

BODY ART

ORDINANCE

GWINNETT COUNTY

Whereas, there exists within Gwinnett County businesses and persons engaged in the practices of tattooing and piercing generally known as Body Art; and

Whereas, tattooing and body piercing are invasive procedures in which the skin is penetrated by a foreign object; and

Whereas, inappropriate sanitary conditions practiced by Body Artists providing tattoo and piercing services and Body Art Studios where tattoos and piercings are provided create a risk of transmission of blood-borne diseases or other infectious diseases including, but not limited to, Hepatitis B, Hepatitis C, and Human Immunodeficiency Virus (HIV/AIDS); and

Whereas, those individuals performing Body Art procedures and the facilities where such procedures are performed in Gwinnett County are not currently regulated; and

Whereas, O.C.G.A. § 31-40-2 provides that it is unlawful for any person to operate a tattoo studio without first obtaining a valid permit and O.C.G.A. § 31-40-2 further provides that such permits shall be issued by the county board of health or its duly authorized representative; and

Whereas, the Gwinnett County Board of Health is authorized under O.C.G.A. § 31-40-5 to adopt rules and regulations prescribing reasonable health and safety standards for tattoo studios; and

Whereas, the Gwinnett County Board of Health has the power to take steps necessary to prevent and suppress disease and conditions deleterious to the health of citizens within Gwinnett County.

Now Therefore, Be It Resolved that based upon the available literature and research concerning Body Art procedures, the Gwinnett County Board of Health has determined that these rules are necessary to protect the public health by preventing diseases and the transmission of diseases, including, but not limited to, Hepatitis B, Hepatitis C and/or Human Immunodeficiency Virus (HIV/AIDS).

RULES
OF GWINNETT COUNTY BOARD OF
HEALTH

BODY ART STUDIOS AND ARTISTS

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1. Authority

The legal authority for these rules is Section 16-5-71, Section 16-5-71.1, Section 16-12-5, Section 31-3-4, and Chapters 5 and 40 of Title 31 of the Official Code of Georgia Annotated.

2. Purpose

The Body Art Studios and Body Artists Rules are adopted for the purpose of establishing reasonable 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.

3. Exemptions

These rules shall not apply to 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 on-site supervision of such licensed physician or osteopath.

4. Definitions

The following definitions shall apply to these rules. Any word or phrase not defined below but otherwise defined in these rules shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

- (1) "Antibacterial Solution" means any solution used to retard the growth of bacteria which is approved for application to human skin and includes all products labeled accordingly as approved by FDA.
- (2) "Biohazard" means any infectious agents or parts thereof presenting a real or potential risk to the wellbeing of human or other species, directly through infection or indirectly through disruption of the environment.
- (3) "Body Art" means the practice of physical body adornment by the following techniques: Body Piercing, Tattooing, and Cosmetic Tattooing. This definition does not include for the purposes of these rules, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud and clasp ear piercing systems.

- (4) Walls and ceilings shall be painted or covered in a manner which allows for easy and effective cleaning. All paint and coverings shall be light in color.
- (5) Parlor floors shall be constructed of nonabsorbent material which will allow for effective cleaning. Floors in the Parlor areas shall not be covered by carpet or wood.
- (6) A clean and sanitary toilet and hand washing facility shall be made accessible to customers, however, it shall be separate from the Parlor.
- (7) Each Parlor shall be equipped with at least one sink providing hot and cold water under pressure through a mixing valve with no aerator, and with foot or wrist actuated controls, for the use of the Body Artists for washing their hands and preparing customers for Body Art procedures. This area shall be provided with dispensed soap, an antibacterial solution, dispensed single-use towels, and individual hand brushes for each Body Artist.
- (8) An equipment washing sink shall be provided in the Studio, distinct from the hand sinks and shall be located in the equipment handling and assembly area. This sink shall meet National Safety Foundation (NSF) standards.
- (9) Each Parlor shall be equipped with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor. Body art procedure areas, and equipment handling and assembly areas shall be provided with one hundred (100) foot candles at the level where the procedure is performed.
- (10) Parlors shall not be used as corridors for access to other rooms.
- (11) A water heater capable of heating water to 100° F shall be provided. The size and capacity of such water heater shall be subject to the approval of the Board of Health.

12. Body Art Studio Furnishings and Fixtures

- (1) Furnishings of the Body Art Studio shall be maintained in sanitary condition and shall be 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, stencils, jewelry, studs, and other supplies shall be provided for each Body Artist and shall be designed, manufactured, and maintained in a sanitary manner so as to protect contents from contamination.

- (3) Worktables and chairs shall be provided for each Body Artist.
 - (a) Surfaces of all worktables and chairs shall be constructed of material which is smooth, light colored, nonporous, nonabsorbent, corrosion resistant, and easily sanitized.
 - (b) Worktables and chairs shall be sanitized with a bactericidal solution after each procedure.

13. Body Art **Studio** Supplies

- (1) Single-use supplies shall be commercially packaged and handled to protect them from contamination. These supplies shall be stored in an area separate from chemical supplies and toilet facilities.
- (2) All materials applied to human skin including, but not limited to, ink, stencils, and single-use piercing needles shall be from single-use containers and shall be disposed of after each use.
- (3) Jewelry supplies used in a Body Art Studio shall be made of implant grade high quality stainless steel, gold, platinum, titanium, niobium, or dense low porosity plastic. The jewelry shall also be smooth surfaced and scratch free.
- (4) Only single-use sterile gauze and single-use antibacterial ointment dispensers shall be used.
- (5) Single-use items shall not be used on more than one client for any reason.

14. **Sterilization**

- (1) Instrument Cleaning
 - (a) All non single-use, non-disposable instruments shall be properly cleaned and sterilized after each use by following the manufacturer's recommendations prior to packaging and sterilization.
 - (b) Employees shall wear heavy-duty, multi-use, waterproof gloves while cleaning instruments.
 - (c) Used instruments shall be soaked in an EPA approved disinfectant until cleaning can be performed. The solution shall be changed as recommended by the solution manufacturer.
 - (d) Instruments shall be disassembled for cleaning.

- (e) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.

Instrument Packaging

- (a) Employees shall wear clean gloves while packaging or wrapping instruments.
- (b) Instruments shall be wrapped or packaged with a Sterilizer Indicator on each package.
- (c) All packages shall be labeled with the time and date of sterilization. Packages will no longer be considered sterile six (6) months after the date of sterilization.

Instrument Sterilization

- (a) The sterilizer shall be designed and labeled as a medical instrument sterilizer.
- (b) The operator's manual for the sterilizer shall be available on the premises, and the sterilizer shall be operated according to the manufacturer's recommendations.
- (c) The sterilizer shall be cleaned and maintained according to the manufacturer's recommendations.
- (d) 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:
 - i. Description of instruments contained in the load;
 - ii. Date of sterilization, and time if more than one load is processed in a single day;
 - iii. Sterilizer cycle time and temperature;
 - iv. 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

v. Action taken when appropriate color indicator change did not occur.

(4) Sterilization Monitoring

- (a) Sterilizer monitoring shall be performed at least once every two (2) months (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological monitoring (spore) system.
- (b) All biological indicators shall be analyzed by a laboratory that operates under FDA guidelines and is independent of the Studio with reports sent to the Studio and the Gwinnett County Board of Health Environmental Health Section.
- (c) Biological indicator test results shall be maintained on the premises for a minimum of one (1) year and must be available for inspection by properly identified representatives of the Board of Health during normal operation hours.
- (d) Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function. The Studio will cease operations immediately upon receipt of a positive microbiological report. Three (3) consecutive biological tests shall be performed before the Studio is reopened. All three (3) tests must be negative. The Studio shall have the option to purchase and install a new sterilizer in order to reopen prior to the receipt of the test results on the previous sterilizer.

(5) Instrument Storage

- (a) Hands shall be washed and gloved prior to handling sterilized instruments.
- (b) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterilized instruments.

(6) Single-Use Items

If the Body Art Studio operates using only pre-sterilized instruments and supplies, a sterilizer is not required.

15. Disinfection of Workplace

- (1) Each Body Art Studio shall be kept clean and sanitary.

- (2) The Owner shall develop and implement a cleaning schedule that includes appropriate methods of decontamination, plus any tasks or procedures to be performed daily. This written schedule shall be based on the types of surfaces to be cleaned, the types of possible contamination present, the tasks or procedures to be performed, and their location within the Body Art Studio. The Owner shall maintain a log of all scheduled cleaning. This log shall be available for review by properly identified representatives of the Board of Health during normal operation hours. Violation of proper maintenance and documentation thereof will be grounds for immediate closure and suspension of the Owner's Body Art Studio Permit.
- (3) All work surfaces shall be disinfected with an EPA approved disinfectant at the beginning of each work day, after completion of body art procedures on each individual, and at the end of each work day.
- (4) All protective coverings such as plastic wrap and aluminum foil shall be removed after each body art procedure and replaced with unused protective coverings.
- (5) Reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated shall be decontaminated on a daily basis with a current EPA approval disinfectant. When contamination is visible, receptacles shall be cleaned and decontaminated immediately.

16. Disposal of Waste

- (1) All disposable instruments are considered biohazardous and must be disposed of as biohazardous material. All biohazardous waste must be disposed of in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste. Needles, razors, and other sharp instruments shall be placed in puncture resistant, closed containers immediately after use and shall be stored in closed cabinets or drawers at the end of each workday.
- (2) Needles shall not be purposely bent, broken, or otherwise manipulated.
- (3) Sharps waste shall be safely discarded in a rigid and puncture resistant waste container that is leak proof on the sides and bottom with a self-closing lid. These containers shall be labeled with the international biohazard symbol and the word "BIOHAZARD." Sharps waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste.

- (4) Biohazardous non-sharps waste shall be discarded in a biohazard bag. Waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding biohazardous waste.
- (5) Non-biohazardous disposable waste shall be placed in lined, easily cleanable containers with tight fitting lids to prevent leakage or spillage.
- (6) Non-biohazardous disposable waste shall be handled, stored, and disposed of so as to minimize direct exposure of personnel to waste materials.
- (7) Self-closing waste containers lined with plastic bags manufactured specifically for waste containers shall be located within each Parlor and restroom and shall be emptied at least once per day into a commercially approved dumpster. This dumpster must be picked up and emptied by a commercial contractor at least once per week.

17. Client Files

- (1) The owner shall maintain a detailed client file of the body art procedures administered to each client.
- (2) The client file shall be created prior to any body art procedure being performed and shall reflect the client's name and signature, address, proof of age, body art procedure performed, date, design, its precise location upon the body, and the name of the Body Artist or Body Artists performing or assisting in the procedure. The client file shall also describe whether any complications or incidents arose during the procedure and detail what action was taken to resolve the incident. A copy of a valid state issued photo ID must be obtained from the client and maintained with the client's file.
- (3) Each client shall be provided with an informed consent statement that fully explains the procedure and each client shall be required to sign the informed consent statement prior to receiving any body art procedure. The informed consent statement signed by the client shall be maintained by the owner in the client file, with a copy given to the client.
- (4) A "disclaimer of liability" form promulgated by the Board shall also be signed by the client prior to receiving any body art procedure. A copy of the "disclaimer of liability signed by the client shall be maintained by the owner in the client file, with a copy given to the client.
- (5) The client file shall contain a signed and dated statement by the client arresting that he or she is not under the influence of alcohol and/or drugs at the time the body art procedure is performed.

- (6) The client file shall contain a signed and dated statement by the client attesting that he or she has received, read, and understood a copy of the after care procedures advising the client on proper subsequent care of the body art.

18. Body Art Studio Inspections

- (1) The premises of any Body Art Studio and all records required to be maintained under these regulations shall be available for review and examination by properly identified representatives of the Board of Health during normal operation hours for the purpose of making inspections to determine compliance with these rules.
- (2) The Owner shall be responsible for having an employee with knowledge of the Studio's records on duty at the Body Art Studio during all hours of operation.
- (3) Studio inspections shall be performed at least two (2) times annually. Additional Studio inspections shall be performed as often as necessary for the enforcement of these rules. Any violation of these rules will require a re-inspection of the Body Art Studio to determine whether the violation has been corrected. Each re-inspection will carry a re-inspection fee.
- (4) A copy of the most current inspection report shall be posted in public view, in an unobscured manner, at eye level (5 foot +/- 6 inches) within fifteen (15) feet of the main door. The inspection report shall be approachable to within one (1) foot.

19. Body Art Studio Personnel

- (1) Body Artists shall obtain and maintain current certification in emergency first-aid, CPR, sterilization, blood borne pathogen, and sanitary procedures from currently licensed agencies except where the Body Artist is a currently licensed health care professional. All certifications must be renewed at a minimum of every two (2) years unless a more frequent time period is specified by the licensing agencies.
- (2) The above certifications must be obtained before each Body Artist's employment.
- (3) Each Body Artist must obtain an examination by a currently licensed physician within twelve (12) months prior to the initial application for a Body Artist Permit. Each Body Artist must obtain from the physician a certificate certifying that the Body Artist is free of any communicable

disease in a communicable stage, including but not limited to, Syphilis, Hepatitis B & C, and HIV.

- (4) The Owner must maintain a file on all employees who perform body art procedures. Such files shall be available for inspection by properly identified representatives of the Board of Health during normal operation hours. The file shall include the following:
 - (a) Report of physical examination;
 - (b) Evidence of current emergency first-aid, CPR, sterilization, blood borne pathogen, and sanitation certification; and
 - (c) The home address and home telephone number of each employee.
- (5) The Owner of a Body Art Studio shall only hire, employ, or use individuals who have complied with these rules.

20. Body Artist Permit

- (1) No person may perform body art without first obtaining a Body Artist Permit. Body Artists shall renew their permit annually.
- (2) A Body Artist Permit shall not be eligible for renewal unless all requirements of these rules are met.
- (3) The Body Artist Permit shall be displayed in the Body Artist's Parlor.
- (4) All Body Artist Permits issued pursuant to these rules are nontransferable.
- (5) A Body Artist Permit shall be returned to the Board of Health if it is suspended or revoked.
- (6) Proof of current certification in first-aid, CPR, blood borne pathogen training, sanitation, and sterilizer training shall be required prior to the issuance of a Body Artist Permit and shall be maintained in good standing.

21. Application for a Body Artist Permit

- (1) Each Body Artist shall submit to the Board of Health an application for a Body Artist Permit.
- (2) The application for a Body Artist Permit shall be made on forms provided by the Board of Health.

- (3) Application for a Body Artist Permit shall include the following information concerning the Body Artist:
 - (a) Full legal name
 - (b) All aliases
 - (a) Home address
 - (b) Gender
 - (c) Mailing address
 - (d) Home phone number
 - (e) Training and/or experience
 - (f) Evidence of current
~~certification~~
borne pathogens training, sanitation, and sterilization training completion
 - (g) Physician report of physical examination

Issuance of Body Artist Permit & Fees

- (1) The Gwinnett County Board of Health Environmental Health Section may issue a Body Artist Permit to an individual after determining that the individual is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia Annotated, with any applicable rules and regulations of the Department, and with these rules.
- (2) A Body Artist Permit shall automatically expire on June 30th of each year.
- (3) At least thirty (30) days prior to the expiration of a Body Artist Permit, the Body Artist shall submit an application for renewal to the Gwinnett County Board of Health Environmental Health Section and pay the applicable permit fee.
- (4) Prior to the issuance of a Body Artist Permit, the Body Artist shall pay the applicable permit fee.
- (5) A Body Artist Permit fee shall not be prorated except that an individual who submits an application for a Body Artist Permit on January 1 or later shall only be required to pay half of the Body Artist Permit fee.

23. Application to Existing Body Artists

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.

24. **Prohibited Acts**

- (1) 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.
- (2) 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.
- (3) No person shall tattoo the body of any person within any area within one (1) inch of the nearest part of the eye socket of such person.
- (4) No person shall obtain the services provided in a Body Art Studio by misrepresentation of age in any place where body art procedures are performed.

25. **Sanitation**

- (1) Body Artists shall follow Standard Precautions.
- (2) All hand and/or arm jewelry worn by Body Artists shall be removed prior to the start of the body art procedure.
- (3) Prior to performing body art on each client, the fingernails and hands of the Body Artist shall be thoroughly washed and scrubbed with warm water and antibacterial soap, using an individual, single-use surgical scrub. Surgical scrubs are not to be reused. The hands shall then be dried using single-use towels.

- (4) "Body Artist Permit" means the authorization granted by the Board of Health to the Body Artist to perform body art. Such permit is the property of the Gwinnett County Board of Health.
- (5) "Body Art Studio" means any permanent building, structure, or suite located in a planned commercial center on a permanent foundation, holding a valid city or county business permit or license, wherein a Body Artist performs body art.
- (6) "Body Artist" means any person who performs body art.
- (7) "Body Piercing" means puncturing or penetrating the skin or mucosa of a person with any sharp instrument and/or the insertion jewelry or other adornment thereto in the opening.
- (8) "Cosmetic Tattooing" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic Tattooing shall include permanent cosmetics, micro-pigmentation, permanent color technology, and micropigment implantation.
- (9) " Board of Health" means the Gwinnett County Board of Health or its duly authorized representatives.
- (10) "Currently Licensed Health Care Professional" includes but is not limited to Licensed Physicians, Registered Nurses (RN), Licensed Practical Nurses (LPN), and Licensed Emergency Medical Technicians.
- (11) "Department" means the Department of Human Resources of the State of Georgia.
- (12) "Owner" means a partnership, corporation, association, business entity, or person or group of persons which/who own, maintain, and control the Body Art Studio and who are legally responsible for the operation of the Body Art Studio.
- (13) "Parlor" means the actual room of the Body Art Studio where the Body Artist performs procedures.
- (14) "Body Art Studio Permit" means the authorization granted by the Board of Health to the Owner to operate a Body Art Studio. Such permit is the property of the Gwinnett County Board of Health.
- (15) "Sanitary" means clean and free of agents of infection or disease.

- (16) Prior to the start of the body art procedure the Body 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. Fingernails shall be trimmed to insure that gloves are not punctured.
- (17) Single-use medical-surgical disposable examination gloves shall be worn during the body art procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the procedure, the gloves become torn or punctured, or whenever their integrity has been compromised.
- (18) Each Body Artist shall wear a clean outer garment, apron, or smock. These items shall be changed after each client.
- (19) Body Artists who are experiencing symptoms of illness including, but not limited to, diarrhea, vomiting, fever, rash, or skin infections shall refrain from performing body art.
- (20) Adequate numbers of sterilized needles and tubes must be on hand for each Body Artist for the entire day and/or night operation.
- (21) Only single-use disposable razors shall be used to shave the area where the body art procedure will be performed.
- (22) All items that come in contact with a client's skin shall be single-use and disposed of after the procedure.
- (23) All fixtures and equipment contaminated with blood shall be cleaned with an approved sanitizer or with a ten (10) percent bleach solution made fresh daily.
- (24) Smoking, eating, or drinking by anyone is prohibited in any Parlor where body art procedures are performed.

26. Dyes and Pigments

- (1) Only single-use containers of dyes and pigments that are currently FDA approved for tattooing of human skin shall be used.
- (2) All dyes and pigments shall be used according to the manufacturer's instructions.

- the single-use container shall be discarded along with the container into a
- (3) After tattooing each individual, the remaining unused dye or pigment in the single-use container biohazard container.
 - (4) In preparing dyes and pigments to be used by a Body Artist, only nontoxic sterile single-use materials shall be used.

27. Tattoo Preparation

- (1) Prior to placing a tattoo design on the client's skin, any jewelry worn by the client that might impede the body art procedure shall be removed.
- (2) The Body Artist shall apply an antibacterial solution to the skin in the involved area.
- (3) If a paper stencil is used by a Body Artist for transferring the design to the skin, the stencil 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.
- (5) The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution.
- (6) After the area has dried, a thick layer of antibacterial ointment from a collapsible or plastic tube shall be applied.
- (7) After the application of the antibacterial ointment, a bandage shall be applied to the tattoo using sealed non-sticking pads.

28. Procedures Specific to Body Piercing

- (1) Before piercing the skin of a client, any jewelry worn by the client that might impede the procedure shall be removed.
- (2) The Body Artist shall apply an antibacterial solution to the skin in the involved area prior to the procedure being performed.
- (3) The Body Artist shall apply an antibacterial ointment to the skin in the involved area after the procedure is performed.

29. Compliance

- (1) A Body Art Studio shall operate in compliance with these rules and with a valid Body Art Studio Permit issued by the Gwinnett County Board of Health.
- (2) A Body Artist shall perform body art procedures in compliance with these rules and with a valid Body Artist Permit issued by the Gwinnett County Board of Health.

30. Enforcement

- (1) The Board of Health shall have the power and authority to deny, suspend or revoke any permit issued under these rules for failure to comply with the provisions thereof. When an application for a permit is denied or the permit previously granted is suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing in accordance with Article 1 of Chapter 5 of Title 31 of the Official Code of Georgia Annotated and the Gwinnett County Board of Health Enforcement Rules, hi lieu of a hearing and upon correction of all violations, the permit holder may request an inspection to reinstate the permit.
- (2) These rules, upon adoption by the Gwinnett County Board of Commissioners, shall be enforced by the Gwinnett County Board of Health as a duly adopted ordinance of Gwinnett County. Any person violating any provision of these rules shall be guilty of violating a duly adopted ordinance of Gwinnett County, and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1000.00), and/or by confinement in the county jail for a total term not to exceed sixty (60) days, or both.
- (3) The court shall have the power and authority to place any person found guilty of a violation of these rules on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.
- (4) The Board of Health is also empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining a violation of any applicable provision of Chapter 40 of Title 31 of the Official Code of Georgia Annotated, of the Rules and Regulations of the Department, or the Rules of the Gwinnett County Board of Health.
- (5) Any person, firm, or corporation operating a Body Art Studio without a valid permit or performing body art outside of a permitted Body Art Studio shall be guilty of a misdemeanor.

31. Grounds for Denial, Suspension, or Revocation

- (1) The permit of Body Art Studio may be denied, suspended, or revoked upon one (1) or more of the following grounds:
 - (a) Failure of the permit holder to maintain initial requirements for obtaining the permit;
 - (b) The Owner allows or permits any person who does not have a valid Body Artist Permit to perform a body art procedure in the Body Art Studio;
 - (c) The original application, or renewal thereof, contains materially false information; or the applicant has deliberately sought to falsify information contained therein;
 - (d) Failure of the Owner to actively supervise and monitor the conduct of the employees, customers and others on the premises in order to protect the health, safety and welfare of the general public and the customers; or
 - (e) The Owner or the Owner's employees associated with the Body Art Studio have allowed to occur or have engaged in a violation of any part of these rules.
- (2) The permit of a Body Artist may be denied, suspended, or revoked upon one (1) or more of the following grounds:
 - (a) Failure of the Body Artist to maintain initial requirements for obtaining the Body Artist Permit;
 - (b) The Body Artist has violated any of the provisions of these rules; or
 - (c) The original application, or renewal thereof, contains materially false information; or the Body Artist has deliberately sought to falsify information contained therein.

32. Conflict with other laws

Should any section or provision of these rules be in conflict with any other applicable ordinance, rule, regulation, provision, requirement, or law, then the more restrictive ordinance, rule, regulation, provision, requirement, or law shall control.

33. Severability

In the event any article, section, subsection, sentence, clause, or phrase of this resolution shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses, or phrases of this resolution, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Gwinnett County Board of Health hereby declares that it would have adopted the remaining parts of the resolution if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

34. Effective Date

The provisions of these rules shall become effective thirty (30) days after adoption by the Gwinnett County Board of Health.

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

"Sharps" means any discarded article that may cause punctures or cuts to the skin.

"Standard Precautions" means a set of guidelines and controls, published by the Center for Disease Control (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;

"Recommendation 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; and "Recommendations for Prevention and Control of HCV Infection and HCV Related Chronic Disease" in MMWR, October 16, 1998, Vol. 47, No. RR-19. These methods of infection control require the employer and the employee to assume that all human blood and specified human body fluids are infectious for human immunodeficiency virus (HIV), and other blood borne pathogens. Precautions include, but are not limited to, hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products. Standard precautions include Universal Precautions. In the event that the CDC or other primary reference or regulatory authority publishes materials or amends regulations applicable to this definition, this definition shall be deemed amended to include the latest versions of these documents, regulations, and recommendations.

"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.

"Sterilizer" means an autoclave certified to meet medical standards.

"Sterilizer indicator" means a tape, strip, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.

"Tattoo" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa and includes the definition of tattoo as defined in O.C.G.A. § 31-40-1(1) and as may hereafter be amended. The term "tattoo" also includes all forms of Cosmetic Tattooing.

- (23) "Wash" means cleansing the skin with warm water and antibacterial soap and drying with single-use towels.

5. **Scope of Rules**

- (1) All permits issued under this Article shall constitute a mere privilege to conduct the business so authorized during the term of the permit only and subject to all terms and conditions imposed by the Board of Health, the Department, and state law.
- (2) The requirements of these rules shall be in addition to all other licensing, taxing, regulatory provisions of local, state, or federal law and shall not authorize violations of said other applicable laws.

6. **Body Art Studio Owner**

- (1) The Owner shall be responsible for compliance with the requirements in Chapter 40 of Title 31 of the Official Code of Georgia Annotated, with any applicable administrative rules and regulations of the Department, and with the applicable rules of the Gwinnett County Board of Health, including, but not limited to, all applicable statutes and rules and regulations regarding disclosure of ownership.
- (2.) Prior to being granted a Body Art Studio Permit, the Body Art Studio Owner shall adopt and submit to the Board of Health a written statement of policies and procedures of the Body Art Studio showing compliance with the following:
 - (a) No person under the age of eighteen (18) shall perform body art procedures on individuals unless under the direct on-site supervision of a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated.
 - (b) Body Artists shall not be under the influence of alcohol and/or drugs while performing body art procedures.
 - (c) No person shall perform body art procedures on an individual who is or reasonably appears to be under the influence of alcohol, drugs or other stimulants or depressants or is of unsound mind or body.
 - (d) No animals of any kind shall be allowed in a Body Art Studio except service animals used by persons with legally recognized disabilities.

- (e) No tattoo procedure shall be performed on a person under the age of eighteen (18) except by 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 physician or osteopath with the written consent of a parent or guardian.
- (f) No body piercing procedure shall be performed on a person under the age of eighteen (18) without the written consent of a parent or guardian. The parent or guardian must be present when the piercing procedure is performed.
- (g) No tattoo procedure shall be performed on any person within one (1) inch of any part of the eye socket of such person.

7. Body Art Studio Permit

- (1) The Owner of each Body Art Studio shall obtain a valid Body Art Studio Permit from the Gwinnett County Board of Health Environmental Health Section prior to beginning operation. Body Art Studios shall renew their Permit annually in accordance with Section 8 herein.
- (2) The Permit is the property of the Gwinnett County Board of Health.
- (3) To be eligible for a new Body Art Studio Permit or a renewal permit, a Body Art Studio must be in compliance with all of the requirements of these rules.
- (4) It shall be unlawful for any person to practice body art procedures unless such procedures are performed in a Body Art Studio operating under a valid Body Art Studio Permit issued by the Gwinnett County Board of Health Environmental Health Section.
- (5) The Body Art Studio Permit shall be displayed on the premises in a conspicuous place in public view at all times. Permits shall not be defaced or altered in any manner. A Body Art Studio shall not post a reproduction of a Permit unless the Board of Health has marked it "Duplicate."
- (6) All Body Art Studio permits issued pursuant to these rules are nontransferable.
- (7) A Body Art Studio Permit shall be returned to the Gwinnett County Board of Health Environmental Health Section if it is suspended or revoked.

8. **Application for Body Art Studio Permit**

- (1) The application for a Body Art Studio Permit or for the renewal of a Body Art Studio Permit shall be made on forms provided by the Gwinnett County Board of Health Environmental Health Section.
- (2) Any application for a new Body Art Studio Permit or for the renewal of a Body Art Studio Permit shall be sworn to by the applicant as true, correct, and complete before a notary public or other officer authorized to administer oaths.
- (3) Applications for a New Permit:
 - (a) At least thirty (30) days prior to the anticipated date of opening, the Owner of a new Body Art Studio shall submit an application to the Gwinnett County Board of Health Environmental Health Section for a Body Art Studio Permit to operate under these rules.
 - (b) The application for a new Body Art Studio Permit shall include:
 - (i) A quarter inch per foot scale drawing of the floor plan of the Body Art Studio and a drawing of associated details shown at one and a half inch per foot scale, signed by a registered engineer or architect. Such drawing shall show the accurate placement of each of the following:
 - Hand-sinks
 - Bathroom(s)
 - First-Aid kits
 - Waiting area(s)
 - Windows
 - Doors
 - Tables
 - Chairs
 - Room Measurements
 - Equipment
 - (ii) A zoning certification obtained from the appropriate jurisdiction. The applicant shall comply with all applicable zoning, building, safety, fire, and other local codes and requirements;
 - (iii) A copy of the Certificate of Occupancy for the Studio;

- (iv) A complete description of all body art services which will be provided in the Body Art Studio;
 - (v) The full or legal name under which the Body Art Studio is conducted;
 - (vi) The address of the Body Art Studio;
 - (vii) If the Owner leases the location, the name and current address of the landlord;
 - (viii) The name and home address of the Owner; if the Owner of the Body Art Studio is a partnership, the names and addresses of all partners; if the Owner is a corporation, the date and place of incorporation and the name and address of its registered agent in the state; or if the Owner is any other type of association, the names of the principals of the association;
 - (ix) A list containing the full names and home addresses of all employees and staff who will be working in the Body Art Studio;
 - (x) A copy of the written statement of policies and procedures of the Body Art Studio in accordance with Section 6 of these rules; '
 - (xi) An acknowledgement signed by the Owner acknowledging that the Owner has read and understands these rules; and
 - (xii) Such other information as may be deemed necessary by the Board of Health.
- (c) The applicant shall submit a non-refundable plan review fee as set by the Gwinnett County Board of Health and approved by the Gwinnett County Board of Commissioners.
- (4) Applications for Renewal:
- (a) At least thirty (30) days prior to the expiration of a Body Art Studio Permit, the Owner shall submit an application to the Gwinnett County Board of Health Environmental Health Section for renewal of the Body Art Studio Permit.

- (b) The application for the renewal of a Body Art Studio Permit shall include:
- (i) A complete description of all body art services that will be provided at the Studio;
 - (ii) The full or legal name under which the Body Art Studio is operated;
 - (iii) The address of the Body Art Studio;
 - (iv) If the Owner leases the location, the name and current address of the landlord;
 - (v) The name and current home address of the Owner; if the Owner of the Body Art Studio is a partnership, the names and addresses of all partners; if the Owner is a corporation, the date and place of incorporation and the name and address of its registered agent in the state; or if the Owner is any other type of association, the names of the principals of the association;
 - (vi) An updated list containing the full names and home addresses of all current employees and staff who will be working in the Body Art Studio;
 - (vii) A copy of the written statement of policies and procedures of the Body Art Studio in accordance with Section 6 of these rules;
 - (viii) An acknowledgement signed by the Owner acknowledging that the Owner has read and understands these rules; and
 - (ix) Such other information as may be deemed necessary by the Board of Health.

9. Issuance of Body Art Studio Permits & Fees

- (1) The Gwinnett County Board of Health Environmental Health Section may issue a Body Art Studio Permit to an Owner after determining that the Studio is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia, with any applicable administrative rules and regulations of the Department of Human Resources, and with these rules.

- (2) A Body Art Studio shall submit an application for a new Body Art Studio Permit when any of the following conditions exist:
 - (a) The Studio is remodeled, renovated, or expanded;
 - (b) There is a change in the legal ownership of the Body Art Studio; or
 - (c) An existing facility is moved or relocated.
- (3) Body Art Studio Permits shall automatically expire on June 30th of each year.
- (4) Prior to the issuance of a Body Art Studio Permit, the Owner must pay the applicable permit fee. Body Art Studio Permit fees shall not be prorated except that an Owner who submits an application for a Body Art Studio Permit on January 1 or later shall only be required to pay half of the Body Art Studio Permit fee.

10. Application to Existing Businesses

The provisions of these rules shall be applicable to all Body Art Studios whether the Studios were established before or after the effective date of these rules. Any Body Art Studio in business on the effective date of these rules shall comply with all requirements of these rules within six (6) months of the effective date.

11. Body Art Studio Minimum Floor Plan Requirements

- (1) The Body Art Studio shall be constructed, arranged, and maintained so as to provide adequately for the health and safety of its customers and staff.
- (2) The Body Art Studio shall be constructed in a manner to allow the customer receiving the procedure adequate privacy from observers. The Parlor shall be separate from the waiting area.
- (3) Each Parlor shall have a minimum of 45 square feet of floor space.
- (4) Insects, vermin, and/or rodents shall not be present in any part of the Body Art Studio. Effective measures shall be taken by the Body Art Studio Owner to prevent the breeding or presence on the premises of insects, vermin and/or rodents.
- (5) The Body Art Studio shall have adequate mechanical ventilation in compliance with current state and local building codes.



GWINNETT COUNTY BOARD OF HEALTH
Environmental Health Section

www.gwinnetthealth.com

Louise Radloft, Chairperson

"Depend on Us to Protect Gwinnett's

Lloyd M. Hofer, M.D., M.P.H., Medical Director

Health"

Ferrell Curlee, REd., Co. Manager ~ 240 Oak St. ~ Ste. 101 - Lawrenceville, GA 30045 - 770-963-5132 - FAX: 770-339-4282

Body Art Fees

Plan Review:	\$275.00
Second Parlor:	\$150.00
Each Additional Parlor:	\$100.00

Permit for One Parlor:	\$400.00
Each Additional Parlor:	\$ 80.00

RecheckFee:

Expired Permit:(Permit & Plan Review)

Body Artist:	\$ 50.00
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GWINNETT COUNTY
BOARD OF HEALTH www.gwinnetthealth.com

Louise

Radloff, Chairperson
"Depend on Us to Protect Gwinnett's Health"
M.P.H., Medical Director

Lloyd M. Hofer, M.D.,

324 West Pike Street - P.O. Box 897 - Lawrenceville, GA 30046-0897 - (770) 339-4260 ~ FAX (770) 339-2334

November 7, 2005

Charles E. Bannister, Chairman
Lorraine A. Green, District 1 Commissioner
Bert Nasuti, District 2 Commissioner
Michael A. Beaudreau, District 3, Commissioner
Kevin Kenerly, District 4, Commissioner
75 Langley Drive
Lawrenceville, Georgia 30045

Dear Chairman and District Commissioners:

As each of you may know, there are businesses within Gwinnett County which offer tattooing and body piercing procedures, generally known as Body Art. Tattooing and body piercing are invasive procedures, which if performed in inappropriate sanitary conditions create the risk of transmission of blood-borne diseases or other infectious diseases including, but not limited to, Hepatitis B, Hepatitis C, and Human Immunodeficiency Virus. In the past these procedures and the businesses offering them have not been regulated to insure the health and safety of employees or customers.


Chapter 40 of Title 31 of the Official Code of Georgia provides that it is unlawful for any person to operate a tattoo studio without first obtaining a valid permit issued by the county board of health. This chapter also authorizes county boards of health to adopt rules and regulations prescribing reasonable health and safety standards for tattoo studios. Pursuant to this authority and the authority of the Board of Health to take steps necessary to prevent and suppress disease and conditions deleterious to the health of citizens within Gwinnett County, on June 13, 2005, the Gwinnett County Board of Health adopted rules governing Body Art Studios and Body Artists. A copy of the Rules as adopted by the Board of Health has been provided to each of you for your review.

The rules adopted by the Board of Health govern the issuance of permits for both Body Art Studios and Body Artists and appropriate sanitary conditions and procedures to be used in Body Art Studios by Body Artists. Along with the rules the Board of Health also adopted a fee schedule for permits and inspections of Body Art Studios. The Board of Health is submitting the Rules to you for adoption as an ordinance of Gwinnett County. Pursuant to O.C.G.A. § 31-3-

4(6), all fees for environmental health services, such as the Body Art permit and inspection fees, must be approved by the Board of Commissioners before the fees will become effective.

Based upon the available literature and research regarding Body Art Procedures, the Gwinnett County Board of Health has determined that these rules are necessary to protect the public health by preventing the transmission of blood-borne and other infectious diseases. Therefore, we are appreciative that this matter has been placed on the Board's agenda for November 16, 2005 and urge the Board of Commissioners to adopt the Rules and fee schedule as approved by the Gwinnett County Board of Health. Please feel free to contact either of us if you have any questions concerning these rules.

 Sincerely!
Louise Radloff; Chairperson
Gwinnett County Board of Health


Lloyd M. Hofer, M.D., Director
Gwinnett County Board of Health'

ATTEST:

County Clerk/Deputy County Clerk (SEAL)

Senior Assistant County Attorney