture shall meet all current requirements. Protective coverings that are smooth and easily cleanable shall be placed on existing furniture.)
- 10.03** All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- 10.04** Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, and rodents. Insects and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.

- 10.05** There shall be a minimum of 45 square feet of floor space for each operator in the establishment. Each establishment shall have an area that may be screened from the public view for clients requesting privacy. There shall be a dividers, curtain, or partitions, at a minimum separating the lobby/reception area from the body art procedure area.
- 10.06** The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- 10.07** No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g. seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
- 10.08** A separate hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators and shall be accessible without leaving the procedure room. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.
- 10.09** At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
- 10.10** All instruments and supplies shall be stored in clean, dry, and covered containers.
- 10.11** Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

## **XI. PERMIT REQUIREMENTS**

### **A. Establishment Permit**

- 11.01** No person, firm, partnership, joint venture, association, business trust, corporation or organized group or persons may operate a body art establishment except with a body art establishment permit from the Department.

- 11.02 Any person operating a body art establishment shall obtain an annual permit from the Department. The establishment permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Department in accordance with Section 13.**
- 11.03 The applicant shall pay a reasonable fee as set by the Department for each body art establishment permit.**
- 11.04 A permit for a body art establishment shall not be transferable from one place or person to another.**
- 11.05 A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.**
- 11.06 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this code.**
- 11.07 An MSDS sheet or other ingredient list must be kept in a binder for public access for every brand and color of ink used in the studio.”**

**B. Operator Permit**

- 11.08 No person shall practice body art procedures without first obtaining an operator permit from the Department. The Department shall set a reasonable fee for such permits.**
- 11.09 The operator permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Department in accordance with Section 13.**
- 11.10 Application for an operator permit shall include:**
- A. Name;**
  - B. Date of birth;**
  - C. Sex;**
  - D. Residence address;**
  - E. Mailing address;**
  - F. Phone number;**
  - G. Place(s) of employment as an operator;**
  - H. Training and/or experience;**
  - I. Proof of attendance at a Bloodborne pathogen training program (or equivalent), given or approved by the Department;**
  - J. Photo I. D.**

- 11.11 Applicant shall demonstrate knowledge of the following subjects:**
- A. Anatomy**
  - B. Skin diseases, disorders and conditions (including diabetes).**
  - C. Infectious disease control, including waste disposal, handwashing, techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.**

Facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or completion of an examination approved, or given by the Department with a passing grade of 85 percent, attained prior to issuance of the operators permit. Examples of courses approved by the Department include courses as “Preventing Disease Transmission” (American Red Cross) and “Bloodborne Pathogen Training” (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment/manufacturers may also be submitted to the department for approval.

- 11.12 No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this code.**
- 11.13 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this code.**
- 11.14 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.**
- 11.15 The provisions of these rules shall be applicable to all Body Artists, whether the Body Artist began performing body art before or after the effective date of these rules. Any Body Artist established on the effective date of these rules shall comply with all requirements of these rules within six (6) months of the effective date.**

## **XII. PROHIBITIONS**

**The following acts are prohibited:**

- 12.01 No person shall tattoo the body of an individual who is under eighteen (18) years of age, unless the person performing the tattoo procedure is a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, or a technician acting under the direct supervision of such licensed physician or osteopath in compliance with Chapter 9 of Title 31 of the Official Code of Georgia Annotated.**

- 12.02** No person shall pierce the body, with the exception of the ear lobes, of any person under the age of eighteen (18) for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the minor's legal parent, custodian, or guardian with proper identification is present and signs a written consent form provided by the Body Art Studio. The consent form must indicate the methods and part(s) of the minor's body upon which the body art procedure is performed. *Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent. Client must present photo ID with date of birth.*
- 12.04** It is prohibited to perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs.
- 12.05** It is prohibited to own, operate, or solicit business as a body art establishment or operator without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this code.
- 12.06** It is prohibited to obtain or attempt to obtain any body art establishment or operator permit by means of fraud, misrepresentation, or concealment.
- 12.07** *Temporary body art and mobile body art establishments/operators are prohibited.*

### **XIII. ENFORCEMENT**

- 13.01** Establishments operating at the time of the enactment of this code shall be given up to 90 days to make application to the Department and comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.
- 13.02** A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection. Such inspections must be conducted at least twice annually.
- 13.03** It is unlawful for any person to interfere with the Department in the performance of its duties.
- 13.04** A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment, and posted for public view, with the Department retaining possession of the original.



- 13.05** If, after investigation, the Department should find that a permittee or operator is in violation of this code, the Department may advise the permittee or operator, in writing, of its finding and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed 30 days.
- 13.06** If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:
- A.** Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.
  - B.** Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

#### **XIV. SUSPENSION OR REVOCATION OF PERMITS**

- 14.01** Permits issued under the provisions of the code may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this code.
- 14.02** Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this code, the operator must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.
- 14.03** Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within 10 days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected and submission of the appropriate re-inspection fees, the Department shall re-inspect the body art establishment or evaluate documentation provided by the operator. If the applicant is in compliance with the provisions of this code, the permit will be reinstated.

- 14.04** For repeated or serious (any code infraction that threatens the health of the client or operator) violations of any of the requirements of this code or for interference with Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.
- 14.05** The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.
- 14.06** The hearings provided for in this section must be conducted by the Department at a time and place designated by the Department. On the basis of the record of the hearing, the Department shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

## **XV. INTERPRETATION AND SEVERABILITY**

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

AREA AFFECTED

**The provisions of these Rules and Regulations shall apply to all areas of Hall County, Georgia, including municipalities.**

ENFORCEMENT

**The administration and enforcement of these Rules and Regulations shall be as prescribed in O.C.G.A., Volume 23, Title 31, Chapter 5 section (31-5-1 through 24).**

VARIANCE PROCEDURE

**All requests for variances to these Rules and Regulations should be submitted to the County Board of Health following established procedures.**

SEVERABILITY

**Should any part, paragraph, or portion of these Rules and Regulations be declared invalid for any reason by any court of competent jurisdiction, such declaration shall not affect the remaining portions of these Rules and Regulations not so declared to be invalid, but all such remaining portions of these Rules and Regulations shall remain in full force and effect, as if they were separately adopted.**

EFFECTIVE DATE

**The provisions of these Rules and Regulations shall become effective on the 1st day of January, 2009.**

REPEAL

**Any previously adopted Rules and Regulations of this Board governing On-Site Water Supplies is hereby repealed.**

CONFLICTING LAWS

**All Board of Health resolutions, ordinances, or regulations in conflict herewith are hereby repealed.**