

CHAPTER 38 – HEALTH AND SANITATION

ARTICLE III. - TATTOO AND BODY PIERCING ESTABLISHMENTS

Sec. 38-51. - 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:

Tattoo and body piercing mean to mark or color the human skin by pricking in, piercing the skin, or implanting coloring matter so as to form indelible pigments, dyes, marks or figures under the skin or by the production of scars; provided, however, that the term "tattoo and body piercing" shall not mean a tattoo and body piercing placed upon the skin by a physician for medical identification purposes and shall not apply to ear piercing or the tattoo and body piercing of farm or domestic animals for the purpose of identification. Cosmetic services utilizing semi-permanent pigments or dyes for enhancing the natural appearance of physical traits such as microblading (eyebrows) or lip blushing (lips) which are performed by an individual with the certifications and/or certificates, in compliance with the state rules and regulations as required by Georgia law, and are supervised by a physician or nursing professional are excluded from this definition.

Tattoo and body piercing artist means any person who actually performs the work of tattoo and body piercing upon humans, except that the term "tattoo and body piercing artist" shall not include in its meaning any physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to O.C.G.A. § 16-5-71(a).

Tattoo and body piercing establishment and/or tattoo and body piercing studio mean any facility, building, room or place on a fixed or mobile foundation where the tattoo and body piercing of humans is practiced or where the business of tattoo and body piercing is practiced or where the business of tattoo and body piercing of humans is conducted or any part thereof.

(Ord. No. O-2002-001, § I, 3-21-2002)

Cross reference— Definitions generally, § 1-2

Sec. 38-52. - Prohibited practices.

- (a) No person shall operate a tattoo and body piercing establishment/studio or engage in the practice or business of tattoo and body piercing human skin as a tattoo and body piercing operator or tattoo and body piercing artist unless the person has first secured a permit to do so from the county board of health; and has complied with the ordinances of the county.
- (b) No person shall operate a tattoo and body piercing establishment/studio or engage in the practice or business of tattoo and body piercing as a tattoo and body piercing operator or tattoo and body piercing artist without following an approved exposure control plan as described by section 38-53 of this article.
- (c) No tattoo and body piercing operator or tattoo and body piercing artist shall tattoo and/or perform body piercing on any person while such tattoo and body piercing operator or tattoo and body piercing artist is under the influence of alcohol, drugs or other stimulants or depressants, nor shall such tattoo and body piercing operator or tattoo and body piercing artist tattoo and/or perform body piercing on any person who is a minor, (under the age of 18), with the exception of ear piercing, or who is under either the influence of alcohol, drugs or other stimulants or depressants or any person of unsound mind.
- (d) No person shall operate a tattoo and body piercing establishment/studio or engage in the practice or business of tattoo and body piercing as a tattoo and body piercing operator or tattoo and body piercing

artist unless he/she is duly licensed by the applicable state authority as a licensed practical nurse, registered nurse, physician's assistant, physician, or doctor of osteopathy, provided, however, that any person who has lawfully operated a tattoo and body piercing parlor in the county for a period of one year immediately prior to the effective date of the ordinance from which this article is derived with no violations of law and no history of the creation of health hazards shall be entitled to engage in the business of a tattoo and body piercing operator notwithstanding the provisions of this subsection (d), provided further, that such operator shall not be relieved of any other requirements of this chapter.

(Ord. No. O-2002-001, § II, 3-21-2002)

Sec. 18-53. - Approval of county board of health required for permit.

- (a) A condition precedent prior to operation shall be satisfactory proof that the tattoo and body piercing establishment/studio has secured from the county board of health a permit to operate the establishment.
- (b) The applicant shall be required to submit with his application an annual inspection fee of \$250.00, or such fee as shall be set from time to time by the county board of health. Thereafter, such inspection fee shall be due and payable on an annual basis.
- (c) The tattoo and body piercing operator shall submit and the county board of health shall approve an exposure control plan generally conforming to the applicable standards set out in 29 C.F.R. 1910.1030-(d) which shall include but are not limited to the following:
 - (1) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair;
 - (2) Thorough cleaning of reusable sharps, needles, and any portion of the tattoo and body piercing apparatus which touches the skin after every use and prior to sterilization;
 - (3) Autoclave sterilization of the reusable sharps, needles and any portion of the tattoo and body piercing apparatus which touches the skin. Autoclave shall be monitored monthly with an appropriate biological indicator and results shall be kept on file for a minimum of three years;
 - (4) Cleaning of work surfaces with a chemical germicide at least daily when there is a known contamination of a work surface with blood;
 - (5) Hands shall be washed before and after each customer contact;
 - (6) Disposable gloves shall be worn during the tattoo and body piercing procedure and after tattooing, the remaining unused dye or pigment in the single use or individual containers, shall be discarded along with the containers;
 - (7) Sharps and disposable needles should be discarded in a puncture resistant, leak proof container with a biohazard-warning label and taken to a biomedical facility for disposal;
 - (8) Other biomedical waste containing blood and other bodily fluid should be placed in closable containers which are labeled with a biohazard warning label and taken to a biomedical disposal facility for disposal;
 - (9) Inquiries shall be made by the tattoo operator or tattoo artist, and anyone giving a history of jaundice or hepatitis shall not be tattooed and/or body pierced;
 - (10) No person, customer, or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed and/or body pierced;
 - (11) All infections resulting from the practice of tattoo and body piercing which become known to the operator shall be promptly reported to the county board of health by the person owning or

operating the tattoo and body piercing establishment/studio and the infected client shall be referred to a physician;

- (12) All bandages and surgical dressing used in connection with the tattoo and body piercing of a person shall be sterile and be contained in individual commercial packaging;
- (13) The county board of health or its designated representatives may conduct periodic unannounced inspections of any tattoo and body piercing establishment/studio for the purpose of determining whether or not the establishment/studio and the person performing the art of tattoo and body piercing therein are in compliance with all applicable health provisions contained within this article and within county board of health regulations, and the exposure control plans filed by the applicant.
- (d) In addition to the provisions of subsection (c) of this section, informed explanation to consumers of the proper subsequent care of a tattoo and body piercing must be given and written records maintained by the operator of the tattoo and body piercing establishment/studio.
- (e) Procedures for ensuring adequate explanation to consumers of the proper subsequent care of a tattoo and body piercing must be given and written records maintained by the operator of the tattoo and body piercing establishment/studio.
- (f) The applicant shall remain in compliance with any and all regulations adopted by the county board of health and any future revisions of such regulations.
- (g) The permit from the county board of health shall be valid until suspended or revoked and shall not be transferable with respect to person or location.
- (h) The applicant shall also be charged a background investigation fee of \$15.00 to defray the cost of application processing. The minimum age of each applicant shall be 18 years of age. Applicants shall furnish two photographs showing a front and side picture of the full face of the applicant, size 2½ inches by 2¾ inches. Applicants shall present an annual medical certificate from a medical doctor licensed to practice in the state certifying that the person is sound physically, mentally, has good eyesight and is not affected with a disease which can be communicated by contact with blood through openings in the human skin.

(Ord. No. O-2002-001, § III, 3-21-2002)

Sec. 38-54. - Enforcement.

The county board of health or its designated representative, in order to enforce compliance with this article and the rules and regulations adopted thereof, shall be able to enter upon and inspect the premises of a tattoo and body piercing establishment/studio at any reasonable time and in a reasonable manner.

(Ord. No. O-2002-001, § IV, 3-21-2002)

Sec. 38-55. - Revocation of permit.

The county board of health or its designated representative may suspend or revoke permits where the health and safety of the public requires such action. When, in the judgment of such board or its duly authorized agents, it is necessary and proper that such application for a permit be denied or that a permit previously granted be suspended or revoked, the applicant or holder of the permit shall be so notified in writing and shall be afforded an opportunity for a hearing pursuant to O.C.G.A. § 31-5-2. If such application is finally denied or such permit finally suspended or revoked, the applicant for, or holder of such permit

shall be given notice in writing, which notice shall specifically state the reasons why the application or permit has been suspended, revoked or denied.

(Ord. No. O-2002-001, § V, 3-21-2002)

Sec. 38-56. - Appeal of suspension or revocation of permit.

Any person substantially affected by any final order of the county board of health denying, suspending, revoking or refusing to renew any permit provided under this article may secure review thereof by appeal to the state department of human resources as provided by O.C.G.A. § 31-5-3.

(Ord. No. O-2002-001, § VI, 3-21-2002)

Sec. 38-57. - Penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by section 1-12.

(Ord. No. O-2002-001, § VIII, 3-21-2002)

Secs. 38-58—38-80. - Reserved.

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Lamar Paris, Commissioner

Jennifer Mahan, County Clerk