

An ordinance of the Board of Commissioners of Dawson County to provide for regulations of tattoo studios and tattoo artists; to provide for enforcement and penalties; to provide for severability; to repeal conflicting ordinances; and for other purposes.

WHEREAS, the Board of Commissioners deem regulations for tattoo studios and tattoo artists necessary to protect the public health, safety, and welfare.

Now, **THEREFORE**, the Board of Commissioners ordains as follows:

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290-5- Authority.

The legal authority of this Chapter is Section 16-5-71 and O.C.G.A. § 31-40-9.

290-5- Purposes.

The purpose of these rules and regulations is to establish reasonable standards for individuals performing tattoo procedures and for the facilities from which the procedures are provided. Such standards should insure the health and safety of all individuals performing and receiving these services.

290-5- Exemptions.

These regulations do not apply to a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath.

Definitions.

Unless otherwise defined by specific sections as used in these rules and regulations the term:

(a) "Antibacterial Solution" means any solution used to retard the growth of bacteria approved for application to human skin and includes all products labeled accordingly.

(b) "County" means the local County Board of Health or its duly authorized representatives.

(c) "Currently Licensed Health Care Professional" includes physicians, Registered Nurses (RN), Licensed Practical Nurses (LPN), and Licensed Emergency Medical Technicians.

(d) "Department" means the Department of Human Resources of the State of Georgia.

(e) "Governing Body" means the partnership, the corporation, the association, or the person or group of persons who maintain and control the tattoo studio and who are legally responsible for the operation of the studio.

(f) "Permit" means the authorization granted by the County to the governing body to operate a tattoo studio.

(g) "Plan of Correction" means a plan for correcting deficiencies in meeting rules and regulations of the Department of Human Resources.

(h) "Sanitary" means clean and free of agents of infection or disease.

(i) "Sanitized" means effective antibacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.

(j) "Sterilization" means holding an instrument in an autoclave for fifteen (15) minutes at fifteen (15) pounds pressure at a temperature of 273 degrees Fahrenheit or 121 degrees Celsius.

(k) "Tattoo" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin.

(l) "Tattoo Artist" means any person who performs tattooing.

(m) "Tattoo Studio" means any permanent building or structure on a permanent foundation, holding a valid city or county business permit or license, wherein a tattoo artist performs tattooing.

290-5- Governing Body.

(1) The governing body shall be responsible for compliance with the requirements in Chapter 40, Title 31 of the Official Code of Georgia Annotated, with applicable administrative rules and regulations of the Department of Human Resources, including but not limited to all applicable statutes, rules and regulations regarding disclosure of ownership.

(2) Prior to being granted a permit each tattoo studio shall develop a written statement of policies and procedures outlining the responsibilities of management.

(a) No person under the age of eighteen (18) shall be tattooed, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to do so.

(b) Tattoo artists shall not be under the influence of alcohol and/or drugs while performing tattoo procedures.

(c) No person shall be tattooed who appears to be under the influence of alcohol and/or drugs.

(d) No animals, except for guide dogs accompanying blind persons, shall be allowed in the tattoo studio.

290-5- Minimum Floor Plan Requirements.

(1) The tattoo studio shall be constructed, arranged, and maintained as to provide adequately for the health and safety of its customers.

(2) The studio shall be constructed in a manner to allow the customer receiving the tattoo adequate privacy from observers. The work area shall be separate from the waiting area.

(3) Tattoo studios must have adequate ventilation.

(4) Walls and ceilings must be painted or covered in a manner which would allow for easy and effective cleaning. Paint or covering must be light in color.

(5) Floors of the work area must not be carpeted. Surfaces shall be of a nonabsorbent material that would allow for effective cleaning by conventional methods.

(6) A clean and sanitary toilet and hand washing facility, shall be made accessible to customers, however, it shall be separate from the work area.

(7) The work area shall be equipped with at least one sink and basin providing hot and cold running water for the use of the artists for washing their hands and preparing customers for tattooing. This area shall be provided with soap, an antibacterial solution, single use towels, and individual hand brushes for each artist.

(8) The work area shall be provided with adequate lighting.

(9) The work area shall not be used as a corridor for access to other rooms.

290-5- Furnishings and Fixtures.

(1) Furnishings of the tattoo studio shall be maintained in good condition, intact, and functional. The studio shall be kept clean, neat, and free of litter and rubbish.

(2) Cabinets for the storage of instruments, dyes, pigments, single use articles, carbon, and stencils shall be provided for each tattoo artist and shall be maintained in a sanitary manner which protects them from contamination.

(3) Work tables and chairs shall be provided for each tattoo artist.

(a) Surfaces of all worktables and chairs shall be constructed of material that is smooth, light colored, nonabsorbent, corrosive resistant, and easily sanitized.

(b) Work tables and chairs shall be sanitized with a bactericidal solution after each application.

290-5- Supplies.

(1) Bulk single use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the toilet facilities.

(2) All materials applied to the human skin shall be from single use containers and shall be disposed of after each use.

290-5- Dyes and Pigments.

(1) All dyes and pigments used in tattooing shall be from professional suppliers specifically providing dyes and/or pigments for the tattooing of human skin.

(2) In preparing dyes or pigments to be used by a tattoo artist. Only nontoxic sterile materials shall be used. Single-use or individual portions of dyes

or pigments in clean, sterilized individual containers or single-use containers shall be used for each patron.

(3) After tattooing, the remaining unused dye or pigment in the single-use or individual containers shall be discarded along with the container.

290-5- Sanitation.

(1) Prior to the start of the tattoo procedure the artist should inspect his/her hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage should be applied for added protection before gloving. Trim fingernails to insure that gloves are not punctured.

(2) All jewelry such as watches, rings, etc. should be removed prior to the start of the tattoo procedure.

(3) Before working on each client, the fingernails and hands of the tattoo artist shall be thoroughly washed and scrubbed with warm water, and antibacterial soap, using an individual hand brush that is clean and in good repair. The hands should then be dried by either an air blower or by single use towels prior to beginning work on each client or when interrupted in the process.

(4) Single use disposable latex examination gloves shall be worn during the tattooing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo, the gloves become torn or punctured, or whenever their ability to function is compromised.

(5) Each artist shall wear a clean outer garment, apron or smock. These items shall be changed after each client.

(6) Tattoo artists who are experiencing symptoms of diarrhea, vomiting, fever, rash, or skin infections shall refrain from tattooing activities.

(7) Adequate numbers of sterilized needles and tubes must be on hand for each artist for the entire day and night operation.

(8) Only single-use disposable razors shall be used to shave the area to be tattooed.

290-5- Sterilization.

(1) An operational sterilizer (autoclave) shall be provided in each tattoo studio.

(2) Used non-disposable instruments shall be kept in a separate puncture resistant container until brush scrubbed in hot water and soap, and then sterilized by autoclaving.

(3) The following procedures should be followed during the sterilization process:

(a) Prior to being placed in the autoclave all equipment shall be bagged, dated and sealed.

(b) Each autoclave bag may hold no more than one liner and shader tube with needle and bar inserted into tube.

(c) To protect needle tips from damage, an appropriate sterile protective covering shall be placed on the needle tip.

(d) Instruments shall remain in the autoclave fifty-five (55) minutes from a cold start.

(e) If the process begins with a hot start then instruments should be processed for thirty-five (35) minutes.

(f) To achieve proper sterilization, temperature must reach 273 degrees Fahrenheit and 15-30 psi.

(g) Spore indicators shall be used with each load to ensure spore eradication.

290-5- Tattoo Preparation.

(1) Before placing the tattoo design on the client's skin, the artist shall treat the skin area with an antibacterial solution.

(2) If an acetate stencil is used by a tattoo artist for transferring the design to the skin, it shall be thoroughly cleaned and rinsed in a germicidal solution for at least twenty (20) minutes and then dried with sterile gauze or dried in the air on a sanitized surface after each use.

(3) If a paper stencil is used by a tattoo artist for transferring the design to the skin, it shall be single use and disposable.

(4) If the design is drawn directly onto the skin, it shall be applied with a single use article only.

290-5- After Tattoo Application.

(1) The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution.

(2) After the area has dried, apply a thick layer of antibacterial ointment from a collapsible or plastic tube.

(3) A bandage shall then be applied to the tattoo using sealed telfa (non-sticking) pads.

(4) The client should then be given written instructions on caring for the tattoo during the healing process.

290-5- Disinfection of Workplace.

Each tattoo studio must be kept clean and sanitary. The owner must develop and implement a cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed. This written schedule must be based on the location within the studio, the type of surfaces to be cleaned, type of possible contamination present, the tasks or procedures to be performed, and their location within the studio.

The following procedures should be adhered to:

(1) Clean and sanitize all equipment and work surfaces with an appropriate disinfectant after completion of tattoo procedures and at the end of work shift when surfaces have become contaminated since the last cleaning.

(2) Remove and replace protective coverings such as plastic wrap and aluminum foil after each tattoo procedure.

(3) Inspect and decontaminate, on a regular basis, reusable receptacles such as bins, pails, and cans that have a likelihood for becoming contaminated. When contamination is visible, clean and decontaminate receptacles immediately, or as soon as feasible.

290-5- Disposal of Waste.

(1) Needles, razors, or other sharp instruments used during tattoo procedures, shall be placed in puncture resistant, closed containers immediately after use.

(2) Needles shall not be purposely bent or broken or, otherwise manipulated by hand.

(3) Containers of sharp waste shall be sent to a facility where they are either incinerated or otherwise rendered nonhazardous.

(4) Disposable waste shall be placed in easily cleanable, closed containers provided with tight fitting lids, to prevent leakage or spillage.

(5) Waste containers shall be kept closed when not in use.

(6) Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.

(7) The containers shall be located as near as feasible to the area of use. These containers shall not be overfilled.

290-5- Personnel.

(1) Persons performing the tattoo operation shall obtain current certification in emergency first-aid, sterilization, and sanitary procedures except where the individual is a currently licensed health care professional.

(2) The above certification must be obtained within sixty (60) days from the date the permit is issued.

(3) The artist must obtain a physical examination by a licensed physician within twelve (12) months prior to employment or initial application for permit. The examination must be sufficiently comprehensive to assure that the artist is free of communicable diseases.

(4) The governing body must maintain a file on all employees who perform tattoo procedures, which will be available for inspection and includes the following:

(a) Report of physical examination

(b) Evidence of emergency first-aid, sterilization, and sanitation certification.

290-5- Client Files.

(1) For each client, proper records of tattoos administered shall be maintained by the studio.

(2) Records of each client shall be prepared prior to the procedure being performed and shall reflect the client's name and signature, address, proof of age, date tattooed, design, its location and name of the artist.

(3) A statement of informed consent by the individual receiving the tattoo must be maintained on file.

(4) A statement by the client attesting that he/she is not under the influence of alcohol and/or drugs shall be on file.

(5) A copy of procedures signed by the client advising them of proper subsequent care of the tattoo shall be maintained on file.

(6) A copy of instructions signed by the client informing them on the risks involved and possible complications that might result from the tattoo procedure must be maintained on file.

290-5- Application For Permit.

(1) The governing body of each tattoo studio shall submit to the local County Health Department an application for a permit to operate under the rules and regulations. No tattoo studio shall be operated and no tattooing performed without such a permit that is current under these rules and regulations.

(2) The application for permit shall be made on forms provided by the County.

(3) Each application for a permit shall be accompanied by a floor sketch of the tattoo studio showing windows, doors, room measurements, chairs, tables and equipment placement for clients and/or staff.

(4) A listing of the names of all staff including the owner who will be working in the studio shall be included with the application for a permit. This listing shall include the full name of each staff person.

(5) The ownership of the studio shall be fully disclosed in its application for a permit.

(6) Zoning and other local requirements regarding proper location and establishment of tattoo studios shall be addressed by the applicant with the responsible local officials.

290-5- Permit.

(1) The governing body of each tattoo studio shall obtain a valid permit from the County prior to beginning operation. To be eligible for a permit the studio must be in compliance with these rules and regulations.

(2) The permit shall be displayed in a conspicuous place on the premises.

(3) Permits are not transferable from one studio to another.

(4) A permit shall no longer be valid and shall be returned to the county when the studio ceases to operate, is moved to another location, the ownership changes, or the permit is suspended or revoked.

(5) A studio that fails to comply with these rules and regulations shall be subject to the sanctions available to the County pursuant to O.C.G.A. 31-5 including but not limited to denial or revocation of its permit by the County.

290-5- Inspections.

(1) The studio and its records shall be available for review and examination by properly identified representatives of the County.

(2) A copy of the inspection report shall be displayed in a conspicuous place on the premises and also shall be available for public inspection at the appropriate County wherein the studio is located.

290-5- Enforcement and Penalties.

(1) Enforcement of these Rules and Regulations shall be in accordance with O.C.G.A. 31-5 in addition to any other provision provided herein.

(2) No person shall engage in tattooing except in a licensed studio.

(3) The County may refuse to grant a permit for the operation of any tattoo studio that does not fulfill the minimum requirements of these rules and regulations and may revoke a permit that has been issued and invoke other sanctions if a studio violates any of these rules and regulations. Before any order is entered refusing a permit applied for or revoking a permit the applicant or permit holder shall be afforded an opportunity for a hearing before the county board as provided in Article 1 of Chapter 5, of Title 31 of the Official Code of Georgia Annotated. The notice of refusal or revocation shall contain directions on how a hearing may be requested.

(4) The Magistrate Court of Dawson County shall maintain jurisdiction of violations of the terms hereof and may impose a maximum fine of \$1,000.00 and confinement in the county jail for a maximum of sixty (60) days for each violation.

Severability.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall not be held to be invalid. Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible

parts and Dawson County Board of Commissioners hereby adopts any and all parts hereof as may not be held invalid for any reason.

Repealer.


All resolutions or ordinances or parts thereof in conflict with the terms of this ordinance are hereby repealed.



Don Roberts, Chairman
Dawson County Board of

Commissioners

ATTEST:



JoAnne Dack, Clerk
Dawson County Board of

Commissioners

Vote Yes: ✓
No:

Dates of Publication:

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