

# WESTERN U.P. DISTRICT HEALTH DEPARTMENT BODY ART CODE

## PART 1: GENERAL PROVISIONS

### SECTION 1: DEFINITIONS

The following terms used in this code shall be defined as follows:

- 1.1 **ANTISEPTIC** means an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 1.2 **BIOMEDICAL WASTE** means any solid or liquid waste which may present a threat of infection to humans, including non-liquid tissue, body parts, blood, blood products, and body fluids from humans and other primates; laboratory and veterinary wastes which contain human disease-causing agents; and discarded sharps. The following are also included: (a) Used, absorbent materials saturated with blood, blood products, body fluids or excretions or secretions contaminated with visible blood and absorbent materials saturated with blood or blood products that have dried; and (b) Non-absorbent, disposable devices that have been contaminated with blood, but have not been treated by an approved method.
- 1.3 **BODY ART or BODY ART PROCEDURE** means the practice of applying physical body adornment to an individual, using invasive methods as body piercing, tattooing, cosmetic tattooing, branding, scarification, or similar procedures. This term does not include ear piercing or any procedure performed by a physician.
- 1.4 **BODY ART ESTABLISHMENT** means any temporary or permanent place or premises where body art procedures are performed.
- 1.5 **BODY PIERCING** means puncturing or penetrating the skin of an individual using a pre-sterilized single use needle, and inserting pre-sterilized jewelry or other adornment into the opening, excluding ear piercing as defined herein.
- 1.6 **DEPARTMENT** means the Western U. P. District Health Department
- 1.7 **DISINFECTION** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 1.8 **EAR PIERCING** means puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear-piercing system following manufacturer's instructions.
- 1.9 **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 connection with the operation of a body art establishment.

- 1.10 **HANDSINK** means a lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms, or other portions of the body.
- 1.11 **HOT WATER** means water which attains and maintains a temperature of at least 100° F.
- 1.12 **INSTRUMENTS USED FOR BODY ART** means hand pieces, needles, needle bars, and other instruments that can come into contact with a client's body or may be exposed to bodily fluids during body art procedure.
- 1.13 **INVASIVE** means 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 puncture, break or compromise the skin or mucosa.
- 1.14 **JEWELRY** means any personal ornament inserted into a newly pierced area, which has been properly sterilized prior to use.
- 1.15 **LIQUID CHEMICAL GERMICIDE** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine Bleach made fresh daily and dispensed from a spray bottle (500 ppm; ¼ cup/gal. or two Tablespoons/quart of tap water).
- 1.16 **PERMIT** means written approval by the Department to operate a body art establishment or to perform body art procedures. Permits are issued in accordance with these regulations and are separate and distinct from any other licensing or permit requirements of the local government.
- 1.17 **PERSON** means an individual, any form of business or social organization, or any other non-governmental legal entity including, but not limited to, a corporation, partnership, limited liability company, association, trust or unincorporated organization.
- 1.18 **PHYSICIAN** means a person licensed by the state of practice medicine.
- 1.19 **PROCEDURE SURFACE** means the skin area adjacent to and including the area where a body art procedure is applied, any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, or any associated work area which may require sanitizing.
- 1.20 **SANITIZE or SANITIZATION PROCEDURE** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level in accordance with public health standards by a method approved by the Department.
- 1.21 **SHARPS** mean objects, capable of puncturing, lacerating or otherwise penetrating the skin.

- 1.22 **SHARPS CONTAINER** means a rigid, leak and puncture resistant container, designed primarily for the containment of sharps, clearly labeled with the phrase and international biological hazard symbol.
- 1.23 **SINGLE USE** means products or items are those intended by the manufacturer for onetime, one-person use and disposal after use. Items include, but are 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 protecting gloves.
- 1.24 **STERILIZATION** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 1.25 **TATTOOING** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instruments used to puncture the skin which results in permanent coloration of the skin or mucosa, including all forms of cosmetic tattooing.
- 1.26 **TECHNICIAN or BODY ART TECHNICIAN** means a person who performs body art procedures.
- 1.27 **UNIVERSAL 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. 5-6, and as “recommendations 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. 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, HBV, and other blood pathogens. 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.

## **SECTION 2: PERMIT REQUIRED**

- 2.1 It shall be unlawful for any person to perform body art procedures without first obtaining a body art technician permit as provided herein.
- 2.2 It shall be unlawful for any person to operate a body art establishment without first obtaining a body art establishment permit as provided herein. A body art establishment permit shall not be transferable.
- 2.3 It shall be unlawful for any person to perform body art procedures except within a body art establishment, or mobile body art vehicle for which a current valid permit has been issued by the Department.

- 2.4 It shall be unlawful for any person operating a body art establishment to permit body art procedures to be performed by anyone who does not have a current valid body art technician permit issued by the Department.
- 2.5 Body art establishment and technician permits must be renewed annually.
- 2.6 Permittees shall maintain compliance with all requirements of this code. Permittees shall notify the Department within 10 days of any change of information provided in accordance with sections 3.1, 4.1 and 4.2 of this Code.

### **SECTION 3: BODY ART TECHNICIAN PERMIT REQUIREMENTS**

- 3.1 Every applicant for a body art technician permit shall submit an application to the Department providing: (1) Name; (2) Date of birth; (3) Gender; (4) Residence address; (5) Mailing address; (6) Home/work phone numbers; (7) Photograph; (8) Place(s) of employment as a technician; and (9) Training and experience in body art procedures.
- 3.2 Applicants must be a minimum of eighteen years of age.
- 3.3 All applicants must furnish to the Department proof of completion of the Hepatitis B vaccination series or written documentation that the applicant declined the series prior to the issuance of a body art technician permit.
- 3.4 Applicants must demonstrate proof of satisfactory completion within the past 3 years of:
  - a) American Red Cross course on Preventing Disease Transmission, or
  - b) OSHA course on Bloodborne Pathogen Training.

Equivalent training which emphasizes the practice of “Universal Precautions” provided by professional body art organizations or equipment manufacturers shall be accepted as sufficient to meet this requirement.

- 3.5 Application must be accompanied by the appropriate fee specified in the Fee Schedule.
- 3.6 Upon determination that the applicant meets the minimum requirements set forth herein, the Department shall issue a body art technician permit to the applicant.

### **SECTION 4: BODY ART ESTABLISHMENT PERMIT REQUIREMENTS**

- 4.1 Every applicant for a body art establishment permit shall submit an application to the Department providing : (1) Owner name (if partnership or corporation, include names and resident addresses of all partners, officers, directors and the name of its resident agent for purpose of service); (2) Establishment name; (3) Street address; (4) Mailing address; (5) proposed hours of operation; (6) Names of all body art technicians and their exact duties; (7) Description of all body art procedures to be performed or not performed; (8) Name, local

address, and local residence telephone number of the individual who shall be responsible for operation of the body art establishment.

4.2 **PLAN REVIEW.** A plan of establishment shall be submitted with the application and shall include:

- a. The total area (square feet) to be used for the tattoo, body piercing operation;
- b. Entrances and exits;
- c. Location, number and type of plumbing fixtures including all water supply facilities;
- d. Plan of light, both natural and artificial;
- e. Equipment schedule that includes make and model numbers of instruments and sterilization equipment;
- f. Finish schedule of floors, walls and ceilings; and
- g. Location and type of water and sewage disposal system(s).

4.3 Applications must be accompanied by the appropriate fee specified in the Fee Schedule.

4.4 Upon determination that the minimum requirements for a body art establishment set forth in this code have been met, the Department shall issue a body art establishment permit to the applicant.

4.5 **DENIAL OF PERMIT.** If the Department finds good and sufficient reason to deny an application for permit, it shall issue a notice to the Applicant in writing that the permit will not be issued, citing deficiencies or non-complying items that constitute its reasons for not issuing the permit. Until the applicant has satisfactorily complied with the requirements of this Code and the terms and conditions of the Notice, he shall be denied a permit.

## **SECTION 5: BODY ART ESTABLISHMENT PREMISES STANDARDS**

5.1 The body art establishment permit shall be posted within the establishment in a prominent and conspicuous area where it may be readily observed by clients.

5.2 The establishment shall be well-ventilated and shall have an artificial light source equivalent to at least 20 foot candles at three feet above floor level, and at least 50 foot candles at the level where the body art procedure is performed and where instruments and sharps are assembled.

5.3 All walls, floors, ceilings, and procedure surfaces shall be light-colored, washable, smooth, free of open holes or cracks, and shall be maintained in good repair and clean condition. Carpeting is not permitted within the body art procedure area.

5.4 Each technician working in the establishment shall have a procedure area with at least 45 square feet of floor space. The technician's permit shall be displayed within his or her procedure area in a prominent and conspicuous place where it may be readily observed by clients of the technician.

- 5.5 Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.
- 5.6 All body art procedure areas shall be completely separated by solid partitions or by walls extending from floor to ceiling from any room used for human habitation or food preparation, and from any food establishment, hair salon, retail business, or other such activity, which could contaminate work surfaces.
- 5.7 All procedure surfaces, including client chairs and benches, shall be of such construction as to be easily cleaned and sanitized after each client, with a liquid chemical germicide.
- 5.8 A separate hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls, and supplied with liquid soap and disposable paper towels shall be located within or immediately adjacent to the body art procedure area(s). One hand sink shall serve not more than three operators. In the absence of a separate equipment washing sink, hand sinks may be used for initial cleaning of instruments and equipment prior to sanitization procedures. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet, for use by clients and customers in each body art establishment.
- 5.9 At least one covered waste receptacle shall be provided in each procedure area and each toilet room. Receptacles in the procedure area shall be emptied daily. Solid waste shall be removed from the premises at least weekly. All refuse containers shall be properly covered, cleanable and shall be kept clean.
- 5.10 No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities (e.g. seeing eye dogs). Fish aquariums may be allowed in waiting rooms and non-procedural areas.
- 5.11 Effective measures shall be taken to prevent the entrance of insects, vermin and rodents into the establishment, such as screened openings and automatic closures on doors. No insects, vermin and rodents shall be present in any part of the establishment, its appurtenances, or appertaining premises.

## **SECTION 6: PROHIBITIONS**

- 6.1 No person shall perform or permit the performance of body art procedures upon a person under 18 years of age without the presence, identification by photo identification and written consent of the minor's parent or legal guardian. A technician or body art establishment may refuse to perform a body art procedure on a minor regardless of parental consent.
- 6.2 No technician or body art establishment shall perform or permit the performance of body art procedures on any person who appears incoherent for any reason, or appears to be under the influence of alcohol or drugs.
- 6.3 No technician or body art establishment shall perform or permit the performance of body art procedures on any skin or mucosa surface where a rash or any visible infection is present.

- 6.4 No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiration infection shall work in any area of a body art establishment in any capacity in which there is likelihood that the person could contaminate body art equipment, supplies, instruments or working surfaces with body substances or pathogenic organisms.
- 6.5 Ear piercing systems using studs and clasps shall not be used anywhere on the body other than the outer perimeter and lobe of the ear.
- 6.6 No technician or body art establishment shall perform or permit the performance of any procedures implanting any object(s) under the skin, such as ball bearings, beads, etc.
- 6.7 Smoking, eating, or drinking is strictly prohibited in the body art procedure area, NO technician shall perform any body art procedure if under the influence of alcohol or drugs.

## **SECTION 7: BODY ART NOTICE AND REPORTING REQUIREMENTS**

- 7.1 Every person requesting a body art procedure shall be provided with verbal and written public educational information prior to the start of the procedure, in a form approved by the Department.
- 7.2 Every person receiving a body art procedure shall be provided with verbal and written instructions for aftercare of the body art procedure site, in a form approved by the Department. The instructions shall advise the client of proper care for the healing of the body specific to the procedure performed and to consult a physician at the first sign of infection or swelling. The instructions shall include the name, address, and phone number of the establishment and the printed name of the technician who performed the procedure.
- 7.3 The written information and aftercare instructions shall be signed and dated by the client and the technician. The originals shall be retained by the establishment and copies shall be given to the client.
- 7.4 Every body art establishment shall prominently display the Disclosure Notice which shall be provided with each establishment permit issued by the Department, containing the following information.
  - a) Advising the public of the risks and possible consequences of body art services;
  - b) The name, address and phone number of the Western U.P. District Health Department;  
and
  - c) The procedure for filing a complaint relating to body art services.
- 7.5 Any infection, complication, or disease resulting from a body art procedure which becomes known to the technician or establishment shall be reported to the Department within 24 hours. The technician and the establishment shall be jointly and severally responsible for reporting such information.

## **SECTION 8: CLIENT MEDICAL HISTORY**

- 8.1 Prior to performing any body art procedure, in order to properly evaluate the client's medical condition for receiving a body art procedure, the technician shall specifically request from the client verbally, and in writing, the following information:
- a) History of diabetes;
  - b) History of hemophilia (bleeding);
  - c) History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
  - d) History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
  - e) History of epilepsy, seizures, fainting or narcolepsy;
  - f) Current or recent medications such as anticoagulants, which thin the blood or interfere with blood clotting; and
  - g) Any other information that would aid in evaluating the client's body art healing expectations.
- 8.2 Prior to performing any body art procedure, the technician shall obtain a Release Form signed by the client confirming that the technician obtained or attempted to obtain the medical history, and listing the information provided.
- 8.3 The technician may refuse to perform a body art procedure if the client refuses to disclose the information requested.

## **SECTION 9: RECORDS**

- 9.1 The body art establishment shall keep a record of all body art procedures performed. The record shall include the client's name, date of birth, client's address, date of the procedure, type and location of each procedure performed, name of the technician who performed each procedure, signature of client and, if the client is a minor, proof of parental or guardian presence and written consent. Signed copies of the client Release Form and Aftercare forms shall also be maintained by the establishment. All records shall be available for inspection by the Department upon request.
- 9.2 Records containing a client's personal medical information shall be considered confidential by the establishment.
- 9.3 All records required by this Code shall be retained by the establishment for a minimum of three years.

## **SECTION 10: PERFORMANCE OF BODY ART PROCEDURES**

- 10.1 When performing body art procedures, the technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, wear clean clothes, and his or her skin shall be free of rash or infection.

- 10.2 Before performing a body art procedure, the immediate skin and surrounding skin area where the body art procedure is to be applied shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, a single use disposable razor shall be used then discarded; or a safety razor with a single service blade shall be used, the blade discarded, and then the reusable holder shall be sterilized. After shaving, the skin and surrounding area shall be washed with soap and water, and the washing pad shall be discarded.
- 10.3 Immediately before performing body art procedures on an individual, the technician shall thoroughly wash his or her hands in hot running water with use of liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as many times as necessary to remove contaminants. After hand washing is completed, the technician shall don disposable medical gloves.
- 10.4 The technician shall wear disposable medical gloves during all procedures. Gloves shall be discarded after the completion of each procedure on an individual client and hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for the hand washing procedures described herein.
- 10.5 If, prior to or while performing a body art procedure, the technician's glove or gloves are pierced or torn or become contaminated by contact with any non-clean surface or object, by contact with a third person, or otherwise, the technician shall immediately discard the gloves, repeat the hand washing procedure, and put on a fresh pair of gloves to complete the procedure.
- 10.6 Any instrument used for body art, which is contaminated during the procedure, shall be discarded and replaced immediately with a new disposable or sterilized instrument before the procedure resumes.

## **SECTION 11: EQUIPMENT, INSTRUMENTS, AND SUPPLIES; SANITATION AND STERILIZATION PROCEDURES**

- 11.1 Both sterilized and clean instruments and supplies shall be stored in clean, dry covered containers.
- 11.2 All instruments used in body art procedures shall remain stored in sterile packages until just prior to use. Sterile instruments and equipment shall not be used if the package has been breached or the expiration date has expired, without first repackaging and resterilizing.
- 11.3 All products used to check the flow of blood or to absorb blood shall be single use and disposable.
- 11.4 All products applied to the skin including body art stencils, shall be single use and disposable, except that acetate stencils shall be allowed for re-use if sanitization procedures are performed between uses upon approval of the Department. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area where body art will be applied with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

- 11.5 All inks, dyes, pigments, needles, and instruments used shall be specifically manufactured for performing body art procedures, and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes, or pigments, or their dilution with potable water, is acceptable. Immediately before applying body art, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper or plastic cups or caps. Upon completion of the body art, these single cups or caps and their contents shall be discarded.
- 11.6 Jewelry used in body art procedures shall be made only of the following materials: surgical implant grade stainless steel; solid 14k or 18k white or yellow gold; niobium; titanium; platinum; or a dense, low-porosity plastic. All jewelry shall be free of nicks, scratches or irregular surfaces, and shall be properly sterilized prior to use.
- 11.7 When assembling instruments used for performing body art procedures, the technician shall wear disposable medical gloves and shall use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- 11.8 Single-used items shall be discarded immediately after each use and shall not be used on more than one client for any reason.
- 11.9 Reusable cloth items shall be mechanically washed with detergent and dried after each use.
- 11.10 Every body art establishment shall have an approved sterilizer unless only sterile supplies and single-use disposable instruments and products are used. Sterilizers shall be located away from procedure areas and areas frequented by the public.
- 11.11 The following process shall be followed after each use for all non-single use, non-disposable instruments used for body art:
- a) The instrument shall be cleaned by scrubbing with an appropriate soap or disinfectant solution and hot water, or by following the manufacturer's cleaning instructions, to remove blood and tissue residue.
  - b) The instrument shall be placed in an ultrasonic unit, which shall be operated in accordance with manufacturer's instructions.
  - c) The instrument shall be packed individually in a peel-pack containing either a sterilizer indicator or internal temperature indicator, and sterilized.
  - d) Peel-packs shall be dated with an expiration date not to exceed 6 months.
- 11.12 Sterilizers shall be used, cleaned and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit shall be available for inspection by the Department.
- 11.13 Each body art establishment shall demonstrate by monthly spore destruction tests that the sterilizer used is capable of attaining sterilization. The test shall be verified through an independent laboratory. Test records shall be retained for a period of three years and shall be made available to the Department upon request. The establishment permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department.

## **SECTION 12: STORAGE AND DISPOSAL OF WASTE**

- 12.1 Storage of biomedical waste on-site shall not exceed 90 days.
- 12.2 Sharps shall be disposed of in approved sharps containers.
- 12.3 All products used to check the flow of blood or to absorb blood shall be disposed of immediately after use in appropriate covered containers, unless the disposal product meets the definition of biomedical waste.
- 12.4 Non-biomedical waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled, shall be placed in a covered receptacle and disposed of through normal, approved disposal methods.
- 12.5 Biomedical waste which may release liquid blood or body fluids when compressed, or which may release dried blood or body fluids when handled, shall be placed in an approved "red" bag marked with the International Biohazard Symbol and disposed according to Michigan State Law.

## **PART II: TEMPORARY ESTABLISHMENTS AND TECHNICIANS, AND MOBILE ART VEHICLES**

### **SECTION 13: TEMPORARY PERMITS**

- 13.1 Temporary body art establishment and temporary body art technician permits may be issued for product demonstrations, industry trade shows, educational training and special events.
- 13.2 Temporary permits shall be issued only for the specific duration of the event and shall not be valid for any period in excess of 14 consecutive days.
- 13.3 Temporary permits shall not be transferable.
- 13.4 Temporary permits may be immediately suspended or revoked for failure of the permittee to comply with the requirements of this Code.

### **SECTION 14: TEMPORARY AND MOBILE VEHICLE PERMIT APPLICATIONS**

- 14.1 An application for a temporary body art establishment permit must be submitted in writing for review by the Department at least 30 days prior to the event. The request shall specifically identify:
  - a) The purpose for which the permit is requested;
  - b) The period of time for which the permit is requested;
  - c) The location of the temporary use; and
  - d) All technicians who will perform body art procedures in the temporary establishment.

Applicants are responsible for compliance with all other local agency regulations, such as, but not limited to, zoning and business license requirements.

- 14.2 An application for a temporary body art technician permit must be submitted in writing for review by the Department at least 30 days prior to the event. The application shall include:
- a) Proof of compliance with the body art technician requirements set forth in this Code; or
  - b) Proof that the applicant is currently affiliated with a fixed location or permanent body art establishment permitted by the appropriate state and local government.
- 14.3 No temporary establishment or mobile body art vehicle permit shall be issued unless the establishment has body art technicians with valid annual or temporary permits issued by the Department.

## **SECTION 15: TEMPORARY BODY ART ESTABLISHMENTS**

- 15.1 Temporary establishments shall be inspected prior to use to ensure compliance with the requirements of this Code. Additional inspections may be performed during the event.
- 15.2 The temporary establishment must be within a completely enclosed non-mobile structure.
- 15.3 All establishment and operator permits and the disclosure notice, Department information and complaint procedure must be displayed in a prominent and conspicuous area where they may be readily seen by clients.
- 15.4 The temporary establishment must comply with all of the requirements of this Code, except as follows:
- a) Drainage in accordance with local plumbing codes shall be provided.
  - b) Tuberculocidal single use hand wipes, approved by the Department, must be available in each booth or cubicle to augment the hand washing requirements of this section.
  - c) A minimum of 80 square feet of floor space shall be available.

Facilities shall be available to properly sterilize instruments. A spore test report performed on sterilization equipment 30 days or less prior to the date of the event shall be provided or only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers shall be used.

## **SECTION 16: MOBILE BODY ART VEHICLES**

- 16.1 Permits may be issued for a mobile body art vehicle. The vehicle must be self-propelled or otherwise movable from place to place, self-sufficient for utilities such as gas, water, electricity and liquid waste disposal and must operate at one fixed location for the entire permit period.
- 16.2 Mobile body art vehicles and technicians working from a mobile body art vehicle shall comply with all of the requirements of this Code and specific requirements for mobile operations contained in this section.

- 16.3 Body art procedures shall be done only within an enclosed vehicle such as a trailer. No body art procedures shall be performed outside the vehicle.
- 16.4 Vehicles shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Windows shall open and shall have tight-fitting screens.
- 16.5 Vehicles shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art procedure area is separated from the culinary or domicile areas by floor to ceiling walls.
- 16.6 Vehicles shall be equipped with a separate hand sink for the exclusive use of the technician for hand and equipment washing and preparing the client for the body art procedure. The hand sink shall be supplied with hot and cold running water under pressure and liquid soap and paper towels in dispensers. Tuberculocidal single use hand wipes, approved by the Department, must be available to augment the hand washing requirements of this section.
- 16.7 An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and tank storage in gallons shall be identified.
- 16.8 All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50% greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.
- 16.9 Restroom facilities for clients shall be available within the mobile body art establishment and a hand sink must be available inside the restroom cubicle. The hand sink shall be supplied with hot and cold running water under pressure, liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.

### **PART III: ADMINISTRATION**

#### **SECTION 17: INSPECTIONS**

- 17.1 The Department may conduct inspections as often as necessary throughout the year to ensure compliance with this Code.
- 17.2 It is unlawful for any person to interfere with the Department or its representatives in the performance of their duties. A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection.
- 17.3 Following an inspection, a copy of the inspection report shall be furnished to the permittee. The Department shall retain the original of all inspection reports.

## **SECTION 18: ENFORCEMENT**

- 18.1 If a permittee is in violation of any provision of this Code, the Department shall notify the permittee in writing of the violation and provide instructions for specific steps to correct such violations within a reasonable period of time not to exceed 30 days.
- 18.2 If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by a technician, use of unapproved or malfunctioning equipment or unsanitary or unsafe conditions which may adversely impact the health of the public, the Department shall immediately notify the permittee and the local government jurisdiction and may do any or all of the following:
- a) Issue an order excluding any or all technicians from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.
  - b) Issue an order to immediately suspend the permit of the establishment until the Department determines there is not further risk to the public health. Such an order shall state the cause for the action.

### **18.3 NOTICE OF SUSPENSION OF PERMIT**

Whenever, in the opinion of the Department, continued operation of a body art and/or body piercing practice, business or other occupation would create a substantial hazard to the public health, the Department may issue a written notice to the permittee or operator thereof, citing such conditions and stating that the license is immediately suspended and that all body art operations shall be discontinued at once. The permittee shall immediately comply with the notice of suspension and there shall be no further body art practicing until or unless the permit has been reinstated. The permittee may request an administrative hearing in accordance with the procedures in Section 18.5.

### **18.4 REINSTATEMENT OF SUSPENDED PERMIT**

Any person whose permit has been suspended may, at any time, make a written request for reinstatement of the permit. Such a written request shall include a statement signed by the applicant to the effect that the conditions causing such suspension of the permit have been corrected. Within a reasonable time, not to exceed ten working days following receipt of such a request, the Department shall make a reinspection. If the Applicant is then in satisfactory compliance with the applicable provisions of the Western Upper Peninsula District Health Department Body Art Ordinance, the permit shall be reinstated upon payment of the reinstatement fee prescribed in the Fee Schedule.

## 18.5 REVOCATION OF PERMIT: APPEAL OF REVOCATION

- a) For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Department in the performance of its duties, a permit may be revoked after an opportunity for an administrative hearing has been provided
- b) Prior to such action to revoke a permit, the Department shall notify the permittee in writing, stating the reasons for the revocation and advising that the permit shall be revoked at the end of five days following service of such notice, unless the permittee files a request for a hearing before the Western Upper Peninsula District Board of Health Hearing Board within such five days and unless the permittee at said hearing satisfactorily shows cause why his/her permit should not be revoked. A permit may be suspended for cause, pending its revocation or a hearing.
- c) A person aggrieved by a final decision of the Western Upper Peninsula District Board of Health may petition the County Circuit Court for review. The petition shall be filed not later than 60 days following receipt of the final decision.

## 18.6 CRIMINAL PENALTIES

- a) A person who violates this ordinance shall be guilty of a misdemeanor, punishable by imprisonment of not more than 90 days, a fine of \$500.00, or both.
- b) Each act of violation shall constitute a separate offense.

## **SECTION 19: FEES**

19.1 The Department shall collect reasonable fees in connection with the administration of this code.

## **SECTION 20: INTERPRETATION AND SEVERABILITY**

- 20.1 In the interpretation of this Code, the singular may be read as the plural, the masculine gender as the feminine or neuter and the present tense as the past or future, where the context so dictates.
- 20.2 In the event any particular clause or section of this Code is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.