



Tattooing and Body Piercing Facilities Code

# **Body Art**

Department of Community Health and the Environment

Division of Environmental Health and Protection

**NOTES**

## CHAPTER 645: TATTOOING AND BODY PIERCING

### SECTION 645.010: SHORT TITLE

This Chapter may be cited as the "Tattooing and Body Piercing Ordinance". (Ord. No. 99-149 §1, 12-1-99)

### SECTION 645.020: LEGISLATIVE FINDINGS AND INTENT

- A. The Council finds that there is sufficient information to believe that injuries, infections and occasional disease may occur as the result of tattooing and body piercing. In order to protect the health and welfare of residents, the regulation of tattooing and body piercing establishments and operators is required.
- B. The Council finds that residents desire regulation of tattooing and body piercing establishments and that such regulation is required for the health and safety of the residents.
- C. The Council is concerned with health dangers posed by the unsafe practices that could be employed by some tattooing and body piercing establishments and operators. (Ord. No. 99-149 §2, 12-1-99)

### SECTION 645.030: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*ANTISEPTIC:* An agent that destroys disease-causing microorganisms on human skin or mucosa. A list of approved antiseptic agents will be maintained by the Department of Community Health and the Environment.

*BODY PIERCING:* Any method of piercing the skin or mucosa in order to place any object including, but not limited to, rings, studs, bars or other forms of jewelry through the skin or mucosa. This Chapter expressly excludes ear piercing, as defined in Section 645.080(B) below, as a body piercing procedure.

*CLIENT:* Any person who inquires about or requests a tattooing and body piercing procedure.

*CONTAMINATED WASTE:* Any liquid or semi-liquid blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as further defined in State and Federal regulations.

*COSMETIC TATTOOING:* The practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semi-permanent or temporary by someone other than a State licensed physician. Cosmetic tattooing shall also include permanent cosmetics, dermography, micro pigmentation, permanent color technology and micro pigment implantation.

*DEPARTMENT:* The St. Charles County, Missouri, Department of Community Health and Environment including its agents and employees.

*DIRECTOR:* The Director of the Department and his/her designees.

*DISINFECTION:* The killing of microorganisms, but not necessarily their spores, on inanimate objects.

*EQUIPMENT:* All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatuses and appurtenances used in connection with the operation of a tattooing and body piercing establishment.

*HANDSINK:* A lavatory equipped with hot and cold running water under pressure and with a drain, used solely for washing hands, arms or other portions of the body.

*HOT WATER:* Water at a temperature of at least one hundred degrees Fahrenheit (100° F).

*INSTRUMENTS USED FOR TATTOOING AND BODY PIERCING:* Hand pieces, needles, needle bars and other instruments, including piercing studs, that may come in contact with any person's body during tattooing and body piercing.

*INVASIVE:* Entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa.

*JEWELRY:* Any personal ornament inserted into a pierced area. Jewelry inserted into a newly pierced area must be made of 316 series surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, platinum, low porosity plastic such as monofilament nylon, acrylic or Lucite, tempered glass of high density low porosity non-toxic hardwoods. Furthermore, such jewelry must be free of nicks, scratches or irregular surfaces and have been properly sterilized prior to use. Hardwood jewelry is single use only. Piercing studs are not considered jewelry under this Chapter.

*LICENSE:* Written approval by the Department to operate a tattooing and body piercing establishment, or to perform tattooing and body piercing. Approval is given in accordance with this Chapter and is separate from any other licensing requirements that may exist.

*OPERATOR:* Any person who controls, operates, manages, conducts, or practices tattooing and body piercing activities at a tattooing and body piercing establishment and who is responsible for compliance with these regulations whether or not that person actually performs tattooing and body piercing activities.

*PERSON:* A natural person, any form of business or social organization and any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

*PROCEDURE ROOM:* A room in the tattooing and body piercing establishment where tattooing and body piercing is performed.

*PROCEDURE SURFACE:* Any surface that contacts the client's unclothed body during a tattooing and body piercing procedure or any associated work area which may require sanitizing.

*SANITIZE or SANITIZATION:* A procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

*SHARPS:* Any object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades and razor blades.

*SHARPS CONTAINER:* A puncture-resistant, leakproof container that can be closed for handling, storage, transportation and disposal and is labeled with the international biohazard symbol.

*SINGLE USE:* Products or items that are intended for one-time, one (1) person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

*STERILIZATION:* Destruction of all forms of microbotic life, including spores.

*TATTOOING:* Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

*TATTOOING AND BODY PIERCING:* The practice of physical body adornment by any method including but not limited to the following: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a State Medical Board, such as implants under the skin. This definition also does not include ear piercing as fully defined in Section 645.08005) below.

*TATTOOING AND BODY PIERCING ESTABLISHMENT:* Any place of business which performs tattooing and body piercing.

*UNDER DIRECT SUPERVISION OF A PHYSICIAN:* Employed by and working in the office or clinic of a physician licensed in the State of Missouri, or at a site approved by the Department, with treatment ordered by the physician. (Ord. No. 99-149 §3, 12-1-99)

**SECTION 645.040: LICENSE REQUIRED FOR TATTOOING AND BODY PIERCING ESTABLISHMENTS AND OPERATORS**

- A. No person shall perform tattooing and body piercing unless the person is authorized to do so by a license issued by the Department. Nor shall any person perform tattooing and body piercing except in a tattooing and body piercing establishment licensed by the Department.
- B. Tattooing and body piercing establishment licenses shall be valid for a term to expire with the last day of the calendar year in which the license is issued. Application for renewal of licenses for tattooing and body piercing establishments must be filed on or before the first (1st) day of each calendar year.
- C. Tattooing and body piercing operator licenses shall be valid for a term to expire with the last day of the calendar year in which the license is issued. Application for renewal of licenses for tattooing and body piercing operators must be filed on or before the first (1st) day of each calendar year.



5. All operator licenses shall be posted in a prominent and conspicuous place inside a public area of the tattooing and body piercing establishment or establishments in which the operator works.
6. Operators must be at least eighteen (18) years of age. (Ord. No. 99-149 §5, 12-1-99)

**SECTION 645.060: TATTOOING AND BODY PIERCING ESTABLISHMENT REQUIREMENTS AND PROFESSIONAL STANDARDS**

The following information shall be kept on file on the premises of a tattooing and body piercing establishment and available for inspection by the Department:

1. The following information pertaining to all employees in the tattooing and body piercing establishment: full name, date of birth, social security number, gender, home address, phone number (home and work), job description and exact duties.
2. Identification photographs of all operators.
3. The tattooing and body piercing establishment name and hours of operation.
4. The name, address and social security number of the tattooing and body piercing establishment owner or owners.
5. A complete description of all tattooing and body piercing performed.
6. A list of all instruments, body jewelry, sharps, and inks used for any and all tattooing and body piercing procedures, including names of manufacturers and serial or lot numbers or invoices or other documentation sufficient to identify and locate the manufacturer.
7. A copy of this Chapter. (Ord. No. 99-149 §6, 12-1-99)

**SECTION 645.070: GENERAL PROVISIONS**

- A. Smoking, eating, or drinking by anyone is prohibited in the area where tattooing and body piercing preparation, procedure and clean up is being performed.
- B. Operators shall refuse service to any person who, in the opinion of a reasonable objective observer, is under the influence of alcohol or drugs.
- C. The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing tattooing and body piercing. Before performing tattooing and body piercing, the operator must thoroughly wash his/her hands in hot running water with liquid anti-microbial soap, then rinse his/her hands and dry with an approved sanitary method. This shall be done as often as necessary to remove contaminants.
- D. In performing tattooing and body piercing, the operator shall wear disposable medical gloves. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client.

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- E. If, while performing tattooing and body piercing, the operator's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be immediately discarded and the procedure in Subsections (D) and (E) above shall be repeated immediately. Any item or other





for the care of the tattooing and body piercing procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions ("instructions") shall advise the client to consult the operator or a physician licensed by the State of Missouri at the first (1st) sign of infection and contain: the name, address and phone number of the tattooing and body piercing establishment. The instructions shall be signed and dated by both parties. The operator shall give a copy of the instructions to the client and retain the original with all other records required to be maintained under this Chapter. In addition, all tattooing and body piercing establishments shall provide clients with written information which advises clients of the risks and possible consequences of tattooing and body piercing. (Ord. No. 99-149 §9, 12-1-99)

**SECTION 645.100: RECORDS RETENTION**

The tattooing and body piercing establishment shall keep a record of all persons who have had tattooing and body piercing procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the name of operator who performed the procedure(s), the type of procedure performed and its location on the client's body, the signature of the client and, if the client is a minor, written proof of parental or guardian presence and consent as more particularly described in Section 645.150(A). For tattooing procedures, a record of the specific ink color(s) applied and, when available, the manufacturer, catalogue identification number or supplier invoice of each color(s) used shall also be maintained. All records described in this Chapter shall be retained for a minimum of three (3) years and provided to the Department upon request. (Ord. No. 99-149 §10, 12-1-99)

**SECTION 645.110: PREPARATION AND CARE OF THE TATTOOING AND BODY PIERCING AREA**

- A. Before performing tattooing and body piercing, the skin of and surrounding the area where the tattooing and body piercing is to be placed shall be washed with anti-microbial soap and an antiseptic shall be applied to that area. If piercing or other procedures penetrating the subcutaneous layer are to be performed, the area must be cleaned with a fresh antiseptic solution. If shaving is necessary, safety razors with single service blades shall be used and discarded after each use. Following shaving, the skin and surrounding area shall be washed with anti-microbial soap and the washing pad shall be discarded after a single use.
- B. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be used only once and disposed of immediately after use. (Ord. No. 99-149 §11, 12-1-99)

**SECTION 645.120: SANITATION AND STERILIZATION**

- A. All non-disposable instruments used for tattooing and body piercing shall be cleaned thoroughly after each use by scrubbing with an anti-microbial soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the tattooing and body piercing establishment and which will be operated in accordance with the manufacturer's instructions.

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- B. After cleaning, all non-disposable instruments used for tattooing and body piercing shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one (1) year. Paper peel-packs must be dated with an expiration date not to exceed one (1) year. Sterile equipment may not be used after the expiration



- B. All walls, floors and ceilings of a tattooing and body piercing establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All surfaces, including client chairs and benches, shall be of such construction as to be easily cleaned and sanitized after each client procedure. All tattooing and body piercing establishments shall be completely separated by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.
- C. Insects, vermin and rodents shall not be present in any part of the tattooing and body piercing establishment, its appurtenances or appertaining premises.
- D. There shall be a minimum of thirty-five (35) square feet of floor space for each procedure room. Each tattooing and body piercing establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple procedure rooms shall be separated by wipeable dividers, curtains or partitions.
- E. The tattooing and body piercing establishment shall be well ventilated and provided with an artificial light source equivalent to at least twenty (20) foot-candles three (3) feet off the floor, except that at least one hundred (100) foot-candles shall be provided at the level where the tattooing and body piercing procedure is being performed, and where instruments and sharps are assembled.
- F. No animals of any kind shall be allowed in a procedure room except service animals used by persons with limitations. Small animals confined to a cage or aquarium are allowed only outside a procedure room.
- G. A separate, readily accessible handsink with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls, and supplied with liquid anti-microbial soap and disposable paper towels shall be readily accessible within the tattooing and body piercing establishment. One (1) handsink shall serve no more than three (3) operators. In addition, there shall be a minimum of one (1) lavatory, excluding any service sinks, and one (1) toilet in a tattooing and body piercing establishment in a completely enclosed restroom vented to the outside.
- H. At least one (1) covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. Receptacles in the operator area shall either have a foot-operated lid or a lid that can and shall remain open during tattooing and body piercing procedures to prevent hand contact with the receptacle during a procedure. All refuse containers shall be lidded, cleanable and kept clean. All refuse containers not in use shall be kept covered.
- I. All instruments and supplies shall be stored in clean, dry covered containers.

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- J. If reusable cloth items, including but not limited to lap-cloths, are used, they shall be mechanically washed after each client procedure. Reusable cloth items shall be mechanically washed with detergent and dried. The cloth items shall be stored in a clean, dry environment. If a mechanical washer is used on site, a mechanical dryer must also be used and the dryer must be vented to the outside. (Ord. No. 99-149 § 12, 12-1-99)

**SECTION 645.150: PROHIBITIONS**

- A. Performing tattooing and body piercing is prohibited on any person under the age of eighteen (18) without the written consent of that person's parent or legal guardian. That consent shall be on a form provided by the Department, notarized, and given in person to the operator by the parent or legal guardian before the tattooing and body piercing procedure commences. In addition, the parent or legal guardian shall present photographic identification to the operator and leave with the operator photocopies of that photographic identification. For purposes of this Chapter, photographic identification may include a State driver's license or State identification card.
- B. Performing tattooing and body piercing is prohibited on any person who appears to a reasonable person to be under the influence of alcohol or drugs.
- C. Obtaining or attempting to obtain any tattooing and body piercing establishment or operator license by means of fraud, misrepresentation or concealment is prohibited. (Ord. No. 99-149 §15, 12-1-99)

**SECTION 645.160: OPERATING WITHOUT A LICENSE--PENALTIES**

Any Operator or any tattooing and body piercing establishment engaged in the business of tattooing and body piercing without a license required by this Chapter shall be subject to a fine. The fine for performing tattooing and body piercing without a license shall be five hundred dollars (\$500.00) for each offense; each tattooing and body piercing procedure performed without a license shall constitute a separate offense; so shall each day an operator or tattooing or body piercing establishment offers to perform tattooing and body piercing. The fine provided by this Section is in addition to any other remedy available to St. Charles County in the enforcement of this Chapter, including injunctive relief to prevent that operator or establishment from performing tattooing and body piercing. (Ord. No. 99-149 §16, 12-1-99)

**SECTION 645.170: VIOLATIONS BY LICENSEES. WARNING, SUSPENSION, REVOCATION OR NON-RENEWAL OF OPERATOR/ESTABLISHMENT LICENSE AUTHORIZED HEARING REQUIRED**

- A. If the holder of any license issued pursuant to this Chapter violates any provision of this Chapter or that license, the Director shall issue a warning or shall suspend, revoke, or refuse to renew the license, as provided herein.
- B. No license shall be suspended or revoked nor shall any application to renew a license be refused until the licensee has been afforded an opportunity for a hearing before the Director after notice of at least five (5) working days, except if the Director determines that the operation constitutes an immediate hazard to public health or the licensee interferes with the Department's

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performance of its duties. Such interference includes refusal to permit access to the premises of a licensee's tattooing and body piercing establishment.

- C. Warnings and notices of violation and hearing shall be served either personally or by certified mail, postage pre-paid, to the licensee's address of record. Notices of violation and hearing shall state the date, time and place of hearing and set forth the charges against the licensee.
- D. The Director shall have the authority to swear witnesses. A licensee shall have the opportunity to



**SECTION 645.180: ADMINISTRATIVE PENALTIES**

1. Upon a finding by the Director that any operator has violated this Chapter, the licensee shall be fined as follows:
2. A fine of not less than two hundred fifty dollars (\$250.00) for the first (1st) violation within a two (2) year period.
3. A fine of not less than five hundred dollars (\$500.00) for the second (2nd) violation within a two (2) year period.
4. A fine of not less than seven hundred fifty dollars (\$750.00) for the third (3rd) violation within a two (2) year period.
5. A fine of not less than one thousand dollars (\$1,000.00) for any additional violation within a two (2) year period.

The license shall also be subject to suspension or revocation as provided in this Chapter. (Ord. No. 99-149 §18, 12-1-99)

**SECTION 645.190: JOINT RESPONSIBILITY**

If an operator violates this Chapter while performing tattooing and body piercing, the establishment shall also be deemed to be in violation and the establishment license shall also be subject to warnings, administrative penalties, suspension or revocation in accordance with this Chapter. (Ord. No. 99-149 §19, 12-1-99)

**SECTION 645.200: ENFORCEMENT**

- A. The Department shall ensure compliance with this Chapter through inspections made annually or more often if the Department deems it necessary.
- B. The Department is hereby authorized to promulgate the necessary training documents and rules to implement this Chapter.
- C. The enforcement of the regulations established by this Chapter shall be the responsibility of the County Counselor. (Ord. No. 99-149 §20, 12-1-99)