

REV. 10/02

DEKALB COUNTY

ITEM NO.

E3

HEARING TYPE

Preliminary

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: August 23, 2005

ACTION TYPE

Ordinance

SUBJECT: New Ordinance to Regulate the Body Craft Industry – Board of Health, Environmental Health Services

DEPARTMENT: DeKalb County Board of Health

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ No
Ordinance Attached

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PURPOSE:

To consider adoption of a new ordinance to regulate the body craft (tattoos and piercing) industry in DeKalb County: Amendment of Chapter 13, Code of DeKalb County, GA by adding Sections 13-300 – 13-325 article (XI). Under state law, approval by the county governing authority is required in addition to the approval granted by the Board of Health on March 24, 2005.

NEED/IMPACT:

The DeKalb County Board of Health has proposed minimum standards and regulations for the body craft industry and has advised the governing authority that these regulations include reasonable standards that will ameliorate the substandard sanitary conditions in this industry and serve to safeguard the public health, safety and general welfare of the citizens of DeKalb County and the individuals who utilize body craft studios.

A public hearing was held at the Board of Health on November 16, 2004 on the proposed ordinance. A committee was formed to develop the ordinance comprised of members of the body craft industry, the DeKalb County Law Department and the Board of Health. Approval of the new ordinance as a rule and regulation was passed by the Board of Health on March 24, 2005. The Law Department has extensively reviewed the proposed ordinance.

RECOMMENDATION(S):

To adopt a new ordinance to regulate the body craft industry in DeKalb County (Amend Chapter 13, Code of DeKalb County, GA by adding Sections 13-300 – 13-325 article XI).

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 13 PERTAINING TO THE REGULATION OF BODY CRAFT STUDIOS AND TATTOO PROCEDURES IN DEKALB COUNTY, AND FOR OTHER PURPOSES.

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's public health, safety, and general welfare; and

WHEREAS, O.C.G.A. § 31-40-1, *et seq.*, authorizes the DeKalb County Board of Health to promulgate regulations that prescribe reasonable health and safety standards for the operation of body craft studios and body craft procedures; and

WHEREAS, O.C.G.A. § 31-40-9 provides county governing authorities with the specific authority to enact ordinances regulating tattoos that are more stringent than state law or state regulations; and

WHEREAS, the Governing Authority of DeKalb County finds that there are a significant number of body craft studios operating within DeKalb County, Georgia; and

WHEREAS, the Governing Authority of DeKalb County finds that the unregulated operation of body craft studios and body craft procedures constitutes a health risk to the general public, and poses a significant risk of the transfer of communicable diseases, infections, pathogens and other harmful agents to and among the general public and workers in the body craft industry; and

WHEREAS, the governing authority finds that substandard and poor sanitary conditions exist in the body craft industry in DeKalb County, and these unsanitary conditions pose a significant risk to the health, safety and welfare of the general public and workers in the body craft industry; and

WHEREAS, the DeKalb County Board of Health has proposed minimum standards and regulations for the body craft industry and has advised the governing authority that these regulations include reasonable standards that will ameliorate the substandard sanitary conditions in this industry and serve to safeguard the public health, safety and general welfare of the citizens of DeKalb County and the individuals who utilize body craft studios; and

WHEREAS, the DeKalb County Board of Health advises that this ordinance also has been adopted as rules and regulations of the board of health; and

WHEREAS, the Governing Authority of DeKalb County finds that these regulations will require those operating body craft studios in the County to maintain minimum safety standards and procedures that comply with all applicable requirements of this ordinance, thus reducing the health risks associated with body crafting.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 13, Code of DeKalb County, Georgia is hereby amended by adding reserved Sections and a new Article XI, to the Code as follows:

PART I. ENACTMENT

By amending Chapter 13 to add the following new Sections 13-283 through 13-299 to read as follows:

Secs. 13-283 – 13-299. Reserved.

By amending Chapter 13 to add the following new Sections 13-300 through 13-325 to read as follows:

ARTICLE XI. BODY CRAFT AND TATOO REGULATIONS

Sec. 13-300. Definitions.

For the purposes of this article, certain terms and words are defined. Where words have not been defined, but are defined in Section 1-2, those words shall have the meaning as defined therein. The following words, terms, and

phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Antiseptic agent" means any solution used to retard the growth of bacteria approved for application to human skin and includes all products labeled accordingly as approved by the United States Food and Drug Administration (FDA).

"Biohazard" means any infectious agent(s) or parts thereof presenting a real or potential risk to the physical health or well-being of human or other species, directly or indirectly, through infection or indirectly through disruption of the environment.

"Body crafting" means the practice of physical body alteration by permitted establishments and by licensed operators using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. Body crafting does not include practices that are considered medical procedures by the Georgia State Medical Board, which shall not be performed in a body craft studio. Body crafting does not include the painting of the skin with tempura or temporary, non-indelible inks, paints or dyes.

"Body craft studio" means any building or structure where body craft is performed.

"Body crafter" means any person who performs body crafting.

"Body Piercing" means puncturing or penetration of the skin or mucosa of a person with any sharp instrument and/or the insertion of jewelry or other adornment thereto in the opening.

"Cosmetic Tattooing" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic Tattooing shall include, but not be limited to, permanent cosmetics, micro-pigmentation, permanent color technology, and micro-pigment implantation.

"County" means DeKalb County, Georgia and includes the DeKalb County Board of Health and its duly authorized representatives or employees.

"Currently Licensed Health Care Professional" means those professionals licensed by the State of Georgia to perform health care services and includes, but is not limited to, licensed physicians, registered nurses (RN), licensed practical nurses (LPN), and licensed emergency medical technicians.

"Department" means the Department of Human Resources of the State of Georgia.

"Director" means the director of the DeKalb County Board of Health or the director's designee.

"Disinfection" means a process that eliminates many or all, pathogenic microorganisms, with the exception of bacterial spores from inanimate objects. High-level disinfection can be expected to destroy all microorganisms, with the exception of high numbers of bacterial spores. Intermediate-level disinfection inactivates *Mycobacterium tuberculosis*, vegetative bacteria, most viruses, and most fungi. Low-level disinfection can kill most bacteria, some viruses, and some fungi. *Guideline for Environmental Infection Control in Health-care Facilities: Recommendation of CDC and the Healthcare Infection Control Practices Advisory Committee (HICPAC)*; U.S. Department of Health and Human Services Center for Disease Control and Prevention (CDC) (2003).

"Easily Cleanable" means composed of readily accessible, non-absorbent material and of such constitution, finish, and fabrication that residue may be completely removed by non-mechanical low friction methods.

"EPA" means the United States Environmental Protection Agency.

"Hand Hygiene" means hand washing, antiseptic hand wash, antiseptic hand rub, or surgical hand antisepsis. *Guideline for Hand Hygiene in Health-care Settings: Recommendations of the Healthcare Infection Control Practices Advisory Committee and the HICPAC/SHEA/APIC/IDSA Hand Hygiene Task Force. Morbidity and Mortality Weekly Report (MMWR)*; October 25, 2002; 51 (RR16); 1-44.

"Instrument" means any hand piece, needle, needle bar, sharp, device, or other object that is used or may come into contact with a client or may be exposed to bodily fluids during body crafting.

"Owner" means the person, partnership, corporation, association or any other form of business organization that owns, maintains or controls a body craft studio and who is responsible for the operation of the studio.

"Permit" means the written authorization granted by the County to the owner to operate a body craft studio.

"Plan of Correction" means a written document that describes the owner's plan to correct deficiencies in meeting the requirements of this article.

"Procedure Room" means the actual room within a body craft studio where the body crafter performs body crafting.

"Sanitary" means free of visible debris, residue, or contamination, and with reduced microbial contaminants.

"Sanitized" means an effective antimicrobial treatment by a process that provides sufficient concentration of chemicals or other suitable method on surfaces for enough time to reduce the microbial count to a sanitary level.

"Sharps" means any discarded article that may cause punctures or cuts to the skin or tissues.

"Single-Use" means an instrument or article which is reasonably anticipated to come into direct contact with blood and compromised tissue surfaces during its intended use. Such articles are not to be used on more than one customer or client for any reason, and must be disposed of after use as soon as is possible without posing risk of contamination or exposure to the body crafter, the client or the surrounding environment. The director shall determine and publish a list of instruments and articles that are considered single-use.

"Standard Precautions" means a set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC) which include specific recommendations for the use of gloves, masks, protective eye wear and/or other protective equipment when contact with blood or bodily fluids containing blood is anticipated. Standard Precautions apply to blood, all body fluids, secretions, and excretions, excluding sweat, regardless of whether or not they contain visible blood, non-intact skin, and mucous membranes. (*Guidelines for Isolation Precautions in Hospitals*. *Infect Control Hosp Epidemiol* (1996); 17:53-80. Additional references include *Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers*. *Morbidity and Mortality Weekly Report* (MMWR), June 23, 1989; 38: No. S-6. *Recommendation for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures*. *MMWR*, July 12, 1991; 40: No. RR-8. *Recommendations for Prevention and Control of HCV Infection and HCV Related Chronic Disease*. *MMWR*, October 16, 1998; 47: No. RR-19. *Occupational Safety and Health Administration (OSHA) Blood-borne Pathogens Precautions Standard*. 29 CFR 1910, 1030. In the event that the CDC, OSHA, or other primary reference or regulatory authority publish materials or amend regulations applicable to this definition, this definition shall be deemed amended to include the latest versions of these documents, regulations, and recommendations.

"Sterilization" means the reduction of microbial life at an order of 10 LOG 6 using equipment capable of delivering full efficacy to all surfaces within the unit chamber, including tubes, lumens, cracks, or other obscured surfaces, including those inside packaging.

"Sterilizer" means a piece of equipment that performs the act of sterilization as defined herein.

"*Sterilizer indicator*" means a device designed to give visual verification that sterilization temperature and/or pressure has been achieved during the sterilization procedure.

"*Studio*" means a body craft studio.

"*Suspension*" means the piercing of human tissue or skin with hooks or other piercing apparatuses for supporting or bearing weight, either human or object.

"*Tattoo*" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa and includes the definition of tattoo as defined in O.C.G.A. 31-40-1(1) and as may hereafter be amended. The term "tattoo" also includes all forms of cosmetic tattooing.

Sec. 13-301. Purpose and Findings.

The governing authority finds that the unregulated operation of body craft studios and tattoo procedures constitutes a health risk to the general public, and poses a significant risk of transfer of communicable diseases, infections, pathogens and other harmful agents to and among the citizens of DeKalb County. Substandard and poor sanitary conditions exist in the body craft and tattoo industry in DeKalb County, and these unsanitary conditions pose a health risk to the safety and welfare of the general public. These regulations include reasonable standards that will ameliorate the substandard sanitary conditions in this industry and serve to safeguard the public health, safety, and general welfare of the citizens of DeKalb County and the individuals who utilize body craft and tattoo procedure rooms. The county finds that there is a substantial need directly related to the public health, safety, and general welfare to comprehensively address these concerns through the adoption of the following regulations.

Sec. 13-302. Responsibilities of Body Craft Studio Owner.

The owner shall comply with all requirements of this article, all requirements set forth in O.C.G.A. 31-40-1 *et seq.*, and all applicable administrative rules and regulations of the Department, including, but not limited to, all applicable statutes, rules and regulations regarding the disclosure of ownership.

Sec. 13-303. Body Craft Studio Minimum Floor Plan Requirements.

- (a) All body craft studios shall be constructed, arranged, and maintained so as to protect the health and safety of its customers and staff.
- (b) The studio shall be constructed in a manner to allow the customer receiving the procedure adequate privacy from observers; thus, the procedure room shall be separated by a fixed and solid door, wall, or

partition extending from floor to ceiling from any other area including the waiting area.

- (c) All body craft studios shall be separated by solid partitions or walls extending from floor to ceiling, from any other room used for human habitation, any food service establishment, hair salon, nail salon, retail sales area, or other similar areas where such activities may potentially cause contamination of work surfaces in the body craft studio.
- (d) Insects, vermin, and rodents shall not be present in, on, or upon any part of the body craft studio, building, or premises. Effective pest control measures shall be taken by the owner to prevent the breeding or presence of insects, vermin, and rodents on the premises.
- (e) The body craft studio shall have adequate mechanical ventilation that complies with all applicable provisions of this Code and any other applicable state and local building code.
- (f) Walls and ceilings of the procedure room shall be painted or covered in a manner which allows for effective cleaning. All paint and coverings shall be light in color. Walls, floors, and ceilings shall be painted or covered in a manner which allows them to be easily cleanable.
- (g) Floors shall be constructed of approved, nonabsorbent material, which will allow for effective cleaning and disinfection. Floors in the procedure room areas shall not be covered by carpet or wood.
- (h) A clean and sanitary toilet and hand washing facility with a self-closing door and exhaust fan shall be made accessible to customers. Such facilities shall be separate from the procedure room.
- (i) The procedure room shall be equipped with facilities to enable effective hand hygiene using methods currently approved and recommended by the CDC, such as a brushless alcohol-based scrub system or a sink providing hot and cold water under pressure through a mixing valve with no aerator, and with foot or wrist actuated controls. These facilities shall be for the use of the body crafter for sanitizing his or her hands and preparing customers for the application of body crafting. This area shall be supplied with the supplies necessary to prepare for and perform body crafting procedures as defined in this document.
- (j) An equipment-washing sink shall be provided in the studio, distinct from the hand sinks, and shall be located in the equipment handling and assembly area. This sink shall meet National Safety Foundation standards.

- (k) The procedure room shall be equipped with an artificial light source equivalent to at least twenty lumens, three feet off the floor. Body craft procedure areas, and equipment handling and assembly areas shall be equipped with an artificial light source equivalent to one hundred lumens at the level where the procedure is performed.
- (l) The body craft studio shall utilize a hot water heater, capable of continuously heating water to one hundred degrees Fahrenheit and maintaining such temperature, to provide hot water to the studio.

Sec. 13-304. Body Crafting Not Allowed in Mobile, Transitory Facilities.

- (a) Body crafting shall not be allowed to occur in automobiles, mobile, transitory, or other non-fixed facilities. Such non-fixed facilities include, mobile homes, tents, recreational vehicles, and trailers.

Sec. 13-305. Furnishings and Fixtures.

- (a) Furnishings of the body craft studio shall be maintained in a sanitary condition, intact, and functional at all times. The studio shall be kept clean, neat, and free of litter and rubbish.
- (b) Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon, stencils, jewelry, studs, and other supplies shall be provided for each procedure room and shall be designed, manufactured, and maintained in a manner so as to protect the contents from blood and bodily fluid contamination.
- (c) Appropriate furnishings shall be provided for each procedure room. Surfaces of all furnishings shall be constructed of material, which is smooth, light-colored, nonporous, nonabsorbent, corrosion-resistant, and easily capable of being cleaned and disinfected.
- (d) Furnishings shall be disinfected with an EPA-approved disinfectant after each body crafting procedure.
- (e) Smoking, eating, or drinking by anyone is prohibited in the procedure room where body crafting procedures are performed, except as required to ensure the health and safety of the body crafting professional and/or the client.

Sec. 13-306. Body craft Studio Supplies.

- (a) Single-use sterile articles shall be in an uncompromised, sterilized condition at the time of their use, either by processing in a unit that meets the requirements for a sterilizer as defined herein, or packaged and

sterilized by the manufacturer in an FDA approved facility. These articles shall be handled in such fashion as to prevent their contamination including all requirements defined by this ordinance and shall be stored in an area separate from chemical supplies and facilities utilizing open supplies of running water.

- (b) Any jewelry used in any body crafting procedure shall consist of a material rated by the American Society for Testing Materials or the International Standards Organization as being suitable for permanent surgical implant, such as stainless steel, titanium, niobium, solid platinum or a dense low porosity plastic such as Tygon or PTFE. Copies of the jewelry manufacturer's documentation, which verify compliance with standards must be available for inspection on request of the director. Solid 14 karat, or higher, white or yellow nickel-free gold may also be used. Purity verification must be available for inspection on request of the director.
- (c) Only single-use sterile gauze shall be used.
- (d) Single-use articles shall not be used on more than one client or customer for any reason, and must be disposed of after use as soon as possible without posing risk of contamination or exposure to the body crafter, the client, or the surrounding environment. The director shall determine and publish a list of instruments and articles that are considered single-use.

Sec. 13-307. Dyes and Pigments.

- (a) Dyes and pigments shall be dispensed into single-use containers.
- (b) After tattooing each individual, the remaining unused dye or pigment in the single-use container shall be discarded, along with the container, into a biohazard container.

Sec. 13-308. Body Crafting Procedure.

- (a) Body crafters shall comply with all standard precautions, as that term is defined in this article.
- (b) Body crafters shall remove all jewelry, such as watches, rings, etc., prior to beginning any body craft procedure. Body crafters shall also secure their hair using a hat, cap, net, or holder prior to beginning a procedure.
- (c) Prior to performing body crafting on each client, the body crafter shall ensure that his/her fingernails are closely trimmed and shall perform hand hygiene. This includes use of a CDC-approved method of hand decontamination (such as a brushless based system), washing the hands, or

other means of hand hygiene through use of provided procedure room facilities as defined and required in this article.

- (d) Prior to the start of any craft procedure, the body crafter shall inspect his/her hands for hangnails, small cuts, sores, lesions, scabs and abrasions. If a cut, sore, lesion, or an abrasion is detected a bandage shall be applied for added protection before gloving.
- (e) Single-use medical gloves shall be worn during the body crafting procedure. They shall be donned in such a fashion that their integrity is not compromised. They shall be changed and properly disposed of each time there is an interruption in the procedure, the gloves become torn or punctured, or their integrity has been compromised in such a fashion that they pose a contamination risk to the body crafter, client, or the surrounding environment. The body crafter shall perform hand hygiene before donning and after removing each set of gloves.
- (f) When exposure to blood or other potentially infectious materials is anticipated, the body crafter shall adhere to standard precautions. Items such as eye protection, masks, disposable lap towels, smocks, aprons, and sleeve protectors shall be made available and utilized as required by standard precautions as defined herein.
- (g) Body crafters who are experiencing symptoms of illness including, but not limited to, diarrhea, vomiting, fever, rash, jaundice, or skin infections shall refrain from performing any form of body crafting.
- (h) To minimize exposure to infectious body fluids, solution used during procedures shall be sprayed onto a clean towel and applied to client or applied using a squeeze bottle.
- (i) Only single-use razors shall be used to shave the area of the body where the body crafting procedure will be performed.
- (j) All sharps used in body crafting procedures shall be sterile at the time of the procedure. All sharps shall be visually inspected for integrity before and after use. If a sharp is not intact prior to use it shall be discarded. If a sharp is not intact or is not accounted for after use, the client shall be immediately notified and instructed to seek medical attention. The event shall be noted in the client's record.
- (k) All fixed surfaces contaminated with blood shall be cleaned according to the OSHA Blood-borne Pathogens requirements, and then disinfected using an EPA-approved tuberculocidal disinfectant.

Sec. 13-309. Sterilization.**(a) *Instrument Cleaning.***

- (1) All non-single-use, non-disposable instruments shall be sterilized after each use according to the manufacturer's recommendations.
- (2) Employees shall wear heavy-duty, multi-use, waterproof gloves while cleaning instruments.
- (3) Used instruments shall be soaked in an enzymatic solution or cool water until cleaning can be performed.
- (4) Instruments shall be disassembled for cleaning.
- (5) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.

(b) *Instrument Packaging.*

- (1) Employees shall wear clean gloves while packaging or wrapping instruments.
- (2) Instruments shall be wrapped or packaged with a sterilizer indicator on each package.
- (3) All packages shall be labeled with the time and date of sterilization. Packages shall no longer be considered sterile if the integrity of the package is damaged.

(c) *Instrument Sterilization.*

- (1) Except as provided in this subsection, all studios shall utilize a sterilizer that shall be designed and labeled as a medical instrument sterilizer to achieve the sterilization definition.
- (2) The operator's manual for the sterilizer shall be available on the premises at all times and the sterilizer shall be operated according to the manufacturer's recommendations.
- (3) The sterilizer shall be cleaned and maintained according to the manufacturer's recommendations.
- (4) A sterilizer load log shall be maintained according to the manufacturer's recommendations for the life of the facility and

made available for inspection by the director and the customer or client. The log shall contain the following documentation for each load:

- (A) A description of instruments contained in the load;
- (B) The date of sterilization, and time if more than one load is processed in a single day;
- (C) Manufacturer's recommended cycle data;
- (D) An indication of the proper sterilization of instruments, as indicated by the appropriate color change of the sterilizer indicator on each package. The indicator used shall be compatible with the sterilization process being used;
- (E) Any action taken when appropriate color indicator change did not occur;
- (F) Maintenance log, including:
 - (i) Date of Service;
 - (ii) Sterilizer model and serial number;
 - (iii) Sterilizer location;
 - (iv) Name of person requesting service;
 - (v) Description of malfunctions;
 - (vi) Name of person performing maintenance;
 - (vii) Description of services and parts replaced;
 - (viii) Results of biologic validation and testing;
 - (ix) Signature and title of person acknowledging completed work.

(d) *Sterilization Monitoring.*

- (1) Sterilizer monitoring shall be performed at least monthly, unless the manufacturer specifies more frequent monitoring, or after forty (40) hours of usage, whichever comes first, by using a commercial biological monitoring (spore) system.

- (2) All biological indicators shall be analyzed by a laboratory that operates under FDA guidelines and is independent of the studio, with reports sent to the studio.
 - (3) Biological indicator test results shall be maintained on the premises for the life of the studio and must be available for inspection by the director at all times.
 - (4) Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function and the owner shall cease use of the sterilizer immediately upon receipt of the positive report. Three consecutive passed biological tests must be achieved before the studio is reopened. The studio shall have the option to obtain a properly functioning sterilizer in order to remain open.
- (e) *Instrument Storage.*
- (1) Hands shall be washed and gloved prior to handling sterilized instruments.
 - (2) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterilized instruments.

Sec. 13-310. Tattoo Preparation and Care.

- (a) Before placing the tattoo design on the client's skin, the body crafter shall treat the skin area to be affected with an antiseptic.
- (b) If a paper stencil is used by a body crafter for transferring the design to the skin, the stencil shall be single-use and disposable.
- (c) If the design is drawn directly onto the skin, it shall be applied with a single-use sterile instrument only.
- (d) The completed tattoo shall be washed with a single-use towel saturated with an antiseptic solution.
- (e) After the area has dried, a layer of antiseptic from a single-use collapsible tube shall be applied.
- (f) After the application of the antiseptic, a bandage shall be applied to the tattoo using sealed, non-sticking absorbent pads.

- (g) The client shall be given written and oral instructions on how to care for the tattoo during the healing process.

Sec. 13-311. Procedures Specific to Body Piercing Care.

- (a) Before piercing the skin of the client, the body crafter shall apply an antiseptic solution to the skin.
- (b) The client shall then be given both written and oral instructions on how to care for the piercing during the healing process.
- (c) A facility that limits its piercing practice to the piercing of the lobe of the ear with pre-sterilized, single-use stud and clasp ear piercing systems shall be exempt from the regulatory requirements of this article. Compliance with the requirements for this exemption may be verified by inspection at the option of the director.

Sec. 13-312. Disinfection of the Body Craft Studio.

- (a) Each body craft studio shall be kept clean and sanitary.
- (b) The owner shall develop and implement a written cleaning protocol that includes appropriate methods of facility decontamination plus any tasks or procedures to be performed daily. This written protocol shall be based on the types of surfaces to be cleaned, the types of possible contamination present, the tasks or procedures to be performed, and their location within the studio. Adherence to the protocol must be documented on a weekly basis to be appended to the maintenance log. All workers shall adhere to the protocol. This protocol shall be available for review by County employees or inspectors during normal operation hours and to the general public upon request.
- (c) All work surfaces shall be disinfected with an EPA-approved disinfectant at the beginning of each work day, after completion of body crafting on each individual, and at the end of each work day.
- (d) All protective coverings, such as barrier films, plastic wrap, and aluminum foil shall be considered single-use products.
- (e) Reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated shall be decontaminated on a weekly basis with a current, EPA-approved disinfectant. When contamination is visible, receptacles shall be cleaned and decontaminated immediately.

Sec. 13-313. Disposal of Waste.

- (a) Contaminated needles shall not be bent, broken or their structure otherwise compromised.
- (b) Sharps waste shall be safely discarded in a rigid and puncture resistant waste container that is leak proof on the sides and bottom with a self-closing lid. These containers shall be labeled with the international biohazard symbol and the word "BIOHAZARD" shall be prominently displayed. Sharps waste shall be removed and disposed of in accordance with all applicable local, state, and federal laws, rules and regulations regarding biohazardous waste.
- (c) Biohazardous non-sharps waste shall be discarded in a biohazard bag. Waste shall be removed and disposed of in accordance with all applicable local, state, and federal laws, rules and regulations regarding biohazardous waste.
- (d) Non-biohazardous disposable waste shall be placed in lined, easily cleanable containers with tight fitting lids to prevent leakage or spillage.
- (e) Non-biohazardous disposable waste shall be handled, stored, and disposed of so as to minimize direct exposure of personnel to waste materials.
- (f) Self-closing waste containers lined with plastic bags manufactured specifically for each waste container shall be located within each procedure room and restroom and shall be emptied at least once per day into a commercially approved dumpster. This dumpster must be picked up and emptied by a commercial contractor at least once per week.
- (g) All sewage, including liquid waste, shall be disposed of by a public sewage system or by a sewage system constructed and operated according to the applicable provisions of this Code or state law.

Sec. 13-314. Body Crafter Requirements and Permit.

- (a) All persons performing body craft in the County shall only perform such body craft procedures in a validly permitted body craft studio.
- (b) All persons performing body crafting procedures must satisfy all of the following requirements prior to performing any body craft in the County:
 - (1) Current certification in emergency first aid, CPR, and blood-borne pathogen or infection control training, from agencies licensed by the state

or applicable federal authority. This certification is not required for body crafters who are licensed health care professionals;

- (c) All persons performing body-crafting procedures shall first apply for and obtain a permit from the director.
 - (1) The permit application shall be on forms provided by the director and shall not be considered accepted unless complete in all respects, including the payment of any fees required. Application fees shall be set by the DeKalb County Board of Health and approved by the board of commissioners.
 - (2) The application for permit shall include the full legal name of the applicant, as well as any aliases ever used, current home addresses and telephone numbers and a copy of a valid driver's license or valid state-issued photo identification.
- (d) Every owner must maintain on the premises of the body craft studio an employee application for each body crafter, which shall immediately be available for inspection by the director, and shall include all of the following information pertaining to the body crafter:
 - (1) Copies of emergency first-aid, CPR, blood-borne pathogen or infection control certifications; and
- (e) The body craft studio permit must be renewed annually and expires 365 days from the date of its issuance. The permit shall at all times be conspicuously displayed in public view on the premises. Permits shall not be defaced, altered or shielded in any manner. The owner shall not post a reproduction of the permit issued.

Section 13-315. Denial, Suspension or Revocation of Body Crafter Permit.

- (a) Upon recommendation of the director or official action of the Board of Health, a body crafter permit issued pursuant to any provision of this article may be denied, suspended or revoked by the Board of Health, and considered null and void, if:
 - (1) The application for a body crafter permit contains false or misleading information, or if the applicant omitted material facts in the application;
 - (2) The body crafter violated the conditions of the permit; or
 - (3) The body crafter committed any violation of this article.

- (b) After a body crafter permit has been revoked, a valid permit shall not be issued until all violations have ceased and the body crafter complies with all requirements of this article as determined by the director.
- (c) No body crafter permit shall be issued pursuant to any provision of this article to any applicant if within twelve (12) months immediately preceding the filing of any application under this article, the same applicant requesting a permit has been denied a permit based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material fact in any application.
- (d) As required by O.C.G.A. § 31-40-4, any person substantially affected by any final order of the Board of Health denying, suspending, revoking or refusing to grant or renew any permit provided under this article may secure review by appeal to the Georgia Department of Human Resources in accordance with the hearing requirements of O.C.G.A. § 31-5-1 et seq., and as may hereafter be amended.

Sec. 13-316. Client Records.

- (a) The owner shall maintain a written detailed client record that describes the body crafting procedure(s) administered to each client for a minimum of five (5) years after the procedure. Client records shall be immediately made available for inspection by the director within seven (7) days of request.
- (b) The client record shall be created prior to any body craft procedure being performed and shall reflect the client's name and signature, address, proof of age, body craft procedure performed, date, design, its precise location upon the body, and name of the body crafter(s) and other persons performing and assisting in the procedure. The client record shall also describe whether any complications or incidents arose during the procedure and detail what action was taken to resolve the incident. A copy of a valid state issued driver's license or photo identification must be obtained from the client and maintained in the client's record.
- (c) Each client shall be provided with an informed consent statement that fully explains the procedure and each client shall be required to sign the informed consent statement prior to receiving any body crafting procedure. The informed consent statement signed by the client shall be maintained by the owner in the client record, with a copy given to the customer.
- (d) A "disclaimer of liability" form promulgated by the director shall also be signed by the client prior to the performance of any body-crafting

procedure. The owner shall keep a copy of the disclaimer in the client's record, with a copy given to the client or customer.

- (e) The client record shall also contain a signed and dated statement by the client attesting that he or she is not under the influence of alcohol and/or drugs at the time the body crafting procedure is performed.
- (f) The client record shall contain a signed and dated statement by the client attesting that he or she has received, read, and understood a copy of an after-care procedures form.
- (g) The client has the right to request and receive their entire client record. If the client's record is available on the premises of the body crafting facility the record shall be made available immediately upon request. If the record is not available on the premises, then the client's request for the client record must be fulfilled within five (5) business days.

Sec. 13-317. Body Craft Studio Permit Requirement and Application Process.

- (a) All owners of body craft studios must obtain a permit from the director. No body craft shall be performed outside the confines of a current and validly permitted body craft studio. The owner shall apply to the director for a permit to operate in DeKalb County at least thirty days prior to the anticipated date of operation of the body craft studio.
- (b) The permit application shall be on forms promulgated by the director and shall not be considered authorized or accepted unless and until complete in all respects, including the payment of any application fees. Application fees shall be set by the Board of Health.
- (c) The application for a permit shall list the full legal names, home addresses, and telephone numbers of the owner of the body craft studio.
- (d) Any individual or entity with any ownership interest in the body craft studio shall be fully disclosed, and the extent or amount of such ownership shall be provided to the director in the application for a permit.
- (e) The application shall contain written proof that the studio complies with all applicable provisions of this Code, including, but not limited to, the County's building, gas, electrical, and plumbing codes and zoning ordinances.
- (f) The application shall include the owner's written statement of policies and procedures that ensures that:

- (1) No person under the age of eighteen (18) shall perform body crafting upon any person;
- (2) Body crafters shall not be under the influence of alcohol and/or drugs while performing body-crafting procedures;
- (3) No body crafting procedure shall be performed upon a person who reasonably appears to be under the influence of alcohol and/or drugs;
- (4) No animals of any kind shall be allowed in a body craft studio, except service animals used by persons with legally recognized disabilities;
- (5) Each body crafter who will perform body crafting at the studio shall have a valid body crafter permit.

Sec. 13-318. Body Craft Studio Permit.

- (a) No permit shall be issued to any owner to perform body crafting in any area of the County that is zoned for any type of residential use by the County's zoning ordinances.
- (b) No permit shall be issued to any owner who is not in full compliance with all requirements of this article and any other applicable provisions of this Code or state law.
- (c) The body craft studio permit must be renewed annually and expires 365 days from the date of its issuance. The permit shall at all times be conspicuously displayed in public view on the premises. Permits shall not be defaced, altered, or shielded in any manner. The owner shall not post a reproduction of the permit issued.
- (d) Permits are not transferable from owner to owner, or from business location to business location, or from person to person.
- (e) The holder of a body crafting studio permit shall only hire, employ, or use individuals to perform body crafting who have complied with the applicable requirements of this Article.
- (f) Body crafting studio permits are the exclusive property of the DeKalb County Board of Health. Permits may be confiscated by the DeKalb County Board of Health, or its designee, in accordance with the applicable provisions of this Code or other applicable state law.

Sec. 13-319. Inspections.

- (a) The director shall make all of the required inspections and shall issue written reports of such inspections. The premises of any body crafting studio and all records required to be maintained under this article shall be available for review and examination by the director and properly identified representatives of the County at anytime during normal business hours for the purpose of making inspections to determine compliance with this article. The owner shall be responsible for having an employee who is knowledgeable as to the whereabouts of these records on duty at the body crafting studio during all hours of operation.
- (b) Construction or work which is necessary to receive a permit shall at all times be subject to inspection by the director. It shall be the duty of the owner to ensure that all aspects of construction or work shall remain accessible and available for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of any violation of the provisions of this article or of other applicable provisions of the Code which may at any time occur. Results of inspections shall not be presumed to authorize a violation or nullify any provisions of this article or of other provisions of the Code or other applicable law. Neither the director nor the county shall be liable for any expense entailed in the removal of any material required to be moved for inspection purposes.
- (c) Before issuing a permit, the director is authorized to examine buildings, structures, sites, and records associated with the filing of an application.
- (d) Studio inspection shall be performed at least two (2) times annually. Additional studio inspections shall be performed as often as necessary for the enforcement of this article. Each inspection will carry an inspection fee to be set by the DeKalb County Board of Health and approved by the board of commissioners.
- (e) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever the director has reasonable cause to believe that a condition exists in a building or structure or upon the premises which is contrary to or in violation of this article, the director is authorized to enter the building, structure, or premises at reasonable times to inspect or to perform the duties imposed by this article. If such building, structure, or premises is occupied, credentials shall be presented to the occupant and entry requested. If such building, structure, or premises is unoccupied, the director shall first make a reasonable effort to locate the owner or other person having ownership or control of the building, structure, or premises and request entry. If entry is refused, the director shall have recourse to any remedy provided by law to secure entry.

- (f) A copy of the most current inspection report shall be posted in an unobscured manner in public view. The report shall be posted at eye level (five feet six inches), within fifteen feet of the main door of the studio, and shall be approachable to within one foot.
- (g) If an individual becomes aware of a licensed body craft studio that is in violation of this Code, or other state or federal law, they may contact the director. The alleged violation will be investigated at the discretion of the director. The name, address, telephone number, and all other identifying information of the reporting individual will remain confidential, unless required to be disclosed by law.
- (h) If an individual becomes aware of an unlicensed individual or facility that performs, or has performed, body crafting, they may contact the director. The alleged unlicensed individual or facility will be investigated at the discretion of the director. The name, address, telephone number, and all other identifying information of the reporting individual will remain confidential, unless otherwise required to be disclosed by law.

Sec. 13- 320. Denial, Suspension or Revocation of Body Craft Studio Permit.

- (a) Upon recommendation of the director or official action of the Board of Health, a body craft studio permit issued pursuant to any provision of this article may be denied, suspended or revoked by the Board of Health, and considered null and void, if:
 - (1) The application for a body craft studio permit contains false or misleading information, or if the applicant omitted material facts in the application;
 - (2) The premises covered by the permit are found to be in violation of any applicable provision of this Code, or other state or federal law;
 - (3) The studio is determined to be a threat or nuisance to public health, safety or welfare;
 - (4) The owner or body crafter violated the provisions of this article; or
 - (5) Violations of the conditions of the permit are committed.
- (b) After a body craft studio permit has been revoked, a valid permit shall not be issued until all violations have ceased and all changes, alterations, additions or improvements comport with all requirements of this article as determined by the director.

- (c) No body craft studio permit shall be issued pursuant to any provision of this article to any applicant, business, or legally or organizationally related entity to the applicant if within twelve (12) months immediately preceding the filing of any application under this article, the same applicant, business or legally or organizationally related entity to the applicant requesting a permit has been denied a permit or has had a permit revoked for any location based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material fact in any application.
- (d) As required by O.C.G.A. § 31-40-4, any person substantially affected by any final order of the Board of Health denying, suspending, revoking or refusing to grant or renew any permit provided under this article may secure review by appeal to the Georgia Department of Human Resources in accordance with the hearing requirements of O.C.G.A. § 31-5-1 et seq., and as may hereafter be amended.

Sec. 13-321. Violations.

- (a) It shall be unlawful for any person, firm, or entity to violate any of the provisions of this article or any other applicable provisions of this Code.
- (b) No person shall be allowed to perform body crafting unless that person is employed by a body crafting studio and holds a current body crafter permit. No person shall be allowed to perform body craft outside the confines of a validly permitted body craft studio.
- (c) It shall be unlawful for body crafters to be under the influence of any alcohol and/or drugs while performing body crafting procedures.
- (d) No animals of any kind shall be allowed inside a body craft studio, except service animals used by persons with legally recognized disabilities.
- (e) An owner of a body craft studio shall be deemed responsible for any act, omission or violation of this article committed by any body crafter in his employ, working upon his premises, or performing body crafting for the owner as an independent contractor.

Sec. 13-322. Body Crafting and Tattooing of Certain Persons Prohibited.

- (a) No person shall perform body crafting procedures on an individual who is under 18 years of age.
- (b) No person shall perform body crafting procedures on an individual who is, or reasonably appears to be, under the influence of alcohol, drugs or other stimulants or depressants or is of unsound mind or body.

Sec. 13-323. Enforcement and Penalties.

- (a) The provisions of this article shall apply to all matters affecting or related to the regulation of body crafting procedures and body craft studios in DeKalb County. Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive requirement shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.
- (b) The Board of Health, its officers, agents, and employees are responsible for the administration and enforcement of this Article.
- (c) Any person who violates the provisions of this Article shall be subject to issuance of a violation of this article, and upon conviction shall be subject to a fine and/or imprisonment in accordance with Section 1-10. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Sec. 13-324. Effective Date.

Article XI of chapter 13 of this Code shall become effective ninety days after the article is enacted by the board of commissioners and approved by the chief executive officer. Completed applications for a body craft studio permit and body crafter permit received within six (6) months of the enactment of this Code section shall be approved or denied within ninety (90) days. Applications for a body craft studio permit and body crafter permit received after six (6) months of enactment of this Code section shall be approved or denied within forty-five (45) days. If approval is not obtained within the applicable forty-five (45) or ninety (90) day period, then the application for a body craft studio permit and body crafter permit shall be deemed approved.

Sec. 13-325. No Private Right of Action created.

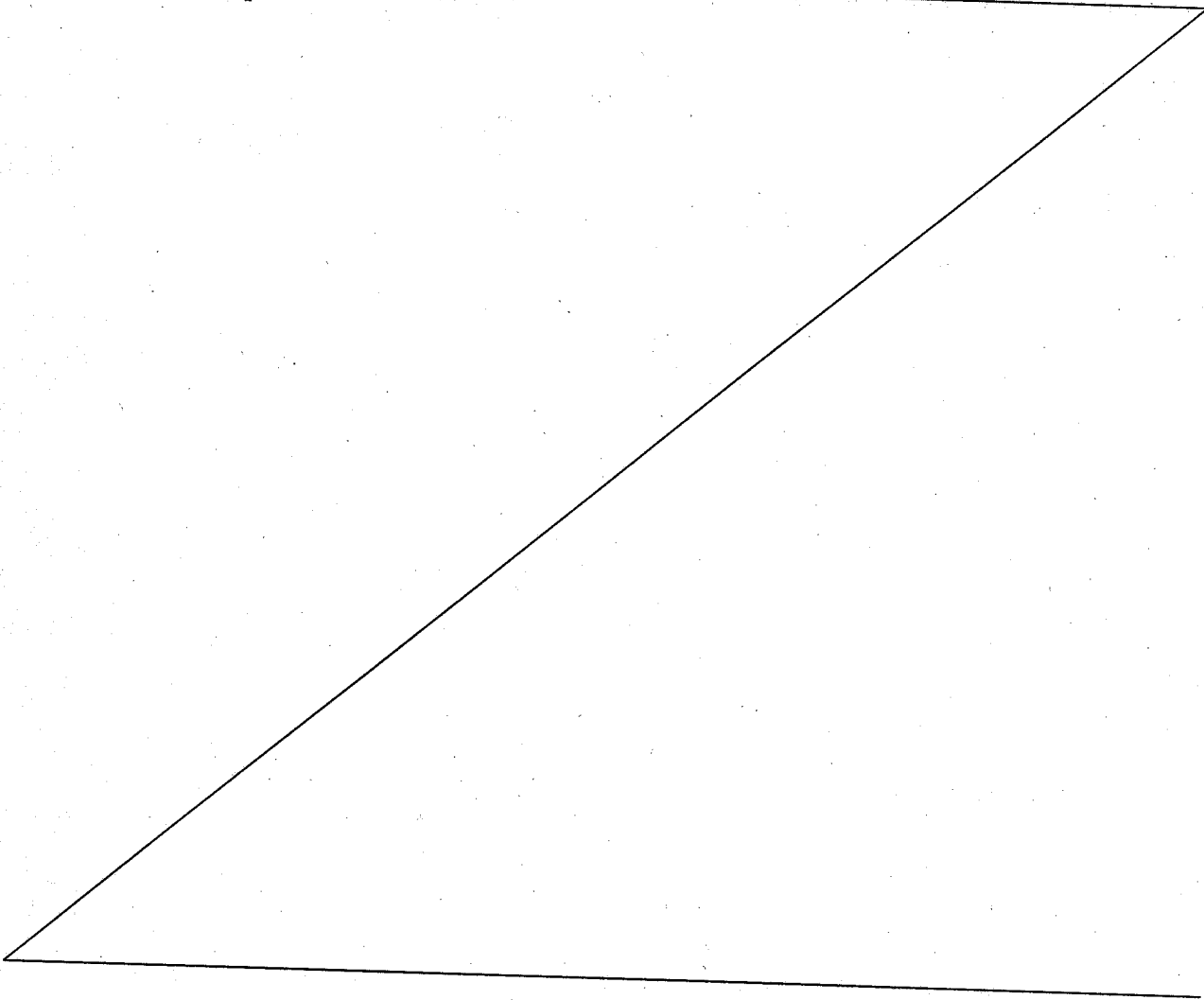
- (a) No private right of action is created in any individual or entity for or against any other individual or entity by the enactment of this Article.
- (b) No private right of action is created in any individual or entity for or against the County, or any of its agents, employees or contractors by the enactment of this Article.

PART II. EFFECTIVE DATE.

This ordinance shall become effective ninety (90) days after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY.


Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, which conflict with this ordinance, are repealed.



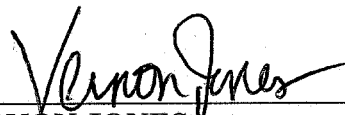
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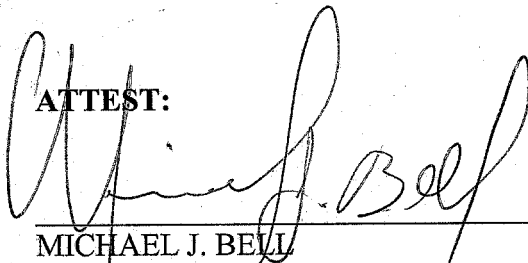
ADOPTED by the DeKalb County Board of County Commissioners, this 23 day of August, 2005.


BURRELL ELLIS
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

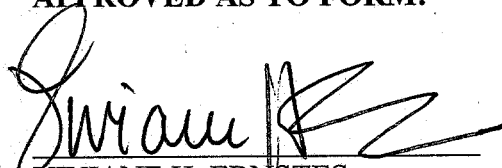
APPROVED by the Chief Executive Officer of DeKalb County, this 23 day of August, 2005.


VERNON JONES
Chief Executive Officer
DeKalb County, Georgia

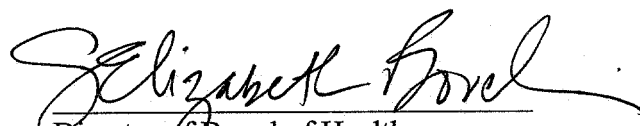
ATTEST:


MICHAEL J. BELL
Ex-Officio Clerk
DeKalb County Board of Commissioners and
Chief Executive Officer of
DeKalb County, Georgia

APPROVED AS TO FORM:


VIVIANE H. ERNSTES
Acting County Attorney
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:


Director of Board of Health
DeKalb County, Georgia