

# **ORDINANCE NUMBER #137**

## **AN ORDINANCE ADOPTING MINIMUM STANDARDS FOR THE REGULATION OF TATTOOING AND BODY PIERCING**

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

**SECTION 1:** The South Dakota Department of Health minimum sanitation standards for tattooing and body piercing with Appendix A and Appendix B, attached hereto and incorporated herein by reference, are adopted as the minimum sanitation standards for Pennington County.

**SECTION 2:** No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the County a tattoo and/or body piercing establishment, unless a tattoo and/or body piercing establishment license has been issued by the County and remains in effect. Applications shall be available through the County Auditor and shall be completed in full and returned to the County Auditor accompanied by the appropriate fee.

**SECTION 3:** A violation of any provision of this Ordinance shall result in a fine not to exceed two hundred dollars. Each day of a continuing violation shall be considered a new violation and subject to the stated fine per violation.

**SECTION 4:** The Pennington County Board of Commissioners finds that this Ordinance is necessary for the immediate preservation of the public health and safety and shall go into effect immediately upon passage.

### **SECTION 5: LICENSE REQUIRED FOR TATTOO AND/OR BODY PIERCING ESTABLISHMENT**

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the County a tattoo and/or body piercing establishment, unless a tattoo and/or body piercing establishment license has been issued by the County and unless the license remains in effect in conformity with the provisions of this Ordinance. Physicians and surgeons licensed under the provisions of SDCL 36-4 are exempt from the requirements of this chapter.

### **SECTION 6: APPLICATION FOR TATTOO AND/OR BODY PIERCING ESTABLISHMENT LICENSE**

Each application for a tattoo and/or body piercing establishment shall be upon a form provided by the County Auditor and shall be submitted to

the County Auditor accompanied by the appropriate fee and shall contain the following information.

- A. The definition of service to be provided.
- B. The location and mailing address of the proposed establishment.
- C. The name and residence address of the applicant.
- D. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of the corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of the corporation itself, if different from the address of the tattoo and/or body piercing establishment, and the name and address of its registered agent.
- E. If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners and the address of the partnership itself, if different from the address of the tattoo and/or body piercing establishment.
- F. The last two previous addresses (if any) during the past three years immediately prior to the present address of the applicant.
- G. Written proof that the applicant is 18 years of age or older.
- H. Individual or partnership applicant's height, weight, color of eyes and hair, and sex.
- I. Copy of identification such as driver's license and social security card.
- J. The history of the applicant in the operation of a tattoo and/or body piercing establishment or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another county within this state with or without license, has had such license revoked or suspended and the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
- K. The name and address of each tattoo and/or body piercing artist who is employed in the establishment.
- L. An acknowledgment by the applicant that the information contained in the application is to the best of the applicant's knowledge, true and correct.

**SECTION 7: INVESTIGATION OF PREMISES PROPOSED TO BE USED AS TATTOO AND/OR BODY PIERCING ESTABLISHMENT**

The County Auditor shall refer any application to the Department of Health who shall make an inspection of the premises proposed to be used as a tattoo and/or body piercing establishment and shall make a recommendation to the County Auditor concerning compliance with law.

**SECTION 8: DENIAL OF TATTOO AND/OR BODY PIERCING ESTABLISHMENT LICENSE; NOTICE; RIGHT TO HEARING**

- A. The County Auditor shall not issue such tattoo and/or body piercing establishment license if it is found that:
  - 1. The operation, as proposed by the applicant, if licensed would not comply with all applicable laws.
  - 2. The applicant has, knowingly, and with intent to deceive, made any false, misleading or fraudulent statement of fact in the permit application or any other document required by the County in conjunction therewith.
- B. If denied, reasons for the denial shall be set forth in writing by the County Auditor and sent to the applicant by certified mail. The denied applicant shall at his/her election have the right to receive a hearing before the County Commission pursuant to the terms of Section O. If such a hearing is not requested within ten days of the notice of denial by the County Auditor, the denial shall be final.
- C. This section shall not limit causes for denial but shall be in addition to other causes for denial found by the Department of Health as provided by this Ordinance.

**SECTION 9: TEMPORARY TATTOO AND/OR BODY PIERCING ESTABLISHMENT LICENSE**

Upon application, the County Auditor may issue a temporary tattoo and/or body piercing establishment license to any applicant who has completed and filed an application for a tattoo and/or body piercing establishment license and the proposed premises has been investigated by the Department of Health. A temporary tattoo and/or body piercing establishment does not need to meet the space requirements of a permanent tattoo and/or body piercing establishment. Such temporary license shall remain in effect for 10 days.

**SECTION 10: INSPECTION OF ESTABLISHMENTS BY OFFICIALS**

County officials may enter the tattoo and/or body piercing establishment premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with this Ordinance, or with building, fire, electrical, plumbing, or health regulations. This shall not restrict or limit the right of entry vested in any law enforcement agency.

**SECTION 11: TATTOOS AND/OR BODY PIERCING AT TATTOO AND/OR BODY PIERCING ESTABLISHMENT ONLY**

No person shall tattoo and/or body pierce or permit a tattoo and/or body piercing to be administered at or upon any public or private place other than a tattoo and/or body piercing establishment.

**SECTION 12. POSTING OF TATTOO AND/OR BODY PIERCING ESTABLISHMENT LICENSE**

Each tattoo and/or body piercing establishment shall post in a conspicuous place within the tattoo and/or body piercing establishment the license of the tattoo and/or body piercing establishment.

**SECTION 13. SUSPENSION, OR REVOCATION OF LICENSES**

Any tattoo and/or body piercing establishment license shall be subject to suspension or revocation by the County Commission for violation of any provision of this Ordinance, state statute, or any rule, or regulation of state law regulating tattoo and/or body piercing establishments. The suspension or revocation of a license shall be accomplished pursuant to a hearing held before the County Commission at which time evidence shall be received for the purpose of determining whether or not such license shall be suspended or revoked or retained. Following the hearing, if the license is suspended or revoked, the notification of and reasons for such decision shall be set forth in writing and sent to the licensee by means of registered or certified mail. Notice of such hearing shall be in writing, directed to, and delivered to applicant by means of registered or certified mail or hand delivery at least ten days before such hearing.

**SECTION 14: INJUNCTIVE RELIEF**

In addition to the legal remedies provided for in this Ordinance, the operation of any tattoo and/or body piercing establishment in violation

of the terms of this Ordinance shall be deemed a public nuisance and may be enjoined pursuant to state statutes.

## **SECTION 15. PENALTIES**

A violation of any provision of this Ordinance shall result in a fine not to exceed two hundred dollars. Each day of a continuing violation shall be considered a new violation and subject to a fine not to exceed two hundred dollars per day.

## **SECTION 16: TATTOOING DEFINITIONS**

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

1. **COMMUNICABLE DISEASE:** A disease that is capable of being transmitted from person to person.
2. **DEPARTMENT:** The State Department of Health.
3. **MINOR:** A person who is under the age of 18 years.
4. **PATRON:** A person who receives a tattoo.
5. **PERMANENT TATTOO ESTABLISHMENT:** A building where tattooing is practiced on a year-round basis.
6. **TATTOO ARTIST:** A person engaged in the practice of tattooing.
7. **TATTOO ESTABLISHMENT:** The building or structure where tattooing is practiced.
8. **TATTOOING:** To puncture the skin of a person with a needle and insert indelible permanent color through the puncture to leave permanent marks or designs.
9. **TATTOOING AREA:** Within a tattoo establishment, the immediate vicinity where tattooing is performed.
10. **TEMPORARY TATTOO ESTABLISHMENT:** A building or structure where tattooing is practiced for not more than 30 days.

## **SECTION 17: APPLICABILITY**

The following shall apply to both temporary and permanent tattoo establishments.

### **A. GENERAL PROVISIONS**

A tattoo establishment must be a minimum of 60 square feet for one tattoo artist and 40 square feet for each additional artist. A tattoo establishment shall be physically separated from facilities used for purposes other than tattooing. Floors, walls and ceilings of the tattooing area shall be smooth, easily cleanable, nonabsorbent and in good repair. A minimum of 30 foot-candles of light shall be provided for applying the tattoo and a minimum of 10 foot-candles for general lighting.

### **B. HAND WASHING FACILITY REQUIRED**

An easily accessible hand-washing facility supplied with warm, potable, running water shall be provided in or directly adjacent to the tattooing area. Each hand-washing facility shall be provided with liquid soap and single use paper towels.

### **C. TOILET FACILITIES**

Toilet facilities shall be available for employee and patron use.

### **D. GENERAL USE EQUIPMENT**

Tables, chairs and other general-use equipment shall be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General-use equipment shall be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners shall be provided.

### **E. ANIMALS PROHIBITED – RESTRICTED ACTIVITIES**

Animals other than guide dogs are prohibited in tattoo establishments. Smoking, eating and drinking are prohibited within 10 feet of the tattooing area. Tattoo establishments may not be used for activities which are not directly associated with the practice of tattooing.

F. MAINTENANCE

A tattoo establishment shall be maintained in a clean, sanitary, vermin-free condition and in good repair.

G. INSPECTION

A tattoo establishment shall be inspected at least annually by the South Dakota State Department of Health to determine compliance with this section.

H. REQUIRED EQUIPMENT FOR TATTOO ESTABLISHMENTS

A tattoo establishment shall be equipped with a steam pressure autoclave capable of producing 15 pounds of pressure per square inch for at least 35 minutes at a temperature of 250 degrees Fahrenheit.

I. REQUIRED EQUIPMENT FOR TATTOO ARTISTS

A tattoo artist shall have the following minimum equipment:

1. Twenty-five (25) liner tubes of whatever style and design preferred in sealed sterile envelopes.
2. Twenty-five (25) shader tubes of whatever style and design preferred in sealed sterile envelopes.
3. Fifty (50) needle bar setups with needles attached in sealed sterile envelopes.
4. Five hundred (500) disposable pigment containers.
5. Three hundred (300) disposable latex or vinyl examination gloves.
6. One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin.
7. Access to the applicable sterilization and sanitation measures in this chapter.
8. Closed dust-proof containers for the exclusive storage of instruments, dyes, pigments, stencils and other equipment.

9. Gauze and bandages.

J. TATTOO ARTIST – RESTRICTED ACTIVITIES

A tattoo artist shall not engage in the practice of tattooing while under the influence of alcohol or other mind altering drugs. Minors are prohibited from the practice of tattooing. A tattoo artist who knowingly has infectious disease in a communicable stage may not tattoo a patron. Infectious diseases include rashes, skin lesions, boils and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist shall wear clean, laundered clothing and shall bathe daily.

K. TATTOO ARTIST – PATRONS RESTRICTED – NOTICE

A tattoo artist shall not tattoo a patron without first obtaining a signed consent. The consent must include a statement by the patron that he/she is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist shall not tattoo a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious contagious disease in a communicable stage.

Minors shall not be tattooed unless the minor's parents have signed a consent form authorizing the tattoo. A tattoo artist shall conspicuously post a notice stating that it is illegal to tattoo any person under the age of 18 without a parent's signed consent.

No tattoo artist shall tattoo a patron who is under the influence of alcohol or other mind-altering drugs.

L. COMMUNICABLE DISEASE REPORTING

A tattoo artist shall immediately report to the Department of Health any known or suspected communicable disease associated with the practice of tattooing.

M. RECORD OF PATRONS

A tattoo artist shall keep a record of each patron that includes name, address, age, consent form with medical inquiry, and the locations and descriptions of tattoos. This record must be available for inspection by County and State Officials or their designated representative and kept for a period of at least two years.



## N. STERILIZATION METHODS

Equipment requiring sterilization shall be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 35 minutes at a temperature of 250 degrees Fahrenheit in an autoclave. This must be certified by a chemical indicator that is attached to the autoclave bag and turns color when the required temperature has been reached. A tattoo establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. Dry heat is not an acceptable method of sterilization for the purpose of this section.

## O. STERILE EQUIPMENT – PACKAGING AND STORAGE

All sterile equipment and supplies shall be stored in a closed, dust-proof container in such a manner as to prevent being contaminated. All needles and tubes shall be packaged prior to autoclaving either individually or in quantities for individual tattoos. Autoclave packages shall be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment that has been autoclaved shall be dated with an expiration date. The expiration date shall not exceed 30 days from the date autoclaved. Sterile equipment shall not be used after the expiration date without being re-sterilized. A tattoo machine shall be stored in a manner that will prevent contamination.

## P. NEEDLE CONSTRUCTION – STERILIZATION REQUIRED

All needles shall be either stainless steel or nickel plated carbon steel. Needles may be soldered to stainless steel bars using a silver-bearing solder. Lead-bearing solder may not be used in this process. Needles are a single-service item and must be thoroughly cleaned and sterilized between patrons. Rusty or faulty needles may not be used for tattooing.

## Q. TUBE CONSTRUCTION – STERILIZATION REQUIRED

All tubes, including the grips on the tube, shall be either stainless steel, nickel-plated carbon steel, or Lexan. The grips may also be constructed of anodized aluminum. Lead-bearing solder shall not be used in the construction of the tubes. Tubes shall be thoroughly cleaned and sterilized between patrons.

R. TATTOO MACHINE SANITATION

The open end of the tattoo machine shall be cleaned and sanitized with an approved sanitizer before each use. See Appendix B at the end of this article for a listing of approved sanitation solutions.

S. RAZOR REQUIREMENT

Razors shall be disposable, single-use only. Single-use razors shall be used for one patron only and shall then be discarded.

T. GENERAL USE EQUIPMENT -- SANITATION REQUIRED

All surfaces, counters and general-use equipment in the tattooing area shall be cleaned and sanitized before a patron is seated. See Appendix B at the end of this chapter for a listing of approved sanitizing solutions.

U. LINEN CLEANING AND STORAGE

Cloth towels, robes and similar items used in conjunction with tattooing shall be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed dust-proof container shall be provided for the storage of clean towels and linen. A hamper or similar receptacle shall be provided for the storage of soiled towels and linen.

V. HYGIENIC PRACTICES – GLOVES REQUIRED

A tattoo artist shall use antiseptic techniques at all times in the practice of tattooing. A tattoo artist shall scrub their hands with liquid soap and water thoroughly before beginning preparation to tattoo. Hands shall be dried with individual single-use towels. At all times when preparing the skin and while applying the actual tattoo, the tattoo artist shall wear latex or vinyl examination gloves, which shall be discarded upon completion of the tattoo. A tattoo artist shall discard the gloves he/she is wearing, rewash his/her hands, and put on new gloves after an interruption in the tattoo process which requires him/her to use his/her hands.

W. SKIN PREPARATION

The skin area to be tattooed shall be shaved if needed and shall be washed with germicidal soap and water, rinsed, dried and washed again with 70 percent isopropyl alcohol. A single-use gauze pad or

tissue may be used for washing the skin. All single-use products shall be discarded after they are used.

#### X. PIGMENT REQUIREMENTS

All pigments shall be nontoxic and antiseptic. All pigments that are in a dry form shall be suspended in a solution of isopropyl alcohol, distilled water, or witch hazel with only nontoxic and antiseptic additives. Pigments shall be dispensed from a main plastic container with a sealable top that allows a single service portion of the pigment to be dispensed into a single-use container. All pigment dispensed and the material into which it has been dispensed shall be immediately discarded upon completion of the tattoo.

#### Y. DESIGN LAYOUT

The methods in this section are approved for the design layout of the tattoo on the skin. In the first method, the tattoo artist sketches the design directly onto the skin with nontoxic ink to serve as a guideline for the actual tattoo. In the second method, the tattoo artist makes a stencil using nontoxic ink on tracing paper and transfer the design to the skin by spraying germicidal soap and distilled water directly onto the area to be tattooed and laying the stencil over the sprayed area.

#### Z. TATTOO APPLICATION

Before placing the tattoo design on the patron's skin, the tattoo artist shall apply a thin coating of petroleum jelly or antibacterial ointment over the area to be tattooed. This shall be applied with cotton swabs, gauze, or wooden tongue depressors which shall immediately be discarded. This application shall not be directly spread with an ungloved hand.

#### AA. CHANGING PIGMENTS

When changing pigments, a tattoo artist shall use a solution of germicidal soap and water or an ultrasonic cleaner to rinse the needle and tube. If the needle and tube are used on the same patron. Ultrasonic cleaner solutions and solution containers and covers shall be discarded between patrons.

#### BB. WASHING OF EXCESS PIGMENT

Washing of excess pigment from the skin during the tattoo process shall be done with single-use gauze pads or tissue with a solution of germicidal soap and distilled water.

CC. USE OF STYPTICS

Styptics, if used to arrest bleeding, shall be used only in liquid or power form and shall be applied with cotton swabs or gauze which is immediately discarded.

DD. USE OF ANTIBACTERIAL OINTMENT REQUIRED – CARE INSTRUCTIONS

Upon completion of the tattoo, a tattoo artist shall apply an antibacterial ointment to the tattoo with a single-use cotton swab, gauze pad, or wooden tongue depressor that shall be immediately discarded.

After application of the antibacterial ointment, the tattoo artist shall apply a sterile bandage. The tattoo artist shall provide written instructions regarding the proper care and precautions for a new tattoo to each patron. Care instructions shall include the following minimum recommendations:

1. Remove the bandage after 24 hours.
2. Wash tattoos gently with mild soap and water and pat dry.
3. Apply an antibacterial ointment at least twice daily.
4. Avoid exposing the tattoo to direct sunlight for two weeks.
5. Avoid swimming or soaking of the tattoo until healed.
6. Avoid scratching or picking of the tattoo.
7. If redness or swelling develops, contact your doctor.

EE. STORAGE OF SOILED EQUIPMENT

Upon completion of a tattoo, a tattoo artist shall immerse needles and tubes used for the tattoo in an effective sanitizing solution, as identified in Appendix A at the end of this article, until they can be cleaned and sterilized.

## FF. DISPOSAL OF CONTAMINATED PRODUCTS

Gauze, cotton swabs or other single-use products that are contaminated with body fluids shall be disposed of in impervious double plastic bags that are securely sealed. When needles, tubes, or other multiple use products used in conjunction with the practice of tattooing are disposed of, they shall be sterilized and placed in an impervious rigid container that is securely sealed.

## **SECTION 18: BODY PIERCING DEFINITIONS:**

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

1. **BODY PIERCING:** The placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples, or parts thereof, for a decorative or other non-medical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11; the site or location, on the patron, of the body piercing.
2. **BODY PIERCING AREA:** Within a body-piercing establishment, the immediate vicinity where body piercing is performed.
3. **BODY PIERCING ARTIST:** A person engaged in the practice of body piercing.
4. **BODY PIERCING ESTABLISHMENT:** The building or structure where body piercing is practiced.
5. **COMMUNICABLE DISEASE:** A disease that is capable of being transmitted from person to person.
6. **DEPARTMENT:** The State Department of Health.
7. **PATRON:** A person who receives a body piercing.
8. **PERMANENT BODY PIERCING ESTABLISHMENT:** A building where body piercing is practiced on a year-round basis.
9. **TEMPORARY BODY PIERCING ESTABLISHMENT:** A building or structure where body piercing is practiced for not more than 30 consecutive days.

## SECTION 19: APPLICABILITY.

The following shall apply to both temporary and permanent body piercing establishments.

### A. GENERAL PROVISIONS.

A body-piercing establishment must be a minimum of 60 square feet for one body piercing artist and 40 square feet for each additional artist. A body-piercing establishment shall be physically separated from facilities used for purposes other than body piercing or tattooing. Floors, walls and ceilings of the body piercing area shall be smooth, easily cleanable, nonabsorbent and in good repair. Ceilings above the body piercing area must be smooth, easily cleanable and in good repair. A minimum of 30 foot-candles of light shall be provided for applying the body piercing and a minimum of 10 foot-candles for general lighting.

### B. HAND WASHING FACILITY REQUIRED.

An easily accessible hand-washing facility supplied with warm, potable, running water shall be provided in or directly adjacent to the body piercing area. Each hand-washing facility shall be provided with liquid soap and single use paper towels.

### C. TOILET FACILITIES.

Toilet facilities shall be available for employee and patron use.

### D. GENERAL USE EQUIPMENT.

Tables, chairs and other general-use equipment shall be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General-use equipment shall be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners shall be provided.

### E. ANIMALS PROHIBITED – RESTRICTED ACTIVITIES.

Animals other than guide dogs are prohibited in body piercing establishments. Smoking, eating and drinking are prohibited within 10 feet of the body piercing area. A body-piercing artist may not engage in the practice of body piercing while under the influence of alcohol or other mind-altering drugs. Body piercing establishments may not be used for activities which are not directly associated with the practice of body piercing or tattooing.

F. MAINTENANCE.

A body-piercing establishment shall be maintained in a clean, sanitary, vermin-free condition and in good repair.

G. INSPECTION.

A body-piercing establishment shall be inspected at least annually by the South Dakota State Department of Health to determine compliance with this section.

H. RECORD OF PATRONS

A body-piercing artist shall keep a record of each patron that includes name, address, age, consent form with medical inquiry, and the locations and descriptions of body piercing. This record must be available for inspection by County and State Officials or their designated representative and kept for a period of at least two years.

I. REQUIRED EQUIPMENT

A body-piercing artist must have the following minimum equipment:

1. Twenty-five disposable single-use needles of each size used.
2. Twenty-five forceps.
3. Two hundred cotton swabs in sealed containers.
4. Two hundred disposable cups.
5. Three hundred disposable latex or vinyl examination gloves.
6. One gallon each of germicidal soap, isopropyl alcohol and distilled water for prepping skin.
7. Access to the applicable sterilization and sanitation measures as required in this chapter.
8. Closed dustproof containers for the exclusive storage of instruments and other equipment.
9. Sealed gauze and bandages.

Single-use products may be used only once and must then be discarded.

#### J. CONTROL OF INFECTIOUS DISEASE

A body-piercing artist who knowingly has an infectious disease in a communicable stage must take precautions to prevent disease transmission to the patron. Infectious diseases include rashes, skin lesions, boils, and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection. A body-piercing artist shall wear clean, laundered clothing and shall wear a clean outer garment or cover-up during the body piercing.

#### K. CONSENT OF PATRON REQUIRED

A body piercing artist may not pierce the body of a patron without first obtaining a signed consent. The consent must include a statement by the patron that the patron is free from infectious or contagious diseases in a communicable state. This includes rashes, skin lesion, boils and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection. A body-piercing artist may not pierce the body of a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable state. The consent form shall request information about medical problems that can cause the patron difficulty afterwards, e.g., diabetes, allergic reaction to certain metals or medications, hemophilia, blood clotting problems, or use of anticoagulation medications which may cause bleeding problems.

#### L. COMMUNICABLE DISEASE REPORTING

A body-piercing artist shall immediately report to the department any known or suspected communicable disease associated with the practice of body piercing. A body-piercing artist shall consult with the artist's medical provider or the department for medical management of any needle-stick injuries. The toll free number for the reporting of communicable diseases is 1-800-592-1861.

#### M. EQUIPMENT REQUIRING STERILIZATION

Any body piercing equipment, such as forceps, insertion tapers, or needle holders, that is used by more than one patron must be sterilized after each use.



N. NEEDLE CONSTRUCTION – STERILIZATION REQUIRED

All needles must be either stainless steel or nickel-plated carbon steel. Needles must be individually packaged and autoclaved before use. Needles are single-use items and once used must be disposed of.

O. STERILIZATION METHODS

Equipment requiring sterilization shall be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 35 minutes at a temperature of 250 degrees Fahrenheit in an autoclave. This must be certified by a chemical indicator that is attached to the autoclave bag and turns color when the required temperature has been reached. A body piercing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. Dry heat is not an acceptable method of sterilization for the purpose of this section.

P. STERILE EQUIPMENT – PACKAGING AND STORAGE

All sterile equipment and supplies shall be stored in a closed, dust-proof container in such a manner as to prevent being contaminated. All needles and tubes shall be packaged prior to autoclaving either individually or in quantities for individual body piercing. Autoclave packages shall be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment that has been autoclaved shall be dated with an expiration date. The expiration date shall not exceed 30 days from the date autoclaved. Sterile equipment shall not be used after the expiration date without being re-sterilized. Commercially available individually packaged autoclaved equipment may be used within the manufacturer's expiration date.

Q. GENERAL USE EQUIPMENT – SANITIZATION REQUIRED

All surfaces, counters and general-use equipment in the body piercing area shall be cleaned and sanitized before a patron is seated. To insure a sterile operating field, a sterile disposable paper sheet or drape must be used. Drapes must be moisture resistant. The top surface of the drape is considered a sterile area and edges are not. Only sterile items may be placed on the sterile field. See Appendix B at the end of this article for a list of approved environmental cleaning solutions.

R. LINEN CLEANING AND STORAGE

Cloth towels, robes and similar items used in conjunction with body piercing shall be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed dust-proof container shall be provided for the storage of clean towels and linen. A hamper or similar receptacle shall be provided for the storage of soiled towels and linen.

S. HYGIENIC PRACTICES – GLOVES REQUIRED

A body-piercing artist shall use antiseptic techniques at all times in the practice of body piercing. A body piercing artist shall scrub their hands with liquid soap and water thoroughly before beginning preparation to body piercing. Hands shall be dried with individual single-use towels or a commercial hand blow dryer. At all times when preparing the skin and while conducting the actual body piercing, the body piercing artist shall wear latex or vinyl examination gloves, which shall be discarded upon completion of the body piercing. A body piercing artist shall discard the gloves he/she is wearing, rewash his/her hands, and put on new gloves after an interruption in the body piercing process which requires him/her to use his/her hands.

T. SKIN PREPARATION

The skin area to be pierced shall be shaved if needed and shall be washed with germicidal soap and water, rinsed, dried and washed again with 70 percent isopropyl alcohol. A single-use gauze pad or tissue may be used for washing the skin. All single-use products shall be discarded after they are used.

U. USE OF STYPTICS

Styptics, if used to arrest bleeding, shall be used only in liquid or power form and shall be applied with cotton swabs or gauze which is immediately discarded.

V. JEWELRY PREPARATION

Jewelry or an insertion taper that has been autoclaved and never worn must be placed in a medical antibacterial prep soak for ten minutes and dried thoroughly before insertion. Jewelry previously worn by the patron must be soaked in a medical antibacterial prep soak for ten minutes in a separate container that is disposed of or

sterilized immediately after the service. Jewelry worn by a person other than the patron must be cleaned and autoclaved before insertion.

#### W. CARE INSTRUCTIONS FOR BODY PIERCING

Upon completion of the body piercing, a body-piercing artist must apply an antibacterial cleaner to the body piercing with a single-use cotton swab or gauze pad. The body-piercing artist must provide each new patron written instructions regarding the proper care and precautions for a body piercing. Care instructions must include the following minimum recommendations:

1. Wash the body piercing gently with mild soap and water and pat dry.
2. Apply an antibacterial cleaner at least twice daily.
3. Avoid swimming or soaking of the body piercing until healed.
4. Avoid scratching, picking or touching of the body piercing.
5. If redness or swelling develops, contact your doctor.

#### X. CARE INSTRUCTION FOR ORAL PIERCING

The patron of oral piercing must rinse the mouth with an antibacterial mouthwash containing no sugar or alcohol or with a hydrogen peroxide solution before the procedure. The body-piercing artist must provide written instructions regarding the proper care and precautions for a new oral body piercing to each patron. Care instructions must include the following minimum recommendations.

1. Rinse the mouth twice a day with an antibacterial mouthwash containing no sugar or alcohol. The mouthwash may be diluted by to 75 percent to reduce irritation. Continuc rinsing for the duration of the healing process.
2. Avoid placing anything other than food in the mouth, including cigarettes, fingers and gum.
3. Eat and drink only for nutritional needs until healed.
4. If excessive swelling or pain develops, contact your doctor.

Y. EAR PIERCING

If ear piercing is conducted using individually packaged sterilized studs that are inserted using a commercial ear piercing gun and no other form of body piercing is provided, the piercing artist is required only to notify in Pennington County in writing. If the ear-piercing gun is reused, it must be cleaned between patrons with one of the products from Appendix A at the end of this article.

Z. EAR PIERCING GUN

An ear-piercing gun may only be used to apply studs in a patron's ears, following manufacturer's instructions. The use of an ear-piercing gun to apply a stud or any other jewelry to other areas of the body is prohibited.

AA. STORAGE OF SOILED EQUIPMENT

Upon completion of a body piercing, a body-piercing artist must immerse any reusable equipment in a sanitizing solution, as identified in Appendix A at the end of this article, until it can be cleaned and sterilized.

BB. DISPOSAL OF CONTAMINATED PRODUCTS

Gauze, cotton swabs or other single-use products that are contaminated with body fluids shall be disposed of in impervious double plastic bags that are securely sealed. The trash container used to hold these bags must be constructed of a durable, nonabsorbent, easily cleanable material and be provided with a tight-fitting lid. When needles or multiple use products used in conjunction with the practice of body piercing are disposed of, they must be autoclaved and placed in an impervious rigid container which is securely sealed.

## APPENDIX A

### SANITIZING SOLUTIONS

The following methods are approved for immersion of soiled equipment, such as instruments, needles and tubes prior to cleaning and sterilization:

1. Immersion in glutaraldehyde 2 percent solution mixed according to manufacturer's instruction. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.
2. Immersion in a 500 ppm solution of chlorine. (This requires a 1:100 dilution of 5.25 percent sodium hypochloride (bleach) which is equivalent to 2 teaspoons bleach per quart of water.) A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.
3. Immersion in a solution of 70 percent isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in a cool, well-ventilated area.
4. Immersion in a phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to the manufacturer's instruction.
5. Immersion in an iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.

NOTE: After immersion in any of these solutions, instruments, needles, tubes, or similar equipment shall be thoroughly cleaned, rinsed with warm water, dried thoroughly, and individually packaged for sterilization as described in 44:12:02:18

## APPENDIX B

### ENVIRONMENTAL CLEANING SOLUTIONS

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, chairs, and the open end of tattoo machines.

1. Application of quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilution shall be according to the manufacturer's instructions.
2. Application of phenolic germicidal detergent solution mixed according to the manufacturer's instruction. May cause skin irritation.
3. Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25 percent sodium hypochloride (bleach) which is equivalent to ½ teaspoon bleach per quarter of water. A minimum contact time of 10 minutes is required to be effective. This solution shall be mixed fresh daily.

NOTE: If using spray bottles for application of these solutions, the following procedure shall be followed: Each time the bottle needs refilling, any remaining old solution shall be discarded, the bottle rinsed, and fresh solution poured into the spray bottle. Always label spray bottles with the name of the contents. Never add fresh solution to remaining old solution.

PENNINGTON COUNTY COMMISSION

  
Orland Paulsen, Chairperson

ATTEST:

  
Nancy J. Kuster, Deputy  
Pennington County Auditor/Deputy

First Reading: July 7, 1998  
Second Reading: July 21, 1998  
Publication Date: August 5, 1998  
Effective Date: July 21, 1998

# AN AMENDMENT TO ORDINANCE NUMBER 137

## AN ORDINANCE ADOPTING MINIMUM STANDARDS FOR THE REGULATION OF TATTOOING AND BODY PIERCING

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF  
COMMISSIONERS AS FOLLOWS:

**Section 1:** All references to the South Dakota Department of Health shall be amended to add "or the Pennington County Ordinance Officer", in Sections 7, 8, 9, 16, 17, 18, and 19.


**Section 2:** Add **Section 20:** All permanent Tattoo and/or Body Piercing Establishments shall send or bring in monthly autoclave reports to the Pennington County Ordinance Enforcement Department, 315 St. Joseph St., #319, Rapid City, SD 57701. Failure to do so will result in the suspension or revocation of the operating license.

**Section 3:** Add **Section 19: Q** Razor Requirement. Razors shall be disposable, single-use only. Single-use razors shall be used for one patron only and shall then be discarded. (This addition corrects an omission and will change consecutive letters).

PENNINGTON COUNTY COMMISSION

  
James Kjerstad, Chairperson      4/10/01  
Date

ATTEST:

  
Pennington County Auditor/Deputy      4/10/01  
Date

First Reading: April 3, 2001  
Second Reading: April 10, 2001  
Publication: April 24, 2001  
Date Effective: May 15, 2001