

CHAPTER 8.10. TATTOO ARTISTS, OPERATORS, STUDIOS AND ESTABLISHMENTS*

***Cross reference(s)**--Business licenses and regulations, tit. 5; background investigation required for operators of tattoo establishments, § 5.10.550.

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8.10.010. Definitions.

As used in this chapter, the following definitions will apply:

A. *Tattoo* shall mean to mark or color the human skin by pricking in, piercing, or implanting coloring matter so as to form indelible pigments, dyes, marks or figures under the skin or by the production of scars; provided, however, that the word "tattoo" shall not mean a tattoo placed upon the skin by a physician for medical identification purposes and shall not apply to the tattooing of farm or domestic animals for the purpose of identification.

1. *Body Piercing* shall mean to cut or to penetrate the human skin for the purpose of implanting a decorative device or an object of adornment such as jewelry; provided however, that the word "body piercing" shall not mean a surgical procedure administered by a physician for medical purposes and shall not apply to the application of identifying tags on farm or domestic animals, nor shall it include the practice of ear piercing.

- B. *Tattoo artist* means any person who actually performs the work of tattooing upon humans, except that the term "tattoo artist" shall not include in its meaning any physician or osteopath licensed under chapter 34 of title 43 of the Official Code of Georgia, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to O.C.G.A. § 16-5-71(a).
- C. *Tattoo establishment and/or tattoo studio* shall mean any facility, building, room or place on a fixed foundation where the tattooing of humans is practiced or where the business of tattooing is practiced or where the business of tattooing of humans is conducted or any part thereof.
- D. *Tattoo operator* shall mean any person who controls, operates, conducts or manages any tattooing establishment or tattoo studio, whether actually performing the work of tattooing or not.

(Res. of 11-23-94; Code 1991, § 8.02.010)

Cross reference(s)--Definitions and rules of construction generally, § 1.20.010 et seq.

8.10.020. Prohibited practices.

- A. No person shall operate a tattoo establishment/studio or engage in the practice or business of tattooing human skin as a tattoo operator or tattoo artist unless the person has first secured a permit to do so from the Hall County Board of Health, has obtained a license from the Hall County Business License Office to do business in Hall County, has complied with the regulations as contained in section 5.10.550.C of the Official Code of Hall County, Georgia, and has paid the business occupation tax.
- B. No person shall operate a tattoo establishment/studio or engage in the practice or business of tattooing as a tattoo operator or tattoo artist without following an approved exposure control plan as described by section 8.10.030 of this resolution [chapter].
- C. No tattoo operator or tattoo artist shall tattoo any person while such tattoo operator or tattoo artist is under the influence of alcohol, drugs or other stimulants or depressants, nor shall such tattoo operator or tattoo artist tattoo any person who is a minor (under the age of 18), or who is under the influence of either alcohol, drugs or other stimulants or depressants, or any person of unsound mind.
- D. No person shall operate a tattoo establishment/studio or engage in the practice or business of tattooing as a tattoo operator or tattoo artist unless he is duly licensed by the applicable state authority as a licensed practical nurse, registered nurse, physician's assistant, physician, or doctor of osteopathy, provided, however, that any person who has lawfully operated a tattoo parlor in Hall County for a period of one year immediately prior to the effective date of this resolution [chapter] with no violations of law and no history of the creation of health hazards shall be entitled to engage in the business of a tattoo operator notwithstanding the provisions of this subparagraph; provided, further, that such operator shall not be relieved of any other requirements of this chapter.

(Res. of 11-23-94; Code 1991, § 8.02.020)

8.10.030. Permit from county board of health required; inspection fee; exposure control plan.

- A. A condition precedent prior to applying for a business license in Hall County shall be satisfactory proof that the tattoo establishment/studio has secured from the Hall County Board of Health a permit to operate the establishment.
- B. The applicant shall be required to submit with his application an annual inspection fee of \$75.00, or such fee as shall be set from time to time by the county board of health. Thereafter, such inspection fee shall be due and payable on an annual basis.
- C. The tattoo operator shall submit and the Hall County Board of Health shall approve an exposure control plan generally conforming to the applicable standards set out in 29 C.F.R.

1910.1030(d), which shall include but are not limited to the following:

1. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair;
 2. Thorough cleaning of reusable sharps, needles, and any portion of the tattoo apparatus which touches the skin after every use and prior to sterilization;
 3. Autoclave sterilization of the reusable sharps, needles and any portion of the tattoo apparatus which touches the skin;
 4. Cleaning of work surfaces with a chemical germicide at least daily when there is a known contamination of a work surface with blood;
 5. Hands should be washed before and after customer contact;
 6. Disposable gloves should be worn during the tattoo procedure;
 7. Sharps and disposable needles should be discarded in a puncture resistant, leak-proof container with a biohazard warning label and taken to a biomedical facility for disposal;
 8. Other biomedical waste containing blood and other bodily fluids should be placed in closable containers which are labeled with biohazard warning labels and taken to a biomedical disposal facility for disposal;
 9. Inquiries shall be made, and anyone giving a history of jaundice or hepatitis shall not be tattooed;
 10. No person, customer, or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed;
 11. All infections resulting from the practice of tattooing which become known to the operator shall be promptly reported to the Hall County Board of Health by the person owning or operating the tattoo establishment/studio, and the infected client shall be referred to a physician;
 12. All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile;
 13. The Hall County Board of Health or its designated representatives may conduct periodic unannounced inspections of any tattooing establishment/studio for the purpose of determining whether or not said establishment/studio and the person performing the art of tattooing therein are in compliance with all applicable health provisions contained within this resolution [chapter] and the exposure control plans filed by the applicant.
- D. In addition to the above, informed consent by the person receiving a tattoo must be given and written records maintained by the operator of the tattoo establishment/studio.
- E. Procedures for ensuring adequate explanation to consumers of the proper subsequent care of a tattoo must be given, and written records maintained by the operator of the tattoo establishment/studio.
- F. The permit shall be valid until suspended or revoked and shall not be transferable with respect to person or location.

(Res. of 11-23-94; Code 1991, § 8.02.030)

8.10.040. Enforcement; right of entry.

The Hall County Board of Health or its designated representative, in order to enforce compliance with this resolution [chapter] and the rules and regulations adopted hereof [pursuant to this chapter], shall be able to enter upon and inspect the premises of a tattoo establishment/studio at any reasonable time and in a reasonable manner.

(Res. of 11-23-94; Code 1991, § 8.02.040)

8.10.050. Authority of board of health to suspend, revoke or deny permit.

The Hall County Board of Health or its designated representative may suspend or revoke permits where the health and safety of the public requires such action. When, in the judgment of such

board or its duly authorized agents, it is necessary and proper that such application for a permit be denied or that a permit previously granted be suspended or revoked, the applicant or holder of the permit shall be so notified in writing and shall be afforded an opportunity for hearing pursuant to O.C.G.A. § 31-5-2. In the event that such application is finally denied or such permit finally suspended or revoked, the applicant for or holder of such permit shall be given notice in writing, which notice shall specifically state the reasons why the application or permit has been suspended, revoked or denied. (Res. of 11-23-94; Code 1991, § 8.02.050)

8.10.060. Appeal of suspension or revocation of permit.

Any person substantially affected by any final order of the Hall County Board of Health denying, suspending, revoking or refusing to renew any permit provided under this resolution [chapter] may secure review thereof by appeal to the department of human resources as provided by O.C.G.A. § 31-5-3.

(Res. of 11-23-94; Code 1991, § 8.02.060)

8.10.070. Permit issued by the board of health not in lieu of business license.

The permits issued hereunder by the Hall County Board of Health shall be cumulative and are not in lieu of any license issued by the Hall County Business License Office to do business in Hall County.

(Res. of 11-23-94; Code 1991, § 8.02.070)

8.10.080. Application for business license.

Any person desiring to operate a tattoo establishment/studio or desiring to operate as a tattoo operator or tattoo artist shall make application for a license at the business license office of Hall County, Georgia. The applicant, in addition to the payment of the business occupation tax as required by section 5.10.010 of the Official Code of Hall County, Georgia, shall also be charged a background investigation fee of \$15.00 to defray the cost of application processing. The minimum age of each applicant shall be 18 years of age. Applicants shall furnish two photographs showing a front and side picture of the full face of the applicant, size 2¹/₂ inches by 2³/₄ inches. Applicants shall present a medical certificate from a medical doctor licensed to practice in Georgia certifying that the person is sound physically and mentally, has good eyesight and is not affected with a disease which can be communicated through openings in the human skin. The applicant shall also submit an approved permit as issued by the Hall County Board of Health pursuant to the provisions of section 8.10.030 of this resolution [chapter] and shall comply with all other requirements of this resolution [chapter].

(Res. of 11-23-94; Code 1991, § 8.02.080)

Cross reference(s)--Business occupation tax and licensing regulations, ch. 5.10.

8.10.090. Penalty.

Any person violating any provisions of this chapter shall, upon conviction, be punished as provided in section 1.50.020 of the Official Code of Hall County, Georgia.

(Res. of 11-23-94; Code 1991, § 8.02.090)

8.10.100. Effective date.

This resolution [chapter] shall become effective on January 1, 1995.

(Res. of 11-23-94; Code 1991, § 8.02.100)