

ERIE COUNTY DEPARTMENT OF HEALTH

BODY ART ESTABLISHMENT

REGULATIONS

May 2016

1. Legal Authority
2. Scope
3. Definitions
4. License
5. Tattoo/Body Piercing Artist
6. Facility Requirements
7. Equipment
8. Customer Education
9. Consent and Prohibitions
10. Exemptions
11. Waste Disposal
12. Records
13. Penalties
14. Severability

1. **Legal Authority**

The following regulations are adopted under the provisions of the “Local Health Administration Law”, Act 315, approved August 24, 1951, P.L. 1304, 16 P.S. §12001 *et seq.*

2. **Scope**

These regulations establish definitions and set standards for body art establishments in Erie County, Pennsylvania, and are created to promote and protect public health.

3. **Definitions**

Aftercare – Verbal and written instructions given to the customer, specific to the body art procedure(s) performed, on caring for the body art and the surrounding area.

Antiseptic – Of, relating to, or denoting substances that prevent the growth of disease causing microorganisms.

Body Art – The practice of physical body adornment including the following techniques: body piercing, permanent cosmetics, and tattooing. Also includes body art procedures including subdermal implants, suspension, scarification, and tongue splitting.

Body Art Establishment – Any room or space where body art is practiced or conducted.

Body Piercing – The process of puncturing or penetrating the skin or mucous membrane for the purpose of insertion of any object.

Department – The Erie County Department of Health.

Equipment – All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in conjunction with the operation of a body art establishment.

Handwashing Sink – A sink equipped with hot and cold running water under pressure, used solely for washing hands and arms.

Hot Water – Water which is at a temperature of not less than 100°F.

Infectious Waste – Waste generated in the treatment or service of a human which falls under one or more of the following categories:

- (1) Pathological Waste – Human pathological wastes, including tissues that are removed during medical procedures. The term does not include hair, nails, or extracted teeth.
- (2) Human blood and body fluid waste including liquid waste, human blood, blood products, items contaminated with blood or dried human blood.

(3) Used Sharps – Needles, scalpel blades, suture needles, broken or unbroken glass or plastic ware, disposable razors, and other sharp objects that have cut or pierced the skin or have been in contact with infectious agents.

Municipal Waste – Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities.

Permanent Cosmetics – The implanting of inert pigments, colors or dyes intra-dermally which results in permanent alteration of tissues to gain a cosmetic effect.

Premises – The physical facility, its contents, and the contiguous land or property under the control of the licensee that may impact the body art establishment personnel, facilities, or operations.

Scarification – Scratching, etching, burning/branding, or superficially cutting designs, pictures or words into the skin as a permanent body modification.

Sterilization – The process by which all forms of microbial life, including bacteria, viruses, and spores, are destroyed by physical or chemical means.

Subdermal Implant – An object that is entirely placed underneath the skin, therefore allowing the body to heal over the implant and creating a raised design.

Suspension – The act of suspending a human body from hooks that have been put through body piercings. These piercings are temporary and are performed just prior to the actual suspension.

Tattoo – The indelible mark, figure or decorative design introduced by insertion of nontoxic pigments into or under the skin of a human being.

Tattoo/Body Piercing Artist – The person who actually performs the work of body art.

Tattooing – The process of placing nontoxic pigment into or under the skin or mucosa by the aid of needles or any other instrument which results in an indelible mark.

Temporary Body Art Establishment – A body art establishment that operates at a fixed location in conjunction with a single event or celebration.

Tongue Splitting – A type of body modification in which the tongue is cut centrally from its tip to as far back as the underside base, forking the end.

4. **License**

(a) Application and Plan Submission

Any person desiring to operate a body art establishment in Erie County shall make written application for a License on forms provided by the Department. Such application shall be submitted prior to any construction, remodeling, change of ownership or operation of a body art establishment.

(b) General Requirements

1. No person shall operate a body art establishment in Erie County without a valid License issued by the Department.
2. Licenses are not transferable.
3. Licenses must be renewed annually and are valid for one year after date of issuance.
4. Licenses must be posted in a location in the body art establishment that is conspicuous to customers and the Department.
5. A License shall not be issued or renewed unless the establishment is found to be in compliance with all requirements of these regulations and all applicable fees are paid.
6. The Department shall be allowed access for inspection to determine compliance with these regulations during the establishment's hours of operation.
7. Immediately discontinue operations and contact the Department if an imminent health hazard exists such as fire, flood, extended interruption of water service, sewage backup, gross unsanitary condition, or other circumstance that may endanger public health.
8. The Department is to be notified when an establishment goes out of business.

(c) Temporary License

1. Any person desiring to operate a body art establishment in Erie County at a temporary event such as a fair or festival shall make written application for a Temporary License on forms provided by the Department. Such application shall be submitted prior to the event and prior to operation.
2. The establishment must be in compliance with the Department's Guidelines for Temporary Body Art Establishments and all applicable fees shall be paid before a Temporary License is issued.

5. **Tattoo /Body Piercing Artist**

(a) General Requirements

1. No person with boils, infected wounds, open sores, acute respiratory infection or other communicable disease or condition, nausea, vomiting, or diarrhea shall work in any area of a body art establishment where there is likelihood of contaminating equipment, supplies or work surfaces.
2. Artists shall not eat, drink, or use any form of tobacco in any area where contamination of equipment and supplies could occur.
3. Artists shall not perform any body art if they are impaired by drugs or alcohol.
4. Body art procedures shall be performed only on a healthy skin surface. No body art shall be performed on skin surfaces which have any rash, pimples, boils, infections or any other evidence of an unhealthy condition.
5. Prior to starting each procedure or handling equipment, artists must thoroughly wash their hands, forearms and nails using soap and warm running water. Hands must be dried with a disposable paper towel.
6. Disposable gloves shall be worn for any procedure involving contact with a customer's skin, hair, or other body tissue. When sessions are interrupted or immediately after gloves are torn, gloves shall be removed and discarded and hands shall be washed and a fresh pair of gloves used.
7. All soaps, inks, dyes, pigments, ointments, and other products shall be dispensed and applied using an aseptic technique and in a manner to prevent contamination of the original container and its contents. Applicators shall be single use.
8. If the skin is to be shaved, it must first be washed with soap and water. Single use disposable safety razors for each patron shall be used for preparation of the area to be tattooed. After shaving, the area shall be prepared by washing with soap and water or by wiping with an alcohol solution.
9. After completing tattoo work on any person, the area shall be washed with a clean, absorbent disposable material saturated with an approved antiseptic solution. The area shall be allowed to air dry and a cream or lotion is to be applied using clean, absorbent disposable material. A dressing shall then be affixed over the area.
10. Prior to a procedure, the area of the customer's body to be pierced shall be thoroughly cleaned, then prepared with an antiseptic solution that is applied with a clean, absorbent disposable material. In the case of oral piercings, the patron shall be provided with alcohol-free antiseptic mouthwash in a single use cup and shall ensure that the customer utilizes the mouthwash provided to thoroughly rinse the affected area. In the case of a lip, labret, or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.

Training

1. No person shall practice body art within Erie County without first providing documentation to the Department that they have attended a bloodborne pathogen course approved by the Department within the current year.
2. Bloodborne pathogen course certificates must be posted in a location in the body art establishment that is conspicuous to customers and the Department.

6. Facility Requirements

(a) Water Supply

All water supplied to a body art establishment shall be from a source approved by the Department. An adequate quantity of water shall be provided for operations.

(b) Sewage

All sewage shall be disposed through a system that is approved by the Department.

(c) Physical Facilities

1. All body art establishments shall be separated from any room used for human habitation, a food establishment, or other such activity which may cause potential contamination of work surfaces.
2. Floors, walls, and ceilings in work areas and restrooms shall be smooth, durable, easy to clean and kept clean and in good repair.
3. Restrooms shall be adequate, conveniently located, and available during working hours for all persons working in the establishment and shall comply with applicable ordinances, codes, and regulations. Restrooms shall be supplied with hot and cold running water, soap, disposable paper towels, and a covered waste receptacle.
4. Adequate lighting shall be provided in the areas where body art is performed.
5. Adequate ventilation shall be provided.
6. Effective measures shall be taken to protect against the entrance and breeding or presence of insects and rodents.
7. No live animals shall be kept or allowed in any room where body art is performed except service animals.

(d) Handwashing Sink

1. A handwashing sink with hot and cold running water shall be located in the area where body art is performed and shall be for the exclusive use of the artist for handwashing and preparing the customer. This sink must not be used for dumping of waste or cleaning of equipment.
 - a. This sink must be in addition to a restroom handwashing sink.
 - b. Existing facilities without a separate handwashing sink shall be required to install one at the time of any remodeling or change of ownership.
2. The handwashing sink must be provided with soap, disposable paper towels, and water at a temperature of at least 100 °F through a mixing valve or combination faucet.

7. **Equipment**

(a) General Requirements

1. An area located away from work stations and areas frequented by the public is to be provided for the cleaning and/or sterilization of equipment. A sink with hot and cold running water must be provided.
2. All tables and other equipment shall be constructed of material that is smooth, nonabsorbent, and easily cleanable.
3. All inks and pigments used in tattooing shall be nontoxic, free from adulteration, from a safe source and used in accordance with the manufacturer's directions.

(b) Sterilization Process

1. All non-disposable instruments or equipment used for body art procedures including bars, grips, and tubes, shall be thoroughly cleaned and sterilized after each use on any patron in the following manner:
 - a. Soaked to remove all gross debris
 - b. Rinsed and patted dry
 - c. Disassembled or placed in the open position, if hinged
 - d. Visually inspected to verify that they are clean and to identify any damage, including but not limited to, bends, cracks or pits, that would impair the sterilization process

- e. Thoroughly cleaned in warm water and an appropriate detergent capable of breaking down blood, ink, dyes, pigments and other contaminants
 - f. Placed in an ultrasonic cleaning unit filled with an appropriate solution specified in the manufacturer's instructions
 - g. Rinsed and air dried
 - h. Individually packed in sterilization pouches. Each pouch or its indicator shall be labeled with an expiration date not to exceed one (1) year.
 - i. Sterilized in an autoclave
2. All ultrasonic cleaning units and autoclaves shall be used, cleaned and maintained in accordance with the manufacturer's current instructions. The autoclave shall be maintained in proper working condition and records of any maintenance performed shall be kept for at least two years.
 3. If the body art establishment uses all single-use, disposable instruments and products, an autoclave shall not be required. All single-use, disposable tattooing and piercing instruments must be obtained pre-sterilized by the manufacturer. If packaging is opened, damaged, or past the expiration date, item must be discarded or sterilized as explained in section 7(b)1.

(c) Monitoring Sterilization

1. To ensure proper temperature for sterilization has occurred, temperature sensitive autoclave tape or autoclave bags with a chemical color indicator on the bag must be included every time the autoclave is used.
2. In addition, once a month a biological indicator/spore test must be included at the center of a load to confirm that the autoclave is providing sterilization.

(d) Storage

1. After sterilization, all equipment and instruments used for body art shall remain in the sterilization pouch, handled with newly gloved hands and stored in a clean, dry, closed cabinet, drawer, or other container reserved for such instruments or equipment.
2. Single-use, disposable instruments and products must also be stored in a clean, dry, closed cabinet, drawer or other container reserved for such instruments or equipment.

(e) Jewelry

1. Jewelry which has not been sterilized by the manufacturer and maintained in an individual factory sealed package or container is to be cleaned and sterilized following the procedures in 7(b)1 above.
2. Only sterilized jewelry made of ASTM F136 compliant titanium or ASTM F138 compliant steel, solid 14 karat or 18 karat white, rose or yellow gold, niobium, or platinum, shall be placed in a new piercing. Mill certificates for jewelry shall be maintained at the body art establishment.
3. Substandard jewelry such as that which is damaged, scratched, not expressly designed for body piercing, jewelry made of silver, gold plated or filled or other corrosive metal or threaded jewelry sixteen (16) gauge or thicker with external threads shall not be used for initial piercing.
4. The body piercing operator will direct the customer to ensure that appropriate jewelry material, sizes and styles for the piercing are selected.

8. Customer Education

- (a) Before performing any body art, each customer shall be informed about the possible risks associated with the tattoo or piercing requested.
- (b) Prior to performing any body art, the artist shall inquire of a patron if they have conditions which could affect the healing process.
- (c) Verbal and written instructions for the care of the tattooed or pierced site shall be provided to each customer after completion of the procedure. The aftercare instructions for body piercing shall be appropriate for the area being pierced. These instructions shall include, but not be limited to, information about physical restrictions, wound care, signs and symptoms of infection, and when to seek medical treatment, if necessary. Aftercare instructions shall also include the name, address and phone number of the establishment and shall be made available to the Department upon request.
- (d) Artists must direct customers to consult a physician for any medical conditions that cannot be resolved by the establishment.

9. Consent and Prohibitions

- (a) It shall be unlawful for any person to perform body art on any person under 18 years of age without the presence, written consent and proper identification of the person's parent or legal guardian.

- (b) It is prohibited to perform body art on a customer who is under the influence of alcohol or drugs.
- (c) It is prohibited to perform body art procedures resulting in subdermal implants, suspension or scarification without a plan approved by Erie County Department of Health.
 - a. The plan shall include demonstration of compliance with these regulations; information regarding the risk and complications that may be associated with this procedure; and actions that would be taken to prevent or minimize risks to the health and safety of the client and the body artist.
- (d) It is prohibited to perform tongue splitting on another person unless the tongue splitting is performed by a physician or dentist licensed in this Commonwealth.

10. **Exemptions**

- (a) Individuals who pierce only the lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system (gun) are exempt from the requirements of these regulations.
- (b) Medical practitioners licensed by the Commonwealth of Pennsylvania, and their employees who utilize tattooing or body piercing procedures as part of patient treatment are exempt from these regulations.

11. **Waste Disposal**

- (a) Municipal waste shall be kept stored in tightly covered waste containers. All waste containers shall be cleanable and kept clean. All waste materials are to be removed from the premises at least weekly and disposed of at an approved location
- (b) Infectious waste such as used bandages, gauze, gloves or other disposable items which are or may be contaminated with blood or dried blood are to be placed in a closable, puncture-resistant, container specifically designed for that purpose which is leak-proof on the sides and bottom and labeled or color coded to identify the contents as a biohazard. These containers shall be transported and processed by an infectious waste transporter and disposed of at a site approved by the PA Department of Environmental Protection.
- (c) Needles or any other sharp objects which may have come into contact with blood or blood products are to be placed in a closable, puncture-resistant, container specifically designed for that purpose which is leak-proof on the sides and bottom and labeled or color coded to identify the contents as a biohazard. These containers are to be transported and processed by an infectious waste transporter and disposed of at a site approved by the PA Department of Environmental Protection.

12. **Records**

(a) Bloodborne Pathogen Course Certificates

Copies of bloodborne pathogen course certificates for every artist must be kept on file for at least two years.

(b) Biological Indicator/Spore Tests

Documentation of autoclave performance shall be maintained for at least two years and shall include date and time the sterilizer load was run, name of the person operating the unit, results of sterilization and results of the biological indicator/spore test.

(c) Consent forms

A record of each body art procedure shall be maintained for each customer. The records shall include name, signature, age, address and telephone number of customer; name, address and telephone number of parent or guardian, when required; description or photo of tattoo/piercing and location; date performed; and artist's name. Records shall be kept for at least two years.

(d) Infectious waste disposal

Records from infectious waste transporters shall be kept for at least two years.

(e) Availability

All records shall be made available to the Department upon request.

13. **Penalties**

(a) Summary Offenses

Any person who violates any of the provisions of these regulations of the Erie County Department of Health, or who interferes with the Health Director or any other agent of the Erie County Department of Health in the discharge of his official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before a Magisterial District Justice of Erie County wherein said offense was committed, be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), and in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

(b) Misdemeanors

Any person who violates any of the provisions of these regulations of the Erie County Department of Health, or who interferes with the Health Director or any other agent of the Erie County Department of Health in the discharge of his official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one (1) year, or both.

(c) Separate Offenses

Violations on separate days shall be considered separate offenses.

(d) Injunctions

The Erie County Department of Health may seek to enjoin violations of these rules and regulations or may proceed in any court of law or equity to obtain any additional cumulative remedies to abate any violation under these rules and regulations. Nothing in these rules and regulations shall in any way alter rights or action or remedies now or hereafter existing in equity, or under the common law or statutory law, criminal or civil.

14. **Severability**

If any section, sub-section, paragraph, clause, or provision of these regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof. It is hereby declared to be the intention of the Erie County Department of Health, the Erie County Board of Health, and the Erie County Council that the remainder of the regulations would have been enacted if such invalid section had not been enacted and that it is their intent, intention and desire that the remaining portion of the regulations remain in effect.