

TATTOO REGULATIONS

SECTION 1. Definitions. For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Department Borough Health Department

Health Officer. The Health Officer of the Borough, or representative.

Operator. The term "operator" shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing on another person.

Board of Health. The Board of Health of the Borough.

Tattoo, Tattooed, Tattooing. The terms "tattoo", "tattooed" or "tattooing" refers to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a human with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. This definition shall not apply to medical doctors or doctors of veterinary medicine in performance of their professional duties.

SECTION 2. License.

- a. Required. It shall be unlawful for any person to engage in the business of operating a tattoo establishment without first obtaining a license to engage in such business, in accordance with the provisions of this ordinance and unless abiding by the provisions hereof.
- b. Application For. Applicants for a license under this ordinance shall submit to the Department a written application containing such data as required by the Board of Health.
- c. Fee; Expiration. Each applicant, before being granted a license, shall pay a fee of \$50.00 per year, or portion thereof. Each license shall expire on December 31 of the year in which such license is issued.
- d. Display Of. The license provided for in this ordinance shall be posted conspicuously at the location where the applicant conducts the tattooing.
- e. Transferability. If the licensee moves his or her tattooing business to another location within the Borough, the license may be transferred to such new location upon application to the Department giving the street and number of the new location. The new location shall first be approved by the Department in the same

manner as provided in Section 4 of this Ordinance. However, a license is not transferable to any operator other than the applicant.

SECTION 3. Inspections. The application for license shall be referred to the Department. The Department shall inspect the proposed location to determine if it complies with the health and sanitary provisions of this ordinance.

The Health Officer may conduct periodic inspections of any tattooing establishment for the purpose of determining whether or not said establishment and the persons performing the art of tattooing therein are in compliance with all applicable health provisions contained within this ordinance. It shall be unlawful for any person or operator of a tattooing establishment to willfully prevent or restrain the Health Officer from entering any licensed establishment where tattooing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator.

SECTION 4. Health and Sanitary Requirements. Every person who operates a tattooing establishment shall comply with the following requirements:

- a) The room in which tattooing is done shall have an area of not less than 100 square feet. The walls, floors and ceilings shall have an impervious, smooth, washable surface and shall be painted or finished in a light color. Carpeting is prohibited in tattooing area(s) and toilet room(s).
- b) A toilet shall be located in the establishment and shall be accessible at all times the tattooing establishment is open for business. The lavatories shall be supplied with hot and cold running water, soap and single-use towels provided in approved dispensers, and shall be located in all toilet rooms and in each room where tattooing is performed.
- c) All tables and other equipment shall be constructed of easily-cleanable material, shall be painted or finished in a light color, with a smooth, washable finish and shall be separated from waiting customers or observers by a panel at least 4 feet high.
- d) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
- e) The operator shall scrub his/her hands thoroughly with soap and water before starting to tattoo; the hands shall be dried with individual, single-use towels. Sterile surgical gloves (or the equivalent) shall be worn by the operator when tattooing. Gloves shall be used only once and then disposed of in a manner as prescribed by the Department.

- f) Safety razors with a new, single-service blade for each customer or patron, or a straight-edge razor, may be used and shall be thoroughly cleaned and sterilized, as required by the Health Officer, before use on each customer or patron.
- g) The area to be tattooed shall first be thoroughly scrubbed with an antiseptic soap for a minimum of 2 minutes, and an approved sterilizing preparation used. Waste materials shall be deposited in an easily-cleanable, covered waste container, provided in the tattooing area.
- h) Only petroleum jelly in collapsible metal or plastic tubes (or its equivalent), as approved by the Health Officer shall be used on the area to be tattooed, and it shall be applied with sterile gauze.
- i) The use of styptic pencils, alum blocks or other solid styptics to check the flow of blood is prohibited.
- j) Operators of tattoo establishments shall complete a course, approved by the Health Department, on the control of and prevention of blood-borne diseases prior to opening for business. Existing licenses tattoo establishments shall have 3 months after the effective date of this amendment to comply.
- k) Single-service or individual containers of dye or ink shall be used for each patron, and the container therefore shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual, sterile sponge or a disposable paper tissue, which shall be used on one person and then immediately discarded. After completing work on any person, the tattooed area shall be washed with sterile gauze, saturated with an antiseptic soap solution approved by the health Officer, or a 70% alcohol solution. The tattooed area shall be allowed to dry.
- l) No tattoo establishment may attempt to remove a tattoo from any person or allow such a procedure to take place on its premises.
- m) No holder of a license hereunder, or the servant of employee of such holder, shall tattoo any person under the age of 18 years without first obtaining a written parental authorization. All parental authorizations shall be maintained on file and be available for inspection for a period of 7 years. Proof of age will be required of all patrons.
- n) Animals shall not be permitted in the tattooing establishment, except where permitted by state law.
- o) All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

- p) A steam sterilizer (autoclave) shall be provided for sterilizing reusable needles and similar instruments before use on any customer, person or patron. Sterilization of equipment shall be accomplished by exposure to live steam for at least 30 minutes at a minimum pressure of 15 pounds per square inch, temperature of 240 degrees Fahrenheit. The autoclave shall be provided with a thermometer reading + or - 2 degrees accuracy, and an accurate steam pressure gauge. Alternate sterilizing procedures may only be used when specifically approved by the Health Officer.
- q) The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing so that they not be contaminated. Animals are not to be tattooed with any of the instruments used in tattooing customers.
- r) No person, customer or patron having any skin infection or other disease shall be tattooed. All infections resulting from the practice of tattooing which become known to the operator shall promptly be reported to the health Officer by the person owning or operating the tattooing establishment.
- s) All pigments, dyes, colors, etc., used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances.
- t) All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile.
- u) In order to carry out the intent of this ordinance, the Board of Health may promulgate, from time to time, rules and regulations pertaining to the requirements of sanitation, cleanliness, adequacy of facilities, equipment and operation of a tattooing establishment consistent with this ordinance.

SECTION 5. Suspension and Revocation of Tattoo Establishment License.

- a. A Tattoo Establishment License may be suspended or revoked by the Health Department upon the occurrence of any of the following events:
 - 1) The application for such License contained a false statement (s):
 - 2) The Operator has violated the provisions of this ordinance; and/or
 - 3) The Operator is convicted and pleads guilty or nolo contendere to an offense listed under the Pennsylvania Crimes Code related to the conduct of business in the tattoo establishment.

The Health Officer shall serve the Tattoo Establishment with written notice of said suspension or revocation, specifying the reasons therefore, before said suspension or

revocation shall become effective. Service of said notice shall be deemed effective if delivered to the person in apparent charge of the Tattoo Establishment.

The Tattoo Establishment shall have the right to a hearing on said suspension or revocation, which hearing shall be held before the Board of Health within 10 days after the service of the notice of such suspension or revocation, whether or not the suspension or revocation was effective immediately. The Board of Health shall uphold, reverse or modify such suspension or revocation.

SECTION 6. Penalty. In addition to the revocation and suspension of any license, as provided in this ordinance, any operator or other person who shall violate any provision of this ordinance shall, upon conviction be subject to a fine of not less than \$100.00 nor more than \$600.00 and costs of the action. In default of payment of such fine and costs, such person may be sentenced and committed to prison for a period not exceeding 30 days. Each day that a violation exists shall constitute a separate violation.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.