

**STONE COUNTY HEALTH CODE  
BODY ART ESTABLISHMENTS ORDINANCE**

**DIVISION 3. BODY ART ESTABLISHMENTS**

**SECTION 3.1. AUTHORITY AND SCOPE OF REGULATIONS**

This ordinance is enacted pursuant to Sections 192.300, RSMo, which provides in part as follows: The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the Department of Health and Senior Services in accordance with this chapter or by the Department of Social Services under chapter 198, RSMo.

**SECTION 3.2. DEFINITIONS**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Body art* means the practice of physical body adornment using, but not limited to, the following techniques: tattooing, body piercing, or branding. This definition does not include piercing of the outer perimeter or the lobe of the ear or any procedure performed by a physician or health practitioner licensed by the state.

*Body art establishment* means any place or facility where body art procedures are performed.

*Operator* means a dermagraphic technician, or person trained in the technique of applying micro-insertions of natural pigments to the dermal layer of the skin, perforation of human tissue for a nonmedical purpose, or permanently marking human tissue by burning with a hot instrument or by the causing of scarring, or any person who practices tattooing, body piercing or branding.

*Patron* means a person receiving a tattoo, body piercing or branding at a body art establishment.

**SECTION 3.3. GENERAL REGULATIONS**

Operators shall comply with the following regulations:

3.3.1 No person less than 18 years of age shall receive body art without parental consent. The operator shall obtain proof of age before the body art procedure is done.

3.3.2 No patron shall receive a tattoo unless the patron has signed a cautionary notice advising the patron 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. Written cautionary notices shall be signed by the patrons and

retained on file at the body art establishment for a period of three years from the date thereof.

3.3.3 No patron shall receive a body piercing unless the patron has signed a cautionary notice advising the patron that body piercings are not permanent and must be cared for to keep the body piercing functional and free of infection. Written cautionary notices shall be signed by the patrons and retained on file at the body art establishment for a period of three years from the date thereof.

3.3.4 No patron shall receive a branding unless the patron has signed a cautionary notice advising the patron that the branding should be considered permanent, has a high risk of infection and must be cared for to keep it free of infection. Written cautionary notices shall be signed by the patron and retained on file at the body art establishment for a period of three years from the date thereof.

3.3.5 The skin surface to be tattooed, pierced or branded 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, pierced or branded must be generally free of all appearances of obvious pathological conditions, such as the skin must not appear jaundiced (yellowed).

3.3.6 Body art shall not be administered to any person under the influence of drugs or alcohol. The operator is responsible for making reasonable observation and inquiry to assure himself/herself that the patron is sober and not under the influence of drugs or alcohol.

3.3.7 An operator shall provide written instructions, approved by the health director, regarding the proper care of the tattooed, pierced or branded skin as a precaution against infections to each patron following the body art procedure.

3.3.8 An operator shall not perform or attempt to perform any procedure intended to remove a tattoo. Any attempt by an operator to perform a tattoo removal procedure shall be grounds for revocation of the body art health permit.

3.3.9 Operators shall have received the Hepatitis B vaccine. The health department may make this available to operators at a cost.

### **SECTION 3.4. REQUIREMENTS FOR PREMISES**

Operators shall comply with the following regulations:

3.4.1 Body art establishments and equipment shall be maintained in a sanitary manner. This includes physical cleanliness as well as antiseptic precautions.

3.4.2 Body art establishments shall be equipped with hot (minimum 100 degrees Fahrenheit) and cold running water. Adequate toilet facilities with soap and sanitary towels properly installed and in compliance with applicable ordinances, rules and regulations of the Stone County Health Department shall be provided and be accessible to

patrons. At least one additional hand washing facility with soap and sanitary towels shall be located within the immediate area of the procedure area.

3.4.3 The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborages on the premises. Litter shall not be permitted to accumulate on the premises. Animals shall not be allowed in the procedure area.

3.4.5 Body art establishments shall be well lit with no less than 20 footcandles in all cleaning and working areas and ten footcandles in all other areas.

3.4.6 The health director shall be permitted access to all areas of the premises and all records at any reasonable time.

### **SECTION 3.5. EQUIPMENT**

Operators shall comply with the following regulations:

3.5.1 Nonreusable items such as needles, gauze, and styptic pencils shall be treated as contaminated after a single use upon a patron and be disposed of in appropriate isolation boxes in accordance with state and federal guidelines.

3.5.2 Single-service or individual portions of ink or colors in clean sterilized containers or single-service containers of ink or colors shall be used for each patron and shall be discarded after use. Unused ink or colors shall be discarded after use on each patron.

Subdivision I. Permit

### **SECTION 3.6. GENERALLY**

- (a) *Permit required.* It shall be unlawful for any person to tattoo, body pierce or brand another person except at a body art establishment and operators, as individuals, have obtained a license from the state division of professional registration and where a current body art health permit has been issued by the Stone County Health Department.
- (b) *Application.* Any person desiring a body art health permit shall make written application for a permit on forms provided by the health director. The application shall include the applicant's full name, address, telephone number, location of the proposed body art establishment and such other information as may be required.
- (c) *Issuance.* After receipt of an application for a body art health permit, the health director shall inspect the proposed body art establishment to determine compliance with provisions of this division. If applicable requirements of this division have been met, the health director shall issue a body art permit.
- (d) *Annual inspection fee.* An annual inspection fee of \$100.00 shall be paid at the time the health permit is issued and renewed annually on July 1<sup>st</sup>.
- (e) *Expiration; transfer; existing establishments.* A permit for a body art establishment may be granted at any time during the year, but all such permits

- shall expire in the next succeeding May 31<sup>st</sup>. Any body art establishment currently operating in the county shall be in compliance with this division within 90 days of the effective date of the ordinance from which this division is derived. Body art health permits shall not be transferable.
- (f) *Posting.* A current body art health permit shall be posted at all times in a prominent and conspicuous place in the body art establishment where it may be readily observed by patrons.

### **SECTION 3.7. SESPENSION OR REVOCATION**

- (a) Body art health permits may be suspended by the health director for failure of the holder to comply with the requirements of this division. Whenever the health director finds unsanitary or other conditions in the operation of a body art establishment which, in his/her judgment, constitute a substantial hazard to the public health, or for interference with the health director in the performance of his/her duties, the health director may issue a written notice to the permit holder citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such actions shall be taken. If deemed substantial hazard to the public health, such order shall state that the permit is immediately suspended and all body art operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the health director shall be afforded a hearing within ten days before three or more members of the stone county health department board of health.
- (b) Any person whose permit has been suspended may, at any time, make application for reinspection for the purpose of reinstatement of the permit. Within five business days following the receipt of a written request, the health director shall make a reinspection. If the applicant is complying with the requirements of this division, the permit shall be reinstated.
- (c) For serious or repeated violation of any of the requirements of this division or for interference with the health director in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing before three or more members of the stone county health department board of health has been provided by the health director. Prior to such action, the health director shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten days following service of such notice, unless a request for a hearing is filed with the health director by the permit holder within such ten-day period. A permit may be suspended for cause pending its revocation or a hearing on the revocation. Appeal from the decision of the Stone County Health Department Board of Trustees may be made to the circuit court pursuant to RSMo ch. 536.
- (d) The hearings provided for in this section shall be conducted by the Stone County Health Department Board of Trustees in accordance with the requirements of RSMo ch. 536.110.

**SECTION 3.8. EFFECTIVE DATE**

These regulations shall become effective on and after the first 9<sup>th</sup> day of March 2009

BY ORDER OF The STONE COUNTY COMMISSION AND The STONE COUNTY HEALTH DEPARTMENT BOARD OF TRUSTEES passed and approved this 9<sup>th</sup> day of March 2009.