

OAKLAND COUNTY SANITARY CODE

ARTICLE VII

BODY ART ESTABLISHMENTS AND PRACTITIONERS

The intent of this article is to safeguard the health, safety and welfare of the public from the spread of infectious diseases from practices which prick, pierce, or scar the skin, by regulating the operation of body art establishments in Oakland County; to establish environmental health standards for the conduction of body arts procedures; to regulate the establishment and practice of body arts services; to authorize the Oakland County Health Division to enforce these standards and regulations by inspections; to require a license to operate a body art establishment; to require a permit, which requires the demonstration of knowledge in anatomy and body art technology, effective sterilization, sanitation, and hygienic and disease-controlling techniques, for individuals engaged in the practice of body art; and for providing licensing and permitting procedures and fees.

SECTION 1 - AUTHORITY

This Article is established by the Oakland County Board of Commissioners pursuant to Public Act 368 of the Public Acts of 1978, as amended.

SECTION 2 - DEFINITIONS

- 2.1 **“Aftercare”** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 2.2 **“Antiseptic”** means an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 2.3 **“Body art”** means the practice of physical body adornment by licensed establishments and permitted practitioners utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. It does not include practices or procedures which are considered to be medical procedures by the state medical board, such as, hair or skin implants, or plastic surgery.
- 2.4 **“Body art establishment”** means any place or premise, whether public or private, transient, temporary or permanent in nature or location where the practice of body art, whether or not for profit, is carried out.

- 2.5 **“Body piercing”** means any method of piercing the skin or mucosa, except the outer perimeter and lobe of the ear, in order to place any object, including but not limited to rings, studs, bars, or other forms of jewelry or ornamentation, through the skin or mucosa.
- 2.6 **“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; and contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030 (latest edition), known as “Occupational Exposure to Blood-borne Pathogens.”
- 2.7 **“Cosmetic tattooing”** means the practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semi-permanent or temporary by someone other than a state licensed physician. Cosmetic tattooing shall also mean the same as permanent cosmetics, dermography, micro pigmentation, permanent color technology and micro pigment implantation.
- 2.8 **“Disinfection”** means the killing of the microorganisms on inanimate objects or surfaces which cause disease in humans.
- 2.9 **“Division”** shall mean the Oakland County Health Division.
- 2.10 **“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.
- 2.11 **“Handsink”** means a lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms and other portions of the body.
- 2.12 **“Hot water”** means water which is at a constant temperature of at least 100 degrees Fahrenheit.
- 2.13 **“Instruments used for body art”** means hand pieces, needles, needle bars and all other instruments that may come in contact with a client’s body fluid during body art procedures.
- 2.14 **“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 compromise the skin or mucosa.
- 2.15 **“Jewelry”** means any personal ornament inserted into a newly pierced area, which 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, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

- 2.16 **“License”** means written approval by the Oakland County Health Division to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirements that may exist.
- 2.17 **“Minor”** means an individual under 18 years of age who is not emancipated under Public Act 293 of the Public Acts of 1968.
- 2.18 **“Operate/Operator”** means an individual who conducts his or her own body art establishment, or who is employed by another person to directly manage the day-to-day activities of a body art establishment.
- 2.19 **“Permit”** means the permitting of individual practitioners engaged in the practice of body art, through the demonstration of knowledge by means of the successful completion of a written examination, in anatomy and body art technology, effective sterilization, sanitation, and hygienic and disease-controlling techniques, the proper use of single-use sharps and apparatus, awareness of skin disorders and diseases and other diseases such as diabetes, which contraindicate the practice of body art, and procedures required to safely collect and dispose of contaminated waste. The Oakland County Health Division may accept other certification or credentials it deems appropriate in lieu of the written examination.
- 2.20 **“Person”** means a person as defined in Public Act 368, of the Public Acts of 1978, or a governmental entity.
- 2.21 **“Practitioner”** means any person who controls, operates, manages, conducts, or practices any form of body art activities, and who is responsible for compliance with these regulations, whether or not actually currently performing body art activities. The term includes technicians and persons who assist in the actual performance of body art activities.
- 2.22 **“Procedure surface”** means any surface that contacts a client’s unclothed body during a body art procedure or any associated work area that may require sanitizing.
- 2.23 **“Sanitize/Sanitization”** means a treatment of the cleanable surfaces of equipment by a product registered with the United States Environmental Protection Agency and which has been approved by the Oakland County Health Division as being effective in reducing the number of microorganisms to a safe level.
- 2.24 **“Sharps”** means any sterilized object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades, razor blades, and broken glass.

- 2.25 **“Sharps container”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal, and is labeled with the international “biohazard” symbol.
- 2.26 **“Single use”** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencil ink cups, and protective gloves.
- 2.27 **“Sterilize/Sterilization”** means destruction of all forms of microbiotic life, including spores.
- 2.28 **“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, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.
- 2.29 **“Temporary body art establishment”** means any place or premise operating at a fixed location where a practitioner performs body art procedures for no more than fourteen (14) days consecutively in conjunction with a single event or celebration.
- 2.30 **“Universal Precautions”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (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 “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, RR-8. This method of infection control requires the employer and employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include handwashing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

SECTION 3 - LICENSE REQUIRED

- 3.1 A person shall not operate a body art establishment without an annual license from the Oakland County Health Division. The establishment license shall be conspicuously displayed within the reception area of the establishment. A license shall clearly indicate whom to contact or call with a complaint. A license is not transferable and shall not be issued or renewed before the full fee is paid, the premises, equipment, and operations of

- the establishment have been inspected, and the operator has complied with all inspection deficiencies.
- 3.2 An operator of a licensed establishment shall not allow the practice of body art procedures until the Oakland County Health Division has determined that all body art practitioners practicing body art at the operator's establishment are individually permitted.
 - 3.3 A license may be revoked, suspended, or limited, or a license application denied, pursuant to the procedures set forth in Section 14 if an inspection determines that an operator has failed to follow standard disease control techniques, or has failed to keep required records of services performed, or has provided services to an underage person without the required consent and presence of a parent or legal guardian.
 - 3.4 A person shall not operate a temporary establishment for the performance of body art procedures without a license from the Oakland County Health Division. The Division may issue a temporary establishment license for period of up to fourteen (14) days to provide body art services outside the physical site of a licensed establishment for the purpose of product demonstration and promotion, industry trades shows, or for educational purposes. The Division shall establish procedures to prescribe reasonable criteria needed to assure that body art which is performed in a temporary facility is conducted in a safe, sanitary, and disease-free manner. A temporary license shall be conditioned upon full compliance with the criteria established by the Oakland County Health Division.
 - 3.5 A person shall not operate a mobile body art establishment within the County of Oakland. The Oakland County Health Division shall not license the use of mobile body art establishments.
 - 3.6 A person who's license to operate a body art facility has been revoked, suspended, or limited, or a person who's license application has been denied has the right to appeal to the Oakland County Sanitary Code Appeals Board. A request for an appeal must be in writing, accompanied by the prescribed fee, and submitted to the Health Officer within ten (10) days of the Health Division's action. The Sanitary Code Appeals Board may uphold, reverse, or alter the action by a majority vote.
 - 3.7 The Oakland County Health Division shall recommend to the Oakland County Board of Commissioners a license, permit, plan review and reinspection fee schedule.
 - 3.8 Licensure under this Article does not exempt the licensee from compliance with other applicable federal, state, and local laws, ordinances, and rules, such as the Michigan Medical Waste Regulatory Act, Part 138 of Public Act 368, of the Public Acts of 1978, as amended.

SECTION 4 - INSPECTION OF BODY ART FACILITIES

- 4.1 The Health Officer, or his/her designee, shall have the authority to inspect every premise and location at which the aforesaid practice is being carried out within the jurisdiction of the Health Division as often as deemed necessary for the enforcement of this Sanitary Code Article. The Health Officer, or his/her designee, may at any reasonable time make inspections of the body art facility to ensure compliance with this Sanitary Code Article. All body art facilities within the jurisdiction of the Oakland County Health Division shall be inspected a minimum of two (2) times per year by the Health Officer, or his/her designee.
- 4.2 No person shall refuse to permit the Health Officer, or his/her designee, after proper identification, to inspect any body art facility at reasonable hours nor shall any person impede or impair an Oakland County Health Division representative from carrying out his or her duties as authorized under this Article.

SECTION 5 - PLAN REVIEW REQUIREMENT

- 5.1 After the effective date of this Article, no person, firm, association, corporation, or governmental entity shall construct, install, operate, equip, or extensively alter a body art facility until plans have been submitted to and approved in writing by the Health Officer, or his/her designee.
- 5.2 The plans and specifications shall be submitted through the plan review process for approval by the Health Officer, or his/her designee, on forms provided by the Oakland County Health Division. The plan and specifications shall comply with the criteria established for the plan review before a license is issued.

SECTION 6 - PRACTITIONER PERMIT REQUIRED

- 6.1 The practice of body art shall not be performed without a permit from the Oakland County Health Division. The permit shall be conspicuously displayed within the reception area of any establishment in which body art is performed. The Oakland County Health Division shall issue practitioner permits to individuals who have paid the required permitting fee, met the requirements of Sub-Section 6.2 of this article and who have successfully passed a written examination offered by the Oakland County Health Division which demonstrates the practitioner has completed basic instruction in:
 - A. Anatomy and body art technology.
 - B. Effective sterilization, sanitization, and hygienic techniques; use of single-use sharps and apparatus; and other related disease control techniques.

- C. The awareness of skin disorders and diseases, and other diseases such as diabetes, which contraindicate the practice of body art.
- D. Procedures required to safely collect and dispose of contaminated waste.

The Oakland County Health Division may accept other certification or credentials it deems appropriate in lieu of the written examination.

- 6.2 All practitioners permitted under this Sanitary Code Article need to complete a Hepatitis B vaccination series; or have medical evidence of immunity; or have an approved medical waiver. Exemptions for other reasons will be considered upon written submission to the Oakland County Health Division.
- 6.3 A permit may be revoked, suspended, or limited, or a license application denied, pursuant to the procedures set forth in Section 14 if an inspection determines that a practitioner has failed to follow standard disease control techniques, or has failed to keep required records of services performed, or has provided services to an underage person without the required written consent and presence of the parent or guardian.

SECTION 7 - BODY ART PROHIBITIONS

- 7.1 A practitioner shall not perform a body art procedure upon a person who is under the age of eighteen (18) without the written consent and presence of a parent or legal guardian of that minor, except a minor emancipated under Michigan State Law. The minor's parent or legal guardian shall execute the written, informed consent required under this subsection in the presence of the individual performing the body art procedure on the minor or in the presence of an employee or agent of that individual. A practitioner shall require positive proof of age from all prospective clients who reasonably appear to be less than twenty-five (25) years of age, such as driver's license or equivalent photo identification card, and shall make and keep a photocopy of that proof of age as a part of the permanent client record.
- 7.2 A practitioner shall not perform a body art procedure upon any person who appears to be under the influence of alcohol or other drugs.
- 7.3 A practitioner shall not perform a body art procedure upon a person who has not completed a health risk questionnaire. The purpose of the health risk questionnaire is to assist the practitioner and the client in making the decision to proceed with the body art. This questionnaire shall ask whether the client falls within one or more of the following risk group categories:
 - A. History of jaundice or hepatitis.
 - B. History of AIDS, or positive HIV test.

- C. History of skin disease or skin cancer at site of service.
 - D. History of allergies or anaphylactic reaction to pigments, dyes or other sensitivities.
 - E. History of hemophilia.
 - F. Is taking medications which thin blood and prevent clotting.
 - G. History of any other known medical condition which would increase susceptibility to infection or impair the healing process. (*e.g.* diabetes, immunosuppression, etc.)
 - H. History of eye disease.
- 7.4 The client shall sign and date a written statement, witnessed and also signed by the practitioner, that the client does/does not fall within one of the risk group categories to the client's best knowledge.

SECTION 8 - EXEMPTIONS

- 8.1 Physicians licensed to practice in the State of Michigan, who use body art procedures as part of patient treatment, are exempt from these regulations.
- 8.2 An establishment where the practice is limited to the piercing of the outer perimeter and lobe of the ear with a pre-sterilized single use stud-and-clasp ear-piercing system only is exempt from the licensing and permitting requirements of this article.

SECTION 9 - CLIENT NOTICE REQUIREMENTS

- 9.1 Before performing any body art procedure, a prospective client shall be provided with written factual information regarding the effects, risks, and permanence of that body art procedure. This written information shall be submitted for pre-approval by the Oakland County Health Division as to accuracy and completeness. Before undertaking a procedure, a client shall acknowledge on a copy of the written information that he or she has read and understands the information, and this copy shall be retained in the permanent file for that client.
- 9.2 After a procedure is completed, a client shall also be provided with written instructions, also pre-approved by the Oakland County Health Division, on proper care of the body art site. These instructions, known as aftercare, shall at a minimum advise the client to consult a physician at the first sign of infection; shall contain the name, address and telephone number of the establishment; and shall name the Oakland County Health Division and telephone number to which to make a complaint. If tattooing was performed, this document shall also specify the colors applied and when available, the manufacturer or catalogue identification number of each color applied. This document

shall be executed in at least two (2) copies and signed by both the practitioner and the client. A copy shall be provided to the client and another shall be retained in the client's permanent record.

SECTION 10 - REQUIRED RECORDS

- 10.1 An establishment shall maintain a record of all clients who have had body art services performed. This record shall indicate the name, address, telephone number, and date of birth of the client; a signed and dated acknowledgment by the client that they understand the pre-procedure information; a health risk questionnaire signed and dated by the client; a description of procedures performed and name of each practitioner performing the services; proof of age where relevant; proof of parent or guardian consent and presence where relevant; and a receipt signed and dated by the client acknowledging they have received a copy of the aftercare instructions and pigment identification.
- 10.2 These records shall be retained for at least five (5) years by the owner of the establishment. These records shall be made available to the Oakland County Health Division representative immediately upon request, but shall otherwise be safeguarded.

SECTION 11 - STANDARDS FOR PREMISES

- 11.1 A body art establishment shall meet the inspection criteria and standard operating procedures established by the Oakland County Health Division.

SECTION 12 - REQUIRED PROCEDURES FOR PREPARING BODY AREA

- 12.1 Before performing a procedure, the skin and surrounding skin area where the procedure is to be performed shall be washed with antimicrobial soap or treated with iodine, as appropriate.
- 12.2 If shaving of the area is necessary, safety razors with single-use blades, or disposable razors, shall be used and discarded after each use. If safety razors with disposable blades are used, the reusable holder shall be autoclaved after each use. After shaving, the shaved area shall be washed with antimicrobial soap and the washing pad shall be discarded after a single use.
- 12.3 In the event of blood flow, all products used to check the flow or to absorb the blood shall be single-use and shall be disposed as bio-hazard waste.

SECTION 13 - REQUIRED PROCEDURES FOR PERFORMING BODY ART

- 13.1 A practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothing when performing body art procedures. Before

- performing procedures, a practitioner shall thoroughly wash hands in hot running water using liquid antimicrobial soap, scrubbing for at least one (1) minute, then rinse and dry hands with disposable paper towels. This procedure shall be repeated as often as needed to remove contaminants.
- 13.2 While performing procedures, a practitioner shall wear disposable medical gloves. The gloves shall be disposed, at a minimum, after each client.
- 13.3 If, while performing a procedure, a glove is pierced, torn, or otherwise contaminated, the glove shall be immediately discarded and hands washed thoroughly before a new glove is applied. Any item dropped on the floor or otherwise contaminated shall be immediately discarded and a new one used.
- 13.4 All reusable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an antimicrobial soap solution and hot water or by an appropriate disinfectant, to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accord with the manufacturer's instructions. After the reusable instruments used for body art have been cleaned as prescribed, they shall then be packed and sterilized as prescribed in Subsection 13.5 and 13.6.
- 13.5 After cleaning, all reusable instruments used for body art shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Paper peel-packs shall be dated with an expiration date not to exceed thirty (30) days. Sterile equipment shall not be used after the expiration date without first repackaging and re-sterilizing.
- 13.6 All reusable instruments used for body art shall be sterilized in a autoclave using procedures outlined in the inspection criteria approved by the Oakland County Health Division. The autoclave shall be used, cleaned, and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions must be kept available on the premises for inspection by the Division.
- 13.7 Each holder of a license to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by conducting a monthly spore test through an independent certified laboratory. The license shall not be issued or renewed until documentation of satisfactory testing is presented to the Oakland County Health Division. Test records shall be kept for at least five (5) years by the establishment owner and made available to the Division upon request. If the body art facility is notified by the testing entity that a test result is positive for biologic growth, the body art facility shall immediately cease all operations and notify the Oakland County Health Division. Operations in the body art facility can not resume until test results that are negative for

biologic growth have been provided to the Oakland County Division by the testing entity and all reusable instruments in the body art facility have been re-sterilized.

- 13.8 After sterilization, an instrument used for body art shall be stored in a dry, clean cabinet or other tightly covered container reserved for storage of only such instruments.
- 13.9 All instruments used for body art shall remain stored in sterile packages until immediately prior to performing a body art procedure. When assembling instruments used for performing a body art procedure, a practitioner shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.
- 13.10 All inks, dyes, pigments and sharps shall be specifically manufactured for performing body art procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of dye to be used for the tattoo shall be transferred from the dry bottle and placed into sterile single-use paper or plastic cups. Upon completion of the tattoo, these single-use cups and all of their contents shall be discarded.
- 13.11 All sharps shall be sterilized prior to use and stored in paper peel-packs in the manner prescribed in Sub-Sections 13.6, 13.7 and 13.8.
- 13.12 Single-use sharps shall not be used for more than one (1) client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed in an approved sharps container.
- 13.13 All body art stencils shall be single-use and disposable. Petroleum jellies, soaps and other products used in the applications of stencils shall be dispensed and applied to the area to be tattooed 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.

SECTION 14 - SUSPENSION OR REVOCATION OF LICENSES OR PERMITS

- 14.1 A license or permit issued under this Article may be suspended temporarily by the Oakland County Health Division for failure of the holder to comply with one or more requirements of this Article.
- 14.2 If a license or permit is to be suspended, the Oakland County Health Division shall give the holder prompt notice and the suspension shall occur immediately upon receipt of the notice.
- 14.3 If a license or permit is suspended, the holder may apply at any time for immediate reinstatement of the license.
- 14.4 After a reinspection fee is paid, the Oakland County Health Division shall respond promptly and in no more than (10) working days to a request for reinstatement. If

reinspection determines that the holder has come into compliance with this Article, the license shall be promptly reinstated.

- 14.5 For serious or repeated violations of the requirements of this Article, the Oakland County Health Division may permanently revoke a license or permit. Before issuing a permanent revocation, the Division shall give notice to the holder in writing of its intent and the reasons for revocation. A person who has been denied or had a license or permit revoked as required by this Article shall have the right of appeal by petition in writing to the Oakland County Health Division and such appeals shall be heard before the Sanitary Code Appeal Board. The petition must be accompanied with a fee and must be submitted within 30 days from the receipt of written notice of the rejection by the Oakland County Health Division.

SECTION 15 - MISDEMEANOR PENALTIES

A person who is not exempt under Section 8 of this Article and who violates any requirement of this Article is guilty of a misdemeanor.

SECTION 16 - SEVERABILITY

If any part of the requirements of this Article is found by a court or competent jurisdiction to be void or unenforceable, all remaining parts of this Article shall remain fully valid and enforceable.

SECTION 17 - EFFECTIVE DATE

This article shall take effect on September 11, 2000, adopted by the Oakland County Board of Commissioners on July 20, 2000.