

## **ORDINANCE #2018-12, ANOKA COUNTY BODY ART ORDINANCE, AS AMENDED**

### **SECTION 1 PURPOSE AND APPLICABILITY**

- 1.1 This ordinance is enacted to establish standards consistent with Minnesota Statutes Chapter 146B and any amendments, to prevent the transmission of communicable diseases and to protect the health and safety of the people of Anoka County through regulation of the persons owning body art establishments, the individuals performing body art procedures, and the establishments where body art procedures are performed.
- 1.2 This ordinance applies to all individuals performing body art procedures within Anoka County and to all body art establishments located in Anoka County where any tattooing or body piercing activities are conducted; it does not preempt any local zoning ordinances that may be applicable to a body art establishment.

### **SECTION 2 GENERAL PROVISIONS**

- 2.1 No individual may conduct branding, cutting, implantation, suspension, or scarification of another individual.
- 2.2 No individual may pierce or tattoo the genitalia or nipples of a minor.
- 2.3 No person may own or operate a body art establishment without an establishment license obtained from the Department for the applicable license class and license year.
- 2.4 No individual may perform body art procedures without a technician license for the applicable form of body art (tattoo or body piercing) or current registration as an apprentice or guest artist in accordance with the requirements of Minnesota Statutes 146B.
- 2.5 A technician may not perform body art procedures at any place other than a licensed body art establishment.
- 2.6 A technician may not perform body art procedures while under the influence of alcohol; controlled substances as defined in Minnesota Statutes, Section 152.01, subd. 4; or hazardous substances as defined in the rules adopted under Minnesota Statutes Chapter 182.
- 2.7 Body art procedures may not be performed on any individual who appears to be under the influence of alcohol, controlled substances as defined in Minnesota Statutes Section 152.01, subd. 4, or hazardous substances as defined in rules adopted under Minnesota Statutes Chapter 182.
- 2.8 No body art establishment may be used or occupied for living or sleeping quarters.
- 2.9 No individual may tattoo a minor.

### **SECTION 3 EXEMPTIONS**

- 3.1 Board-certified medical or dental personnel that tattoo or pierce as part of a medical or dental procedure are exempt from the provisions of this ordinance.
- 3.2 Individuals who are piercing only the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear-piercing system are exempt from the license requirements of this ordinance.

## SECTION 4 DEFINITIONS

For purposes of this ordinance, the following definitions apply:

- 4.1 **Aftercare** means written instructions given to the client, specific to the procedure(s) rendered, on caring for the body art and surrounding area.
  - 4.1.1 These instructions must include information on when to seek medical treatment.
- 4.2 **Antiseptic** means an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 4.3 **Apprentice** means an individual working under the direct supervision of a licensed technician(s) in a licensed body art establishment to learn the skills of the trade.
- 4.4 **Apprenticeship** means an agreement an apprentice has with a licensed technician(s) to learn the skills of tattooing or body piercing while working under the direct supervision of the licensed technician(s) in a licensed establishment.
- 4.5 **Body Art** means physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing.
  - 4.5.1 This definition of Body Art does not include practices that are considered part of a medical procedure performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.
- 4.6 **Body Art Establishment** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.
- 4.7 **Body Piercing** means the penetration or puncturing of human skin by any method, for the purpose of inserting jewelry or other objects, in or through the human body. Body Piercing also includes branding, scarification, suspension, subdermal implantation, microdermal, and tongue bifurcation.
  - 4.7.1 This definition of Body Piercing does not include the puncturing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear-piercing system.
  - 4.7.2 This definition of Body Piercing does not include practices that are considered part of a medical procedure performed by licensed medical or dental professionals if the procedure is within the professional's scope of practice.
- 4.8 **Branding** means an indelible mark burned into the skin using instruments of thermal cautery, radio frequency, and strike branding.
- 4.9 **Contaminated Waste** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release 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; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code 29 of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Blood"

Borne Pathogens.”

4.10 **Cutting** means the practice of cutting the skin, mucosa, or part of the body to create a permanent scar or division of tissue for the purpose of body art.

4.10.1 This definition of Cutting does not include practices that are considered part of a medical procedure performed by a licensed medical or dental professional if the procedure is within the professional’s scope of practice.

4.11 **Department** means the Anoka County Community Health and Environmental Services Department or its designated employees.

4.12 **Disinfection** (or disinfect) means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering the objects safe for use or handling.

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

4.14 **Establishment Plan** means a to-scale drawing of the establishment’s layout illustrating how the establishment complies with the requirements of this ordinance.

4.15 **Guest Artist** means an individual who performs body art procedures under a current technician license and is registered in accordance with the requirements under Section 7.

4.16 **Hand sink** means a sink equipped with potable hot and cold water held under pressure, used solely for washing hands, wrists, arms, or other portions of the body.

4.17 **Hot Water** means water at a temperature of at least 110° F.

4.18 **Implant** means to fix or set securely an object in or under tissue and includes, but is not limited to, 3-dimensional body art applications.

4.18.1 This definition of Implant does not include medical procedures including, but not limited to, pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by a licensed medical and dental professional if the procedure is within the professional’s scope of practice.

4.19 **Individual** means a living human being.

4.20 **Jewelry** means any personal ornament inserted into a pierced area.

4.21 **Liquid Chemical Germicide** means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

4.22 **Microdermal** means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

4.23 **Micropigmentation or cosmetic tattooing** means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

- 4.24 **Minor** means an individual under the age of 18 years.
- 4.25 **Operator** means any individual who controls, operates, or manages body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not.
- 4.26 **Person** means any individual, partnership, corporation, or association.
- 4.27 **Procedure Area** means the physical space or room used for conducting body art procedures.
- 4.28 **Procedure Surface** means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.
- 4.29 **Remodel** means any change to a licensed body art establishment requiring a building permit for the work to proceed or any other work that will result in a change to an establishment plan previously submitted to the Department, which would include any work that involves substantial changes to facilities or equipment that are regulated by this ordinance.
- 4.29.1 This definition of Remodel does not include changes to the front desk area, waiting area, painting, wallpapering, or carpeting, even if a building permit is required.
- 4.29.2 Adding a new workstation, making plumbing changes, or expanding into an adjacent space to add workstations are examples of remodeling.
- 4.30 **Sanitization** (or to sanitize) means a process of reducing the numbers of microorganisms on clean surfaces and equipment to a safe level.
- 4.31 **Safe Level** means not more than 50 colonies of microorganisms per 4 square inches of equipment or procedure surface.
- 4.32 **Scarification or Scarring** means an indelible mark fixed on the body by the production of scars.
- 4.33 **Sharps** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single use needles, scalpel blades, and razor blades.
- 4.34 **Sharps Container** means a puncture-resistant, leak-proof container labeled with the international biohazard symbol that is closed for handling, storage, transportation, and disposal of Sharps.
- 4.35 **Single Use** means products or items intended for one time use and are disposed of after use on a client.
- 4.35.1 Examples of Single Use items include cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

- 4.36 **Standard Precautions** means a set of guidelines and controls, published by the Center for Disease Control (CDC) as “guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as “recommendation for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures,” in MMWR, July 12, 1991, Vol. 40, No. RR-8. T
- 4.36.1 This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HVB, and other blood pathogens.
- 4.36.2 Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.
- 4.36.3 Standard Precautions also are referred to as Universal Precautions.
- 4.37 **Sterilization** means a process resulting in the destruction of all forms of microbial life, including highly resistant bacteria spores.
- 4.38 **Suspension** means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus to raise or lower an individual with pulleys or other apparatus. The suspension of a body from affixed hooks placed through temporary piercings.
- 4.39 **Tattooing** means any method of placing ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa.
- 4.39.1 This definition of Tattooing includes micropigmentation and cosmetic tattooing.
- 4.40 **Technician** means any individual who conducts or practices body art activities at a body art establishment and who is licensed and responsible for compliance with these regulations and any individual who is licensed under this chapter as a tattoo technician or a body piercing technician or as both.
- 4.41 **Temporary Event or Temporary Body Art Establishment** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 21 days in conjunction with a single event or celebration.
- 4.42 **Tongue Bifurcation** means the cutting of the tongue from the tip to the base, forking at the end.

## SECTION 5 ADMINISTRATION

- 5.1 This ordinance will be administered by the Department.
- 5.2 The provisions of the Anoka County Administrative Procedures Ordinance, #79-01, as amended, apply to the administration and enforcement of this ordinance, unless otherwise expressly provided for in this ordinance.

## SECTION 6 LICENSE PROCEDURES

- 6.1 All applications, new and renewal, for licenses must be made on forms furnished by the Department.
- 6.2 Upon payment of the applicable license fee, the Department will review the application.
  - 6.2.1 The Department will issue a license if the Department, based on the requirements and conditions specified in this ordinance, approves the application.
- 6.3 Each establishment license application must describe the general nature of the business, the location, written proof that the local city or township has considered the establishment of the business and the results of that consideration, and any other information deemed necessary by the Department.
- 6.4 Licenses issued pursuant to this ordinance will commence and expire on the dates indicated on the license certificate.
- 6.5 Temporary body art establishments and individuals conducting body art procedures at a temporary event must meet the requirements of this ordinance.
  - 6.5.1 An application for a license for a temporary event must be made to the Department at least 14 days before the start of the event.
  - 6.5.2 Temporary event licenses will be issued for the specific days and hours of operation specified on the application and approved by the Department.
- 6.6 Only a person who complies with the requirements of this ordinance is entitled to receive a license.
  - 6.6.1 A license is not transferable as to person or place.
  - 6.6.2 A valid establishment license must be predominantly displayed onsite.
  - 6.6.3 A technician must have the valid technician license onsite and available to the public upon request.

## SECTION 7 INSPECTIONS AND CONSTRUCTION

- 7.1 The Department will inspect each body art establishment: before issuing a license for a new establishment; as part of a construction or remodeling plan review and approval; as part of a complaint investigation; and as frequently as deemed necessary to ensure compliance with this ordinance.
  - 7.1.1 The operator of a body art establishment must, upon request by the Department personnel and after proper identification, permit access to all parts of the establishment at any reasonable time, for the purpose of inspection.
  - 7.1.2 The operator of a body art establishment must, upon request by the Department personnel and after proper identification, allow review of any records necessary for the Department to determine compliance with the requirements of this ordinance.
  - 7.1.3 No person may interfere with or hinder the Department in the performance of its duties, or refuse to permit the Department to make such inspections.

- 7.2 The operator(s) or technician(s) must correct or remove each violation upon receipt of an inspection report giving notification of one or more violations of this ordinance in a reasonable length of time as determined by the Department.
- 7.2.1 The length of time for the correction or removal of each violation will be noted on the inspection report.
- 7.2.2 Failure to remove or correct each violation within the time period noted on the inspection report constitutes a separate violation of this ordinance.
- 7.3 The body art establishment must be constructed or remodeled in conformance with the establishment plans approved by the Department.
- 7.3.1 The owner or operator must submit a to-scale establishment plan in sufficient detail to ascertain compliance with the requirements and conditions specified in this ordinance to the Department for plan review and approval before construction or remodeling begins.
- 7.3.2 The Department will inspect the body art establishment as frequently as necessary during construction to ensure that the construction occurs in conformance with this ordinance.
- 7.3.3 The Department will conduct a final construction inspection before the start of operations and issuance of a license.
- 7.3.4 The Department may issue orders to halt construction or remodeling, and to take corrective measures to ensure compliance with this ordinance.

## SECTION 8 GROUNDS FOR EMERGENCY CLOSURE

- 8.1 If any of the following conditions exist, the operator(s) or technician(s) may be ordered by the Department to discontinue all operations of a licensed body art establishment or the Department may refuse to grant or renew, suspend, or revoke licensure.
- 8.1.1 Evidence of a sewage backup in an area of the body art establishment where body art activities are conducted.
- 8.1.2 Lack of potable, plumbed, hot, or cold water to the extent that hand washing or toilet facilities are not operational.
- 8.1.3 Lack of electricity or gas service to the extent that hand washing, lighting, or toilet facilities are not operational.
- 8.1.4 Significant damage to the body art establishment due to tornado, fire, flood, or another disaster.
- 8.1.5 Evidence of an infestation of rodents or other vermin.
- 8.1.6 Evidence of contamination, filthy conditions, untrained staff, or poor personal hygiene.
- 8.1.7 Evidence of existence of a public health nuisance.
- 8.1.8 Use of instruments or jewelry that are not sterile.
- 8.1.9 Failure to maintain required records.
- 8.1.10 Failure to use gloves as required.

- 8.1.11 Failure to properly dispose of sharps, blood or body fluids, or blood or body fluid contaminated items.
  - 8.1.12 Failure to properly report complaints of potential blood borne pathogen transmission to the Department.
  - 8.1.13 Evidence of violations related to prohibited activities under Section 2.01 of this ordinance.
  - 8.1.14 Evidence of a positive spore test on the sterilizer.
  - 8.1.15 Evidence of any individual performing a body art procedure without a license as required by Minnesota Statutes 146B or Section 2 of this ordinance.
- 8.2 Following an emergency closure, a body art establishment may not reopen without written permission from the Department.
- 8.2.1 The Department will give written permission to reopen upon submission of satisfactory proof that the problem condition(s) causing the need for the emergency closure have been corrected or removed by the operator(s).

## SECTION 9 STANDARDS FOR HEALTH AND SAFETY

- 9.1 The body art establishment must meet the following requirements and conditions before an operator or technician may engage in body art activities.
- 9.1.1 There must be no less than 45 square feet of floor space for each procedure area in the body art establishment.
    - 9.1.1.1 The procedure area(s) must be separated from the bathroom, retail sales area, hair salon area, or any other area that may cause potential contamination of work surfaces.
    - 9.1.1.2 For clients requesting privacy, there must be provision for dividers, curtains, or partitions at a minimum to separate multiple procedure areas.
    - 9.1.1.3 No animals may be allowed in the procedure area(s) of the body art establishment unless the animal is a service animal.
  - 9.1.2 In the body art establishment, all procedure surfaces must be smooth, nonabsorbent, and easily cleanable.
    - 9.1.2.1 Procedure surfaces must be cleaned and sanitized after each client.
  - 9.1.3 Each body art establishment must have a readily accessible hand sink that is not in a public restroom and is equipped with:
    - 9.1.3.1 Potable hot and cold running water under pressure;
    - 9.1.3.2 Liquid hand soap;
    - 9.1.3.3 Single use paper towels; and
    - 9.2.3.4 A nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.

- 9.1.4 Each body art establishment must have at least one available bathroom equipped with a toilet and a hand lavatory, which must be supplied with:
  - 9.1.4.1 Potable hot and cold running water under pressure;
  - 9.1.4.2 Liquid hand soap;
  - 9.1.4.3 Single use paper towels or mechanical hand drier/blower;
  - 9.1.4.4 A garbage can;
  - 9.1.4.5 A self-closing door; and
  - 9.1.4.6 Adequate ventilation.
- 9.1.5 Each body art establishment must have an artificial light source equivalent to 20 foot-candles at three feet above the floor.
  - 9.1.5.1 At least 100 foot-candles of light must be provided at the level where body art procedures are performed, where sterilization takes place, and where instruments and sharps are assembled.
- 9.1.6 All ceilings in the body art establishment must be in good condition.
- 9.1.7 All walls and floors in the body art establishment must be free of open holes or cracks and in washable condition and no carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.
- 9.1.8 All facilities in the body art establishment must be maintained in a clean and sanitary condition and in good working order.
- 9.1.9 Effective measures must be taken by the operator to prevent entrance, breeding, and harborage of insects, vermin, and rodents in the body art establishment.
- 9.2 Equipment, instruments and supplies must comply with the following requirements and conditions before an operator or technician may engage in any body art activities.
  - 9.2.1 Jewelry used as part of a body piercing procedure must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, or a dense low-porosity plastic.
    - 9.2.1.1 All jewelry used as part of a body piercing procedure must be free of nicks, scratches, or irregular surfaces and must be properly sterilized before use.
    - 9.2.1.2 Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.
  - 9.2.2 All reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.
  - 9.2.3 All needles must be single use needles and sterilized before use.
  - 9.2.4 All sterilization must be conducted using steam heat.
    - 9.2.4.1 Steam heat sterilization units must be operated according to the manufacturer's specifications.

- 9.2.4.2 At least once a month, but not to exceed 30 days between tests, a spore test must be conducted on the sterilizer to ensure that it is working properly.
- 9.2.4.3 If a positive spore test result is received, the sterilizer cannot be used until a negative result is obtained, which may result in ceasing operation until the situation is corrected.
- 9.2.5 All inks, dyes, and other pigments must be specifically manufactured for tattoo procedures.
  - 9.2.5.1 The mixing of approved inks, dyes, or pigments, or their dilution with distilled water or alcohol is acceptable.
- 9.2.6 Immediately before applying a tattoo, the quantity of the dye used must be transferred from the dye bottle and placed into single use paper or plastic cups.
  - 9.2.6.1 Upon completion of the tattoo, these single use cups and their contents must be discarded.
- 9.2.7 All tables, chairs, furniture, or other procedure surfaces that may be exposed to blood or body fluids during the tattooing or body piercing procedure must be constructed of stainless steel, or other suitable material that will allow complete sanitization, and must be sanitized between uses with a liquid chemical germicide.
- 9.2.8 Single use towels or wipes must be provided to the client.
  - 9.2.8.1 These towels must be dispensed in a manner that precludes contamination and disposed of in a nonporous cleanable garbage container with a foot-operated lid or no lid and a removable liner.
- 9.2.9 All bandages and surgical dressings used must be sterile or bulk packaged clean and stored in a clean, closed, nonporous container.
- 9.2.10 All equipment and instruments must be maintained in a good working order and in a clean and sanitary condition.
- 9.2.11 All instruments and supplies must be stored clean and dry in covered containers.
- 9.2.12 For each client, single use disposable barriers must be provided on all equipment used as part of the procedure that cannot be sterilized as required under Section 7.02.
  - 9.2.12.1 Examples include, but are not limited to, spray bottles, procedure light fixture handles, and tattoo machines.
- 9.3 The skin area subject to a body art procedure must be thoroughly cleaned with soap and water, rinsed thoroughly, and swabbed with an antiseptic solution.
  - 9.3.1 Only single use towels or wipes may be used in the skin cleaning process.
  - 9.3.2 Whenever it is necessary to shave the skin, a new disposable razor must be used for each client.
  - 9.3.3 No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, or open wound.

- 9.4 Each technician must scrub his or her hands and wrists thoroughly for 20 seconds before and after performing a body art procedure.
  - 9.4.1 The technician also must wash his or her hands after contact with the client receiving the procedure or after contact with potentially contaminated articles.
  - 9.4.2 A technician with any open sores visible or in a location that may come in contact with the client, or skin infection on the hand, must not perform body art procedures.
- 9.5 Each technician must wear clean clothing and use a disposable barrier such as a lap cloth when performing body art procedures.
- 9.6 A technician may not smoke, eat, or drink while performing body art procedures.
- 9.7 Single use nonabsorbent gloves of adequate size and quality as to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids.
  - 9.7.1 Non-latex gloves must be provided for use with clients or employees that request them or when petroleum products are used.
  - 9.7.2 Gloves must be changed if a glove becomes damaged or comes in contact with any non-clean surface or objects or with a third person.
  - 9.7.3 At a minimum, gloves must be discarded after the completion of a procedure on a client.
  - 9.7.4 Hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.
  - 9.7.5 Gloves must not be reused.
- 9.8 Infectious waste and sharps must be managed in accordance with Minnesota Statutes, Sections 116.76 to 116.83 and must be disposed of by an approved infectious waste hauler at a site permitted to accept the waste, in accordance with Minnesota Rules Parts 7035.9100 to 7035.9150.
  - 9.8.1 Sharps ready for disposal must be disposed of in an approved sharps container.
- 9.9 Contaminated waste that may release liquid blood or body fluids when compressed or that may release dried blood or body fluids when handled must be placed in an approved "red" bag that is marked with the international bio-hazard symbol.
- 9.10 Contaminated waste that does not release liquid blood or body fluids when compressed or handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
- 9.11 Storage of contaminated waste on-site must not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Blood Borne Pathogens.
- 9.12 The Licensee must utilize Standard Precautions as part of the operation of the establishment.

## SECTION 10 INFORMATION REQUIREMENTS AND PROFESSIONAL STANDARDS

- 10.1 The following information must be kept on file on the body art establishment premises and available for inspection by the Department for each technician or apprentice while he or she is conducting or practicing body arts at the establishment and for an additional two years:

- 10.1.1 Full name;
  - 10.1.2 Home address;
  - 10.1.3 Home phone number;
  - 10.1.4 Date of birth;
  - 10.1.5 Identification photo;
  - 10.1.6 Exact duties; and
  - 10.1.7 Proof of technician license or apprenticeship registration.
- 10.2 The following information must be kept on file on the body art establishment premises and available for inspection by the Department:
- 10.2.1 A description of all body art procedures performed.
  - 10.2.2 An inventory of instruments, body jewelry, sharps, and inks or pigments used for all procedures.
  - 10.2.3 Copies of spore tests conducted on the sterilizer.
  - 10.2.4 A copy of this ordinance.
  - 10.2.5 The inventory information must include the names of manufacturers, serial, and lot numbers, which may be satisfied by copies of invoices or orders.
- 10.3 Before performing any body art procedure on any client, the technician must request proof of age, which must be established by one of the following forms of identification:
- 10.3.1 A valid driver's license or identification card issued by the State of Minnesota, or other state, and including the photograph and date of birth of the person;
  - 10.3.2 A valid military identification card issued by the United States Department of Defense;
  - 10.3.3 A valid passport;
  - 10.3.4 A tribal identification card; or
  - 10.3.5 A valid resident alien card.
- 10.4 No technician may tattoo a minor regardless of parental or guardian consent.
- 10.5 No technician may pierce a minor without written permission from a custodial parent given in person at the establishment.
- 10.6 No nipple and genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of 18 regardless of parental or guardian consent.
- 10.7 In order to aid in proper healing following the procedure, the technician must provide a release form to the client for the client to indicate if he or she has:
- 10.7.1 Diabetes;
  - 10.7.2 A history of hemophilia;
  - 10.7.3 A history of skin diseases, skin lesions, or skin sensitivities to soap, disinfectants, etc.;

- 10.7.4 A history of allergies to metals;
- 10.7.5 A history of epilepsy, seizures, fainting, or narcolepsy;
- 10.7.6 A condition where the client takes medications, such as anticoagulants, that thin the blood and may interfere with blood clotting; or
- 10.7.7 Any other information that could aid the technician in evaluating the body art procedure process and necessary aftercare.
- 10.7.8 The technician must ask the client to sign and date the disclosure form confirming that the listed information was obtained and is accurate or was attempted to be obtained.
- 10.7.9 No technician shall administer anesthetic injections or other medications.
- 10.8 Before the technician administers a body art procedure, the client must sign and date a consent form, which must disclose that: any tattoo should be considered permanent, may only be removed with a surgical procedure, and any effective removal may leave scarring; or any body piercing may leave scarring.
  - 10.8.1 Before performing any body art procedure, the technician shall offer and make available to the client personal draping, as appropriate.
- 10.9 For at least two years following the body art procedure performed for a client, the body art establishment operator must maintain records, which must be available for inspection by the Department upon request and must include the following:
  - 10.9.1 The date of the procedure.
  - 10.9.2 Record of information on picture identification showing name, age, and current address of the client.
  - 10.9.3 Copy of the release form signed and dated by the client.
  - 10.9.4 Copy of the consent form signed and dated by the client.
  - 10.9.5 The nature of the body art procedure performed.
  - 10.9.6 The name and license number of the technician performing the procedure.
  - 10.9.7 If applicable, copy of the signed written permission to perform the body art procedure on a minor.
- 10.10 The operator of a body art establishment licensed under this ordinance is required to maintain the records required under this ordinance for at least two years after the last body art procedure is performed by the establishment even though the establishment is no longer licensed.
  - 10.10.1 After closure, an operator must keep the Department informed about the current location where the records are maintained.
- 10.11 Technicians must provide each client with verbal and printed instructions on recommended aftercare for the body art during the healing process. The written instructions must advise the client to consult a health care professional at the first sign of infection.
- 10.12 Operators and technicians must notify the Department immediately about any report that they receive of a potential blood borne pathogen transmission.

- 10.13 Each body art establishment must arrange for and maintain a program of sanitation self-inspection conducted by the owner, operator, technician, or apprentice and approved by the Department.
- 10.13.1 The self-inspection program must include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the body art establishment takes place.
- 10.13.2 A description of the body art establishment self-inspection program must be available for review by the Department upon request.

#### SECTION 11 FEES

- 11.1 Fees for licenses and for plan review and approval will be established from time to time by the Anoka County Board of Commissioners.
- 11.1.1 An additional fee is charged for each additional service or operation that is separate, distinct, or unique from the central or main body art establishment, as determined by the Department.
- 11.2 If work has commenced before Department approval of construction or remodeling plans, late fees may be assessed in accordance with the fee schedule.
- 11.3 License late fees also may be charged in accordance with the Anoka County Administrative Procedures Ordinance as amended.
- 11.4 When a license application is for a period of less than the applicable license year for the activity or facility being licensed, the Department may prorate the applicable fee on a quarterly basis.

#### SECTION 12 SEPARABILITY

- 12.1 If any provision or application of this ordinance is held invalid, the invalidity will not affect other provisions or applications of this ordinance.

#### SECTION 13 VIOLATIONS

- 13.1 Any person who violates or fails to comply with any provision of this ordinance is guilty of a misdemeanor.
- 13.1.1 A separate offense is deemed committed on each day during, or on which, a violation occurs or continues.
- 13.2 Any person who permits a violation of any provision of this ordinance to exist on the premises under the person's control is guilty of a misdemeanor.
- 13.3 Any person who fails to take corrective action to abate the existence of any violation(s) within the specified time period when ordered to do so by the Department is guilty of a misdemeanor.
- 13.4 The Department, in consultation with the County Attorney, may institute appropriate civil actions or proceedings, including injunctive relief to prevent, restrain, correct, or abate a violation or threatened violation of this ordinance.

#### SECTION 14 AMENDING AND REPEALING PRIOR ORDINANCES;

- 14.1 The enactment of this ordinance repeals and replaces Anoka County Ordinance No. 79-2, adopted on August 14, 1979, Ordinance No. 2003-2 adopted on December 5, 2003 and Ordinance No. 2010-2.

SECTION 15 EFFECTIVE DATE

15.1 This ordinance is effective immediately upon passage by the Anoka County Board of Commissioners.

Ordinance #79-2 approved August 14, 1979

Ordinance #03-2 approved December 5, 2003

Ordinance #10-2 approved October 26, 2010

Adopted by the Board of Commissioners of Anoka County, Minnesota, the 9<sup>th</sup> day of October 2018.