

GRAND TRAVERSE COUNTY  
BODY ART ORDINANCE  
ORDINANCE No. 3

PREAMBLE

The Grand Traverse County Board of Commissioners has examined the Public Health Code and determined that there does not presently exist any applicable statute, regulation, rule, or order governing tattooing, cosmetic tattooing, body piercing, branding, or scarification. Sections 2433 and 2435 of the Public Health Code, Public Act 368 of 1978, requires that a local health department shall endeavor to prevent disease.

The practice of tattooing, cosmetic tattooing, body piercing, branding, or scarification have been associated with the transmission of Hepatitis B and may be potentially associated with the transmission of HIV Virus and other infectious and communicable diseases. The Grand Traverse County Health Department is an agency of Grand Traverse County and is under the direction and control of the Grand Traverse County Board of Commissioners. In order for the Grand Traverse County Health Department to fulfill its mandate under the Public Health Code, Sections 2433 and 2435 to prevent disease the Grand Traverse County Board of Commissioners adopts this Ordinance and regulations to protect the public health and promote the public safety and welfare of the citizens of Grand Traverse County.

**Section I: Name**

This ordinance shall be known and cited as the "Grand Traverse County Body Art Ordinance, Ordinance No. 3."

**Section II: Purpose**

The purpose of this ordinance is to establish regulations related to those persons or entities engaged in tattooing, body piercing, branding, scarification, and related practices.

**Section III: Definitions**

- A. "Aftercare" shall mean 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.
- B. "Antiseptic" shall mean an agent that destroys disease-causing micro-organisms on human skin or mucosa.
- C. "Body Art" shall mean the practice of physical body adornment by permitted establishments and operators/technicians 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 ordinance, piercing of the outer perimeter or lobe of the ear with presterilized single-use stud-and clasp ear-piercing systems.

- D. "Body Art Establishment" shall mean any place or premise, whether public or private, temporary, or permanent, in nature or location, where the practices of body art, whether or not for profit, are performed – including mobile body art establishments and temporary body art establishments.
- E. "Body Piercing" shall mean puncturing or penetration of the skin or bone with presterilized single-use needles or other appliances/instruments and the insertion of presterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.
- F. "Branding" shall mean a variation of scarification. Using sufficient heat to embellish the body.
- G. "Contaminated Waste" shall mean 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".
- H. "Cosmetic Tattooing" see "Tattooing".
- I. "Department" shall mean the Grand Traverse County Health Department, or its authorized representatives, having jurisdiction to promulgate, monitor, administer, and enforce these regulations.
- J. "Disinfection" shall mean the destruction of disease-causing micro-organisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- K. "Ear Piercing" shall mean the puncturing of the outer perimeter or lobe of the ear with a presterilized 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.

- L. "Equipment" shall mean 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.
- M. "Hand-Sink" shall mean a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.
- N. "Hot Water" shall mean water that attains and maintains a temperature of at least 100°F.
- O. "Instruments Used for Body Art" shall mean 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.
- P. "Invasive" shall mean 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.
- Q. "Jewelry" shall mean 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 has been properly sterilized prior to use.
- R. "Liquid Chemical Germicide" shall mean a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximately 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500- ppm, 1/4 cup per gallon or 2 tablespoons per quart of tap water).
- S. "Mobile Body Art Establishment/Unit" shall mean a mobile establishment or unit which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity, and liquid waste disposal which operates at a fixed location where a permitted operator/technician performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.
- T. "Operator/Technician" shall mean 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 terms include technicians who work under the operator and perform body art activities.
- U. "Permanent Makeup" adornment of the body (i.e., eyebrows, lining of eye lids, etc.) by 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.

- V. "Permit" shall mean 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.
- W. "Person" shall mean an individual, any form of business or social organization or other non-governmental legal entity, including but not limited to firms, partnerships, joint ventures, associations, business trusts, corporations, partnerships, limited-liability companies, unincorporated organizations, or a group of persons.
- X. "Physician" shall mean a person licensed by the State of Michigan to practice medicine in all its branches and may include other areas such as dentistry, osteopathy, or acupuncture, depending on the rules and regulations of the State of Michigan.
- Y. "Procedure Surface" shall mean 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 may require sanitizing.
- Z. "Sanitization Procedure" shall mean a process of reducing the numbers 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.
- AA. "Scarification" shall mean the act of scarifying the skin – making superficial scratches, wounds, or incisions to the skin.
- BB. "Sharps" shall mean any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, presterilized, single-use needles; scalpel blades; and razor blades.
- CC. "Sharps Container" shall mean 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.
- DD. "Single-Use" shall mean 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.
- EE. "Sterilization" shall mean a very powerful process resulting in the destruction of

all forms of microbial life, including highly resistant bacterial spores.

FF. "Tattooing" shall mean 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 and permanent makeup.

GG. "Temporary Body Art Establishment" shall mean any place or premise operating at a fixed location where an operator/technician performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

HH. "Universal Precautions" shall mean 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 a "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-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.

#### **Section IV: Regulations**

##### **A. Body Art Operation/Technician Requirements and Professional Standards**

1. 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
  - b.) Full names and exact duties.
  - c.) Date of birth.
  - d.) Gender.
  - e.) Home address.
  - f.) Home/work telephone numbers; and
  - g.) Identification photos of all body art operator/technicians.
  - h.) Establishment Information
    - i. Establishment name
    - ii. Hours of operations
    - iii. Person's name and address that owns and/or operates the body art establishment
  - i.) A complete description of all body art procedures performed.

Information to be written on the Body Art Procedure Record and it must be signed and dated by the operator technician performing the procedure.

- j.) An inventory of all instruments and body jewelry, all sharps and inks used for all body art procedures including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement
- k.) A copy of these regulations

2. 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.
3. The body art operator/technician must be a minimum of 18 years of age.
4. Smoking, eating, or drinking is prohibited in the area where body art is performed.
5. Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician, is under the influence of alcohol or drugs.
6. 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, the 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.
7. In performing body art procedures, the operator/technician shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean or unsanitary surfaces or objects or by contact with a third person. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly before a fresh pair of gloves is applied. 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 circumstance 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 hand washing procedures as part of a good personnel hygiene program.
8. If, while performing a body art procedure, the operator's/technician's glove is pierced, torn, or otherwise contaminated, the procedure delineated in Section IV.7 shall be repeated immediately. The contaminated gloves

shall be immediately discarded, and the hands washed thoroughly (see Section IV.7 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.

9. Contaminated waste, as defined in this Ordinance, 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 on site shall not exceed the period specified by the Department of more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030, whichever is less.
10. No person shall perform any body art procedure upon a person under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require an operator/technician to perform any body art procedure on a person under 18 years of age with parental or guardian consent.
11. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
12. The skin of the operator/technician shall be free of rash or infection. No person or operator/technician affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of the body art establishment in any capacity in which there is a likelihood that person could contaminate body art equipment, supplies, or in working surfaces with body substances or pathogenic organisms.
13. Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the Hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

## B. Exemptions

1. Physicians licensed by the State of Michigan, who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.
2. Individuals who pierce only the outer perimeter and lobe of the ear with a presterilized 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 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.

## C. Public Notification Requirements

1. 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).
2. 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/technician upon completion of the procedure.
3. 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 telephone number of the establishment.
4. These documents shall be signed and dated by both parties with a copy given to the client and the operator/technician retaining the original with all other required records.
5. 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.
6. The facility permit holder shall also post in public view the name, address and telephone number of the local/state Department that has jurisdiction over this program and the procedure for filing a complaint.
7. The Disclosure Statement and the Notice for Filing a complaint shall be included in the Establishment Permit Application Packet.
8. All infections, complications, or diseases resulting from any body art procedure that become known to the operator/technician shall be reported to the Department by the operator/technician within 24 hours.

#### D. Client Records

1. 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:
  - a.) Diabetes
  - b.) History of bleeding disorders
  - c.) History of skin diseases, 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; and use of medications such as anticoagulants.
2. The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or that the operator/technician 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.
3. Each operator/technician shall keep records of all body art procedures administered, including the name, date of birth, and address of the client, the date, time, description of body art, and location of the body art procedure performed, as well as the name of the operator/technician who performed the procedure, and the signature of client, and, if the client is a minor, proof of parental, custodial parent, or legal guardian's presence and consent, i.e., signature. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification
4. Nothing in this section shall be construed to require the operator/technician to perform a body art procedure upon a client.

#### E. Records Retention

1. The body art establishment shall keep a record of all persons who have had body art procedures performed.
2. The record shall include the name, date of birth, and address of the client, the date, time, description of body art, and location of the body art procedure performed, as well as the name of the operator/technician who performed the procedure, and the signature of client, and, if the client is a minor, proof of parental, custodial parent, or legal guardian's presence and consent, i.e., signature.
3. 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.

**F. Preparation and Care of the Body Art Area**

1. 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.
2. 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.
3. In the event of blood flow, all products to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste (see definition).

**G. Sanitation and Sterilization Procedures**

1. 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.
2. After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see Section IV. G3). 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.
3. All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave. 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 workstations or areas frequented by the public. This section also applies to presterilized supplies (e.g., needles).
4. Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. 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/technician for a period of three (3) years and made available to

the Department upon request. Autoclave test tape shall be used with each cycle to test the efficacy of the unit. (See Appendix A -- Autoclave Procedures).

5. 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/technician shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
6. All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the 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 or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

#### H. Requirements for Single Use Items

1. 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.
2. All products applied to the skin, including body art stencils, shall be single use and disposable. Acetate stencils shall be allowed for reuse if sanitization procedures (see definition in Section III) 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.

#### I. Requirements for Premises

1. Body art establishments applying after adoption of this Ordinance 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.
2. All walls, floors, ceilings, and procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light colored, washable, 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. 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.

3. Effective measures shall be taken by the body art operator/technician to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.
4. There shall be a minimum of 45 square feet of floor space for each operator/technician in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.
5. The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 footcandles 3 feet off the floor, except that at least 100 footcandles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
6. 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 nonprocedural areas.
7. A separate, readily accessible 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/technicians. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.
8. At least one covered waste receptacle shall be provided in each operator/technician area and each toilet room. Receptacles in the operator/technician 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.
9. All instruments and supplies shall be stored in clean, dry, and covered containers.
10. 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.

#### J. Permit Requirements

1. Establishment Permit
  - a.) No person may operate a Body Art Establishment except with a Body

Art Establishment Permit from the Department.

- b.) Any person operating a body art establishment shall obtain an annual permit from the Department expiring on December 31<sup>st</sup> of each year. New application received after July 1<sup>st</sup> will be assessed one half (1/2) of the establishment permit fee.
- c.) The applicant shall pay a reasonable fee as set by the Department for each Body Art Establishment Permit.
- d.) A permit for a body art establishment shall not be transferable from one place or person to another.
- e.) A current Body Art Establishment Permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.
- f.) The holder of a Body Art Establishment Permit shall only hire operators/technicians who have complied with the Operators/Technician Permit requirements of this Ordinance.

## 2. Operator Technician Permit

- a.) No person shall practice body art procedures without first obtaining an Operator/Technician Permit from the Department. The Department shall set a reasonable fee for such permits.
- b.) The Operator/Technician Permit shall be valid from the date of issuance and shall automatically expire in two (2) years from the date of issuance unless revoked sooner by the Department in accordance with Section 13.
- c.) Application for an Operator/Technician Permit shall include:
  - i. Name.
  - ii. Date of birth.
  - iii. Gender.
  - iv. Residence address.
  - v. Mailing address.
  - vi. Telephone number.
  - vii. Place(s) of employment as an operator/technician.
  - viii. Training and/or experience.
- d.) Implications of medical histories and significance of aftercare education.
- e.) No Operator/Technician Permit shall be issued unless, following reasonable investigation by the Department, the body art operator/technician has demonstrated compliance with the provisions of this section and all other provisions of this Ordinance.

f.) All Operator/Technician Permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this Ordinance.

g.) All Operator/Technician Permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

**K. Temporary Establishment/Operator/Technician Permit**

1. Temporary Establishment Permits and, when required, Operator/Technician Permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or for educational reasons.
2. Temporary Operator/Technician and/or Establishment Permits will not be issued unless:
  - a.) The applicant furnishes proof of compliance with Sections A and B above relating to Operator/Technician's Permits; and/or
  - b.) The applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate State and/or local jurisdiction; and
  - c.) The temporary site complies with Section IV.L, Temporary Demonstration Permit Requirements, of this regulation.
3. Temporary Permits expire after fourteen days or the conclusion of the special event, whichever is less.
4. Temporary Operator/Technician and/or Establishment Permits will not be issued unless the applicant has paid a reasonable fee as set by the Department.
5. The Temporary Establishment/Operator/Technician Permit shall not be transferable from one place or person to another.
6. The Temporary Establishment/Operator/Technician Permit shall be posted in a prominent and conspicuous area where they may be readily seen by clients.

**L. Temporary Demonstration Permit Requirements**

1. A Temporary Demonstration Permit may be issued by the Department for educational, trade show, or product demonstration purposes only. The permit may not exceed fourteen (14) calendar days.
2. A person who wishes to obtain a Temporary Demonstration Permit must submit the request in writing for review by the Department, at least thirty (30) days prior to the event. The request should specify:
  - a.) The purpose for which the permit is requested.
  - b.) The period of time during which the permit is needed (not to exceed fourteen (14) calendar days per event), without re-application.

- c.) The fulfillment of operator/technician requirements as specified in Section IVJ.2; and
- d.) The location where the Temporary Demonstration Permit will be used.

3. The applicant's demonstration project must be contained in a completely enclosed, non-mobile facility (e.g., inside a permanent building).
4. Compliance with all of the requirements of this Ordinance includes but is not limited to the following:
  - a.) Conveniently located hand washing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Tuberculocidal single-use hand wipes, approved by the Department, to augment the hand washing requirements of this section must be available in each booth/cubicle.
  - b.) A minimum of 80 square feet of floor space shall be provided.
  - c.) There shall be at least 100 footcandles of light at the level where the body art procedure is being performed.
  - d.) Facilities to properly sterilize instruments and evidence of a spore test performed on sterilization equipment 30 days or less prior to the date of the event must be provided. Procedures for the operation and use of the autoclave shall be in accordance with Appendix A -- Autoclave Procedures); and
  - e.) All supplies and equipment which come in contact with the client, including prepackaged sterilized equipment, shall be autoclaved prior to use.
  - f.) Ability to properly clean and sanitize the area used for body art procedures is required.
5. The facility where the temporary demonstration permit is needed must be inspected by the Department and a permit issued prior to the performance of any body art procedure.
6. Temporary demonstration permits issued under the provisions of this Ordinance may be suspended by Department for failure of the holder to comply with the requirements of this Ordinance.
7. All Establishment and Operator/Technician Permits and the Disclosure Notice must be readily seen by clients.

#### M. Mobile Body Art Establishments

1. In addition to complying with all the requirements of this Ordinance, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:

- a.) Mobile body art establishments are permitted for use only at special events, lasting no more than fourteen (14) days consecutively or less in conjunction with a single event or celebration.
  - b.) Permits must be obtained at least fourteen (14) days prior to the event, and no body art procedures are to be performed before a permit is issued.
  - c.) Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.
2. Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.
3. The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Openable windows shall have tight-fitting screens.
4. Mobile body art establishments must have approved sterilization equipment available in accordance with all requirements of Section IV.6, "Sanitation and Sterilization Procedures".
5. The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation of food preparation is permitted inside the vehicle unless the body artwork station is separated by walls, floor to ceiling, from culinary or domicile areas.
6. The mobile body art establishment shall be equipped with an equipment-washing sink and a separate hand-sink for the exclusive use of the operator/technician for hand washing and preparing the client for the body art procedures. The hand-sink shall be supplied with hot and cold running water under pressure to a mixing type of faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified. Tuberculocidal single-use hand wipes, approved by the Department, to augment the hand washing requirements of this section, must be available.
7. All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.
8. Restroom facilities must be available within the mobile body art establishment. A hand-sink must be available inside the restroom cubicle. The hand-sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.

9. All body art operators/technicians working in a mobile body art establishment must have an Operator/Technician Permit and comply with the operator/technician requirements of this Ordinance.
10. No animals, except service animals of clients shall be allowed in the mobile body art establishment at any time.
11. Mobile body art establishments must receive an initial inspection at a location specified by the Department, prior to use, to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.
12. All Mobile Body Art Establishment and Operator/Technician Permits, as well as the disclosure notice, must be readily seen by clients.

N. Prohibitions

1. No person shall perform any body art procedure upon a person under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require an operator/technician to perform any body art procedure on a person under 18 years of age with parental, legal custodial parental, or legal guardian consent.
2. It is prohibited to perform body art on a person who, in the opinion of the operator/technician, is inebriated or appears to be under the influence of alcohol or drugs.
3. It is prohibited to own, operate, or solicit business as a body art establishment or operator/technician without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this Ordinance.
4. It is prohibited to obtain or attempt to obtain any Body Art Establishment or Operator/Technician Permit by means of fraud, misrepresentation, or concealment.

O. Enforcement

1. Establishments operating at the time of the enactment of this Ordinance shall be given a prescribed amount of time 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.
2. A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this Ordinance.
3. It is unlawful for any person to interfere with the Department in the

performance of its duties.

4. A copy of the inspection report must be furnished to the permit holder or operator/technician of the body art establishment, with the Department retaining possession of the original.
5. If, after investigation, the Department should find that a permittee or operator/technician is in violation of this Ordinance, the Department may advise the permittee or operator/technician, in writing, of its findings and instruct the operator/technician to take specific steps to correct such violations within a reasonable period of time, not to exceed 30 days.
6. If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator/technician, 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/technician, the Department may do any or all of the following:
  - a.) Issue an order excluding any or all operators/technicians 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.

#### P. Suspension or Revocation of a Permit

1. Permits issued under the provisions of this Ordinance may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Ordinance.
2. Whenever a permit holder or operator/technician has failed to comply with any notice issued under the provisions of this Ordinance, the operator/technician 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/technician 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.
3. 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 reinspection fees, the Department shall reinspect the body art establishment or evaluate documentation provided

by an operator/technician. If the applicant is in compliance with the provisions of this Ordinance, the permit will be reinstated.

4. For repeated or serious (any ordinance infraction that threatens the health of the client or operator/technician) violations of any of the requirements of this Ordinance 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/technician in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator/technician of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation of hearing relative thereto.
5. 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-day period with the Department by the permit holder.
6. 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/technician by the Department.

#### **Section V: Penalty**

- A. Any person who violates Section IV.N of this ordinance shall be guilty of a misdemeanor and shall be punished by not more than 90 days in jail or a fine of \$500.00 or both plus costs of prosecution.
- B. In addition to the penalties provided in this ordinance, the Prosecuting Attorney for Grand Traverse County is hereby authorized to utilize all other legal remedies that are authorized by law to abate or enjoin any violation of this Ordinance, place, or location where the violation occurs.

#### **Section VI: Miscellaneous**

- A. The Grand Traverse County Health Officer shall have the authority to regulate the design, installation, operation, and maintenance of any tattooing, cosmetic tattooing, body piercing, branding, scarification, practice, business, or occupation under the jurisdiction of the Health Officer.
- B. This ordinance, as amended and restated, shall take effect thirty (30) days after publications as required by law. All ordinances or parts of ordinances in conflict with any of the provision of this ordinance are hereby repealed.
- C. The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court of competent jurisdiction the remaining portions of said ordinance shall remain in force.

*Bob Bentzschel*

Chairperson Board of Commissioners County of Grand Traverse

Published in Record Eagle: 10/28/2021

Effective Date: 11/27/2021