

ORDINANCE #BOC/ 2026- ____

AN ORDINANCE OF THE TIPTON COUNTY BOARD OF COMMISSIONERS
REGULATING FACILITIES AND SERVICES RELATING TO:
TATTOO, BODY PIERCING, BODY ART AND EYELASH EXTENSION.

WHEREAS, the State of Indiana has regulations governing the establishment and operation of businesses and facilities which provide Tattoo, Body Piercing, Body Art and Eyelash Extension services and procedures; and,

WHEREAS, the Tipton County Board of Commissioners (Commissioners) has a duty to ensure the public health and safety for the citizens of Tipton County, with the Tipton County Health Department being the County department primarily responsible for assisting the County to remain in compliance with health-related provisions of Indiana Code within the County's jurisdiction; and,

WHEREAS, the safe and proper establishment and regulation of facilities which provide Tattoo, Body Piercing, Body Art and Eyelash Extension services and procedures is important to the health and safety of Tipton County citizens; and,

WHEREAS, the Commissioners find it desirable and necessary to amend the existing County ordinance to encompass additional practices and procedures relating Tattoo, Body Piercing, Body Art and Eyelash Extension, in order to promote and ensure safe and healthful practices within those professions, and to protect the health and safety of the citizens, visitors, and general community of Tipton County; and,

WHEREAS, this ordinance amends and replaces an existing ordinance, Tipton County Ordinance # BOC 2023-05, and shall be hereafter codified as Title VI, Chapter 52 of the Tipton County Code.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Tipton County Board of Commissioners as follows:

1. This Ordinance shall be in full force and effect upon its final adoption by the Tipton County Board of Commissioners.
2. The Tipton County Auditor is instructed to publish notice of this Ordinance and arrange for it to be codified as part of the Tipton County Code of Ordinances.

**52.45.010 Sanitary operations of Tattoo, Body Piercing, and Body Art businesses;
Operation of facilities where Eyelash Extensions are applied.**

A. All requirements of the Indiana Department of Health, as set forth in: Rule 5. Sanitary Operation of Tattoo Parlors [410 IAC 1-5 *et seq*], and in Rule 8. Operation of Facilities where Eyelash Extensions are Applied [410 IAC 1-8 *et seq*], and any amendments made to said Rules or provisions hereafter are hereby incorporated by reference into this Chapter.

B. All places, individuals and businesses that offer Body Piercing or affix any type of permanent Tattoo or Body Art to or upon a person, or which offer to affix any Eyelash Extension to a person, shall be regulated by the above-referenced codes/statutes/Rules, as well as by the requirements specified in this Chapter.

C. All such places, individuals and businesses shall maintain the premises in which the Tattoo, Body Piercing, Body Art, or Eyelash Extension is performed and ensure that the equipment used in such procedures/processes is maintained in a sanitary manner, as specified in the above referenced codes/statutes/Rules and as stated in this Chapter.

52.45.020 Definitions.

For the purpose of this Chapter 52, all definitions set forth by Indiana Department of Health, in Rule 5. Sanitary Operation of Tattoo Parlors [410 IAC 1-5 *et seq*], and in Rule 8. Operation of Facilities where Eyelash Extensions are Applied [410 IAC 1-8 *et seq*], and any amendments made to such definitions hereafter, are incorporated herein by reference. For purposes of this Chapter, the following definitions shall also apply unless the context clearly indicates or requires a different meaning:

"Blood" means human blood.

"Bloodborne pathogens" means pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to the following:

- (1) Hepatitis B virus (HBV);
- (2) Hepatitis C virus (HCV);
- (3) human immunodeficiency virus (HIV).

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“Body Art” means body piercing, tattooing, branding, scarification, or cosmetic tattooing.

“Body Art Establishment” or “Body Art Facility” means any place or premise, whether licensed or not, public or private, temporary or permanent, outside or inside, for profit or not, where the practices of body art are performed.

“Body Artist” means any person performing body art services, which requires a license per this ordinance. Body Artist does not include individuals who perform ear lobe piercing only at jewelry retail establishments.

"Body-piercing" means the perforation of any human body part, other than an earlobe, for the purpose of inserting jewelry or other decoration or for some other non-medical purpose.

"Branding" means the process in which a mark or marks are created on human skin tissue by burning or cryogenic branding, with the intention of leaving a permanent mark.

"Cleaned" means removal of all visible dust, soil, or any other foreign material.

“Critical Violations” mean those items that are likely to cause an imminent health danger to the public and/or body artist.

"Contaminated" means the presence or reasonably anticipated presence of blood or OPIM (other potentially infectious materials) on an item or surface.

"Decontaminated" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Department" means the Tipton County Health Department.

"Disinfection" means the process or act to destroy and prevent the growth of disease carrying micro-organisms.

"Health Officer" means the Tipton County Health Officer, or their authorized representative, as set forth in IC 16-20-2.

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"Infectious waste" means waste that epidemiological evidence indicates is capable of transmitting dangerous communicable disease. Infectious waste includes, but is not limited to:

- (1) Contaminated sharps or objects that may potentially become contaminated sharps;
- (2) Infectious biological cultures, infectious associated biological matter, and infectious agent stock;
- (3) Pathological waste;
- (4) Blood and blood products in liquid and semi-liquid form;
- (5) Other waste that has been intermingled with infectious waste.

"Non-critical Violation" means those items which are not likely to cause an imminent health danger to the public and/or the practitioner.

"Other potentially infectious materials" or "OPIM" means human body fluids as follows:

- (1) Semen.
- (2) Vaginal secretions.
- (3) Cerebrospinal fluid.
- (4) Synovial fluid.
- (5) Pleural fluid.
- (6) Pericardial fluid.
- (7) Peritoneal fluid.
- (8) Amniotic fluid.
- (9) Saliva in dental procedures.
- (10) Any body fluid that is visibly contaminated with blood.
- (11) All other body fluids where it is difficult to differentiate between body fluid types.

"Parenteral" means piercing the mucous membranes or the skin barrier through such events as needle-sticks, human bites, cuts, or abrasions.

"Personal protective equipment" means specialized clothing or equipment worn for protection against contact with blood or OPIM.

"Piercing artist" means an artist or person who performs boring, penetration or tunneling through the skin or organ of a client, in order to make a space to hold jewelry in that place.

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“Procedure” means the act of performing body art or eyelash extension.

“Procedure Area” means a room, booth, or portion of a room or booth, or any surface of an inanimate object that is designated to be used only to perform body art.

"Scarification" or "Scarring" includes, but is not limited to: the process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark, or, laying the skin wide open, via a needle, saturating the area and/or the placing of autoclave sand or other substance into the area to build up a scar.

"Secure area" means an area designated and maintained to prevent entry by unauthorized persons.

"Semi-liquid blood, blood products" means blood or blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

"Store" means the containment of infectious waste in a secure area, in such a manner as not to constitute collection, treatment, transport, or disposal.

"Tattoo" means:

- (1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments.
- (2) Any design, letter, scroll, figure or symbol done by scarring, upon or under the skin.
- (3) any type of intentional Scarring or Branding.

"Tattoo artist" means any person who provides a tattoo to an individual.

"Tattoo operator" means any person who controls, operates, conducts, manages, or owns any tattoo parlor.

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"Tattoo parlor" means any room or space where tattooing is provided or where the business of tattooing is conducted.

"Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

52.45.030 General requirements.

No person shall do any of the following:

- (A) Operate a business that offers Tattooing, Body Piercing, or Body Art services without a license, unless the Tipton County Health Department has approved the business, under this Chapter and the requirements of 410 IAC 1-5 *et seq.*
- (B) Perform a tattooing, body-piercing or body art procedure in a manner that does not meet the safety and sanitation standards established under this Chapter and Rule 5, 410 IAC 1-5 *et seq.*
- (C) Perform a tattooing, body-piercing or body art procedure in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this Chapter and under Rule 5, 410 IAC 1-5 *et seq.*

52.45.040 Age limitation/consent.

(A) Branding or Scarification may NOT be performed on any individual under 18 years of age. No parent, guardian or custodian may give consent for the branding or scarification of an individual under 18 years of age, without first obtaining a specific Court order which authorizes such procedure.

(B) Tattooing, Body-Piercing, or Body Art may not be performed on individuals under 18 years of age without parental consent.

(C) A parent, guardian, or custodian of an individual under 18 years of age who desires to give consent to a business to perform on the individual a tattooing procedure, body-piercing procedure, or body art procedure shall do both of the following:

- (1) Appear in person at the business at the time the procedure is performed and remain

throughout the full duration of procedure, including after care; and,

(2) Sign a document provided by the business that explains the manner in which the procedure will be performed and the methods for proper care of the affected body area following performance of the procedure.

52.45.050 Consent/identification.

(A) Consent. Unless consent has been given in accordance with this ordinance, no individual, and no individual who is under 18 years of age, shall obtain or attempt to obtain a tattooing, body-piercing, or body art procedure.

(B) False Information. No individual who is under 18 years of age shall knowingly show or give false information concerning their name, age, or other identification for the purpose of obtaining a tattooing, body-piercing, or body art procedure for himself or herself. Likewise, no individual shall knowingly show or give false information or identification for another individual to receive a tattooing, body-piercing, or body art service.

(C) Identification Required. Tattoo/Body Piercing/Body Art parlors shall require a picture ID of any individual receiving tattooing, body-piercing, or body art services, for their own records and protection.

(D) Impersonation of parent, guardian, custodian prohibited. No individual shall impersonate the parent, guardian, or custodian of an individual who is under the age of 18 years for the purpose of obtaining for such under-age individual a tattooing, body-piercing, or body art procedure.

52.45.060 General safety and sanitation standards.

A business offering tattoo and/or body-piercing and/or body art services shall comply with the following provisions:

(A) The premises in which tattooing, body-piercing, or body art is conducted shall consist of an area of at least 100 square feet. The floor space for each individual performing tattoo, body-piercing, or body art services shall be an area of at least 45

square feet. These areas shall be separated from each other and from waiting patrons or observers by a panel, wall or by a door. Complete privacy should be available upon a patron's request.

(B) The entire procedure room and equipment shall be maintained in a clean, sanitary condition and in good repair.

(C) The tattoo, body-piercing, body art business shall be equipped with artificial light sources equivalent to at least 20 foot-candles at a distance of 30 inches above the floor throughout the establishment. A minimum of 40 foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.

(D) All floors shall be an impervious, smooth, washable surface; have a minimum dimension of at least 45 square feet; and shall be maintained in a sanitary manner at all times. All walls shall be maintained in a sanitary manner.

(E) All tables and other equipment shall be constructed of easily cleanable material with a smooth, washable finish.

(F) Restroom facilities shall be made available to the employees and customers of the business and must be located within the establishment. The restroom shall be accessible at all times the business is open for operation. The restroom shall be equipped with a covered trash receptacle, toilet, toilet paper installed in a holder, lavatory supplied with hot and cold running water, liquid antimicrobial soap, and paper towels in dispensers. Equipment and supplies used in the course of tattoo, body-piercing, and body art services or disinfection and sterilization procedures shall not be stored or utilized within the restroom.

(G) A lavatory or hand washing sink, with hot and cold running water, antimicrobial liquid soap, and paper towels in dispensers shall be located in close proximity of each individual performing a tattoo, body-piercing, or body art procedure.

(H) There shall be no overhead or otherwise exposed sewage lines so as to create a potential hazard to the sanitary environment of the business.

(I) Gloves must be worn during all tattooing, body-piercing, and body art procedures.

(J) Clean dressing must be applied after completion of each tattoo.

(K) Prior to any tattooing, body-piercing, or body art procedure the operator who will be performing the procedure shall inquire of a patron for conditions which could affect the healing process. The operator shall not perform a tattoo, body-piercing, or body art procedure on patrons indicating the presence of such a condition without documentation from a licensed physician, indicating acceptance of the patient for appropriate care following the procedure.

(L) With respect to tattooing services, written records must be maintained, which include the professional tattooing ink for each tattoo performed.

(M) Comply with the safety and sanitation requirements for preventing transmission of infectious diseases, as established in Rule 5, 410 IAC 1-5 *et seq.*

(N) Any establishment with a private water supply must submit a sample for water testing to the Tipton County Health Department every year, on or before July 1st.

52.45.070 Tattoo/Body Piercing/Body Art operator/establishment training responsibilities.

An individual or entity that is a tattoo or body-piercing or body art operator shall comply with the following training responsibilities:

(A) Ensure that the training described in the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard is provided to all tattooing, body-piercing, or body art artists, anyone employed by the Tattoo/Body Piercing/Body Art parlor, or anyone acting on behalf of the Tattoo/Body Piercing/Body Art parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(B) Ensure that training on the establishment's procedure for handling of infectious waste is provided to all tattooing, body-piercing, or body art artists, anyone employed by the tattoo, body-piercing, body art business, or anyone acting on behalf of the tattoo, body-piercing, body art business who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(C) Ensure that a record of training described in subsection (A) of this section is maintained,

as required under the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard, of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(D) Ensure that a record of training described in subsection (B) of this section is maintained.

(E) Each establishment (parlor) is responsible for ensuring that their personnel meet basic standards and apprenticeship training by establishing their own requirements.

52.45.080 Tattoo/Body Piercing/Body Art business operator responsibilities.

(A) The tattoo, body-piercing, or body art business operator shall ensure that all tattoo, body piercing and body art practitioners, anyone employed by the tattoo, body piercing and body art business, or anyone acting on behalf of the business who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard.

(B) The tattoo, body-piercing, body art operator shall require tattoo, body-piercing, body art practitioners/artists, anyone employed by the tattoo, body-piercing or body art parlor, or anyone acting on behalf of the tattoo, body piercing, or body art parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in the Indiana Occupational Safety and Health Administration (IOSHA) Bloodborne Pathogen Standard (29 CFR 1910.1030) or other equivalent accredited education program approved by the Tipton County Health Department.

(C) The tattoo, body-piercing, body art operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this rule. The materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

(D) The tattoo, body-piercing, body art operator shall ensure that no illicit drugs or alcohol are consumed in the tattoo, body-piercing, body art parlor.

(E) The tattoo, body-piercing, body art operator shall ensure that no tattoo or body-piercing or body art shall be affixed to or performed on any person who is intoxicated.

52.45.090 Tattoo/Body Piercing/Body Art operator policies.

The Tattoo/Body Piercing/Body Art operator shall develop a written policy in compliance with this rule and the requirements of the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard that:

- (A) Requires the use of universal precautions when performing tattooing, body-piercing and/or any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;
- (B) Includes the procedure for safe handling of infectious waste at the establishment;
- (C) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

52.45.100 Tattoo/Body Piercing/Body Art artist IOSHA training -Tattoo/Body Piercing/Body Art parlor responsibility.

(A) It is the responsibility of the Tattoo/Body Piercing/Body Art parlor to assure that anyone employed by the establishment and anyone acting on behalf of the Tattoo/Body Piercing/Body Art parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard. The programs under this section shall be as follows:

- (1) A Bloodborne pathogen training session provided by the Tattoo/Body Piercing/Body Art operator meeting the requirements under the Indiana Occupational Safety and Health Administration's Bloodborne Pathogens Standard; or,
 - (2) Any Bloodborne pathogen continuing education program accredited by a health care licensing entity.
- (B) Anyone employed by the Tattoo/Body Piercing/Body Art parlor or acting in behalf of the tattoo, body-piercing, body art parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the policies on the policies of that facility on the handling of infectious waste.

(C) Operators must attend and pass a certified CPR and basic first aid class/training.

52.45.110 Patron records.

Records of each patron shall be maintained for two years. The record shall include:

- (A) Patron's name;
- (B) Patron's address;
- (C) Age: must be verified by one photo identification item or two non photo identification items;
- (D) Date tattooing, body-piercing, or body art was performed;
- (E) Description of the tattoo;
- (F) Location of the tattoo or body-piercing on the patron's body;
- (G) Name and description of decorative implement or other implement placed into the pierced body area;
- (H) The name of the Tattoo/Body Piercing/Body Art artist who performed the work;
- (I) Parental consent must be in writing when performed on any minor as permitted by law.

52.45.120 Illness.

Anyone employed by a Tattoo/Body-Piercing/Body Art parlor or acting in behalf of the establishment who is experiencing symptoms of acute disease that include, but are not limited to:

- (A) Diarrhea;
- (B) Vomiting;
- (C) Fever;
- (D) Potentially infectious rash;

(E) Productive cough;

(F) Jaundice; or

(G) Draining (or open) skin infections, boils, impetigo, or scabies;

shall refrain from providing tattoos or body-piercings or body art.

52.45.130 Hand washing.

(A) Hand washing facilities shall be readily accessible in a closed proximity where the tattooing and body-piercing are provided.

(B) Hands shall be washed with soap and running water immediately before putting on sterile gloves and after removal of gloves or other personal protective equipment.

(C) Only single-use towels shall be used.

52.45.140 Personal protective equipment.

Appropriate personal protective equipment shall be worn as follows:

(A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

(B) Masks in combination with eye protection, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(C) Disposable gloves shall be worn during the tattooing and body-piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of a tattoo or body-piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(D) Gloves shall be worn when decontaminating environmental surfaces and equipment.

52.45.150 Tattooing/body-piercing equipment.

(A) Only single-use razors shall be used to shave the area to be tattooed, or body part to be

pierced. Single-use razors shall be discarded in sharps containers immediately after use.

(B) The stencil for transferring a design to the skin is to be single-use only, and shall be properly disposed of after a single use.

(C) After shaving the area to be tattooed or pierced, or if the area does not need to be shaved, the site of the tattoo or piercing shall be cleaned with soap and warm water, rinsed with clean water and a germicidal solution applied in a sanitary manner before a piercing, or before a design is placed on the skin for use during tattooing. Other sterile, individual towels or gauze shall be used in preparing the site to be tattooed or pierced, and properly disposed of after use on each patron.

52.45.160 Needles.

(A) Needles shall come packaged and sterilized prior to use for each tattoo or body piercing.

(B) Needles shall be single-use only.

(C) Needles shall be discarded in sharps containers immediately after use.

(D) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

52.45.170 Reusable equipment.

(A) Autoclave sterilization must be used when heat stable, non-disposable equipment is sterilized.

(B) Records must be maintained to document:

(1) Duration of sterilization technique;

(2) Determination of effective sterility, such as use of a biological indicator, including spores, is performed monthly;

(3) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.

(C) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.

(D) Reusable contaminated equipment shall be:

(1) Placed in puncture-resistant containers;

(2) Labeled with biohazard symbol;

(3) Leak-proof on both sides and bottom;

(4) Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(E) Contaminated reusable equipment shall be effectively cleaned prior to sterilization.

(F) Reusable tubes shall be effectively cleaned and sterilized before reuse.

52.45.180 Dyes or pigments.

(A) All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

(B) In preparing dyes or pigments to be used by tattoo artists, only nontoxic sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, sterilized containers shall be used for each patron.

(C) After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.

52.45.190 Work environment.

(A) No tattooing, body-piercing, or body art shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(B) Live animals shall be excluded from areas where tattooing, body-piercing, or body art is being conducted. This exclusion does not apply to:

(1) Patrol dogs accompanying security or police officers;

(2) Guide dogs accompanying: blind or partially blind persons, physically disabled persons, guide dog trainers, assistance dogs for persons with impaired hearing.

(C) Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

(D) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(E) All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.

(F) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and decontaminated.

(G) All work surfaces shall be:

- (1) Nonabsorbent;
- (2) Easily cleanable;
- (3) Smooth;
- (4) Free of: breaks, open seams, cracks, chips, pits, or similar imperfections.

(H) Disinfectant solutions shall be:

- (1) A hospital-grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
- (2) Sodium hypochlorite, 0.5 percent concentration, by volume (common household bleach is 10 percent concentration in water); the solution shall be dated and shall not be used if it is more than 24 hours old.

52.45.200 Infectious waste containment.

(A) Contaminated disposable needles or sharp instruments shall be stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this rule, prior to being stored in an unsecured area and sent for final disposal.

(B) Infectious wastes other than contaminated sharps or objects that could potentially become contaminated sharps shall be placed in bags that meet the following requirements:

- (1) Impervious to moisture;

- (2) Sufficient strength and thickness to prevent expulsion;
- (3) Secured to prevent leakage expulsion;
- (4) Labeled with the biohazard symbol;
- (5) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:

- (1) Is locked or secured to eliminate access by or exposure to the general public;
- (2) Affords protection from adverse environmental conditions and vermin;
- (3) Has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.

(E) Reusable containers must be disinfected against infectious waste, each time that they are emptied, unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags or other devices that are removed with the infectious waste.

52.45.210 Treatment and transportation of infectious waste.

(A) All Tattoo/Body Piercing/Body Art operators shall ensure that infectious waste is either treated on site in accordance with this rule or transported off site for treatment in accordance with this rule.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is conducted in a manner consistent with this rule. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste;
- (2) Steam sterilization;

(3) Chemical disinfecting under circumstances where safe handling of the waste is assured;

(4) Thermal inactivation;

(5) Irradiation; or

(6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this rule shall:

(1) Transport infectious waste in a manner that reasonably protects waste hauler and the public from contracting a dangerous communicable disease; and

(2) Effectively treat infectious waste in accordance with this rule before it is compacted.

(D) The Tattoo/Body Piercing/Body Art operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 1-3 *et seq.*

52.45.220 Post Tattoo/Body Piercing/Body Art infection prevention.

(A) Each Tattoo/Body Piercing/Body Art business is to provide written instruction to its clients in methods to prevent infection, such as the use of bactericidal creams and ointments and soap, and appropriate barrier dressings where indicated.

(B) Each client should be instructed to seek immediate medical attention should there be any evidence of infection.

(C) A copy of these instructions shall also be posted in a conspicuous place in the establishment, and be clearly visible to patrons.

(D) Written instructions shall be given to each patron or customer on the care of the skin on the tattooed, body-piercing, or body art site to prevent infection after each tattooing, body-piercing or body art procedure. A copy of these instructions shall also be posted in a conspicuous place in the body art establishment, and be clearly visible to the person receiving Tattoo/Body Piercing/Body Art.

52.45.230 Regulations governing the sanitation of mobile tattoo, body piercing, and body art business.

In addition, to comply with all of the requirements of this code, mobile Tattoo/Body Piercing/Body Art vehicles and operators working from the mobile tattooing, body-piercing, or body art establishment shall also comply with all of the following requirements:

(A) The tattooing, body-piercing, or body art business will need to be inspected before they can apply for permit to start working.

(B) Mobile tattooing, body-piercing, or body art businesses are permitted for use only at special events lasting 14 calendar days or less. Permits must be applied for at least 14 days prior to the event, and no tattoo or body-piercing procedures are to be performed prior to a permit being issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

(C) Tattoos and/or body-piercings performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or having an interior floor space of at least 100 square feet. No tattoos or body-piercing procedures shall be performed outside of the enclosed vehicle.

(D) The mobile Tattoo/Body Piercing/Body Art business shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Operable windows shall have tightfitting screens.

(E) Mobile Tattoo/Body Piercing/Body Art businesses must have approved sterilization equipment available, in accordance with all requirements of the Indiana Administrative Code provisions in EMC 5.45.170 on sterilization of equipment.

(F) The mobile tattooing, body-piercing, or body art business shall be used only for the purpose of performing tattoos, body-piercing or body art procedures. No habitation or cooking is permitted inside the vehicle.

(G) The mobile tattooing, body-piercing, or body art business shall be equipped with an equipment washing sink and a separate hand-sink for the exclusive use of the operator, for hand washing and preparing the client for the tattoo or body-piercing procedures. The hand-sink shall

be supplied with hot and cold running water under pressure to a mixing type faucet, and antimicrobial liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile tattooing, body-piercing, or body art business at all times during operation.

(H) All liquid wastes shall be stored in an adequate storage tank with capacity at least 50 percent greater than the capacity of the onboard potable water supply. Liquid wastes shall be disposed of at a site approved by the department.

(I) All Tattoo/Body Piercing/Body Art operators working in a mobile Tattoo/Body Piercing/Body Art business must comply with the operator requirements of this code.

(J) No animals, except service animals of clients shall be allowed in the mobile tattoo, body piercing, body art business at any time.

(K) Mobile Tattoo/Body Piercing/Body Art businesses must receive an initial inspection at a location specified by the department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile Tattoo/Body Piercing/Body Art is scheduled to operate prior to permit issuance.

52.45.240 Temporary Tattoo/Body Piercing/Body Art operations.

(A) General Requirements. General requirements are that the temporary Tattoo/Body Piercing/Body Art operations are to comply with all aspects of the provisions relating to temporary certificates, health, cleanliness and personal hygiene of operators, practices and procedures for tattoo, body-piercing, body art establishments and notifications, as specified in EMC 5.45.020 through 5.45.100 and 5.45.120 through 5.45.230.

(B) Site Requirements.

(1) Tattooing, Body-Piercing, and Body Art must be conducted within a building or structure, having an interior floor space of at least 100 square feet, which provides protection against the elements and dust, and is free of insects, rodents, other nuisances, or pests. The tattooing, body-piercing, body art area is to be separated by a partition from any retail sales or other such activity which may cause potential contamination of work surfaces.

(2) Adequate light and ventilation is to be provided at the work location.

(3) Facilities shall have easy access to adequate toilet facilities and a lavatory with hot and cold running water, as part of surrounding premises or adjacent to the facility.

(4) All needles or any other sharp objects which may have come into contact with blood or blood products are to be disinfected by immersion or autoclaved prior to placement in a sealed, rigid container for disposal by the tattoo artist/body-piercer. All other wastes are to be removed and properly disposed.

52.45.250 Tattoo/Body Piercing/Body Art operator requirements and professional standards.

The following information shall be kept on file on the premises of a Tattoo/Body Piercing/Body Art establishment and available for inspection by the department:

(A) The names of all operators/technicians in the establishment and their exact duties, including the following information:

(1) Full names, date of birth, home address, home/work phone numbers, identification photos of all operators/technicians;

(2) Establishment name, hours of operation, owner's name, and address;

(3) A complete description of all body art procedures performed;

(4) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufactures and serial or lot numbers, if available or applicable;

(5) A copy of these regulations.

(B) Permits shall be prominently displayed in the body art establishment and shall not be defaced or altered in any manner.

(C) It shall be unlawful for any person to perform tattoo or body-piercing or body art procedures unless such procedures are performed in a Tattoo/Body Piercing/Body Art establishment with a current permit.

(D) The operator must be a minimum of 18 years of age.

(E) Smoking, eating or drinking by anyone is prohibited in the area where tattoos and body piercings are performed.

(F) Operators shall refuse service to any person who, in the operator's opinion, is intoxicated.

(G) The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing tattoo or body-piercing procedures. Before performing tattoos or body-piercings, the operator must thoroughly wash hands in hot running water with liquid antimicrobial soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

(H) In performing tattoos and body-piercing procedures, the operator shall wear disposable medical gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client.

(I) If, while performing a tattoo or body-piercing procedure, the operator's glove is pierced, torn or otherwise contaminated, the procedures (in subsections (G) and (H) of this section) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see subsection (G) of this section) before fresh pair of gloves is applied. Any item or other instrument used for a tattoo or body-piercing which is contaminated during the procedure shall be discarded and replaced immediately with new ones before the procedure resumes.

(J) Contaminated waste, as defined in this ordinance, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the international biohazard symbol. It must then be disposed of by a waste hauler approved by the department. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed the period specified by the department or more than a maximum of 30 days.

(K) No person shall perform any tattoo or body-piercing or body art procedure upon a person under the age of 18 years without the presence, consent, and proper identification of both

parents, both legal custodial parents or both legal guardians, if applicable. Nothing in this section is intended to require an operator to perform any tattoo or body-piercing or body art procedure on a person under 18 years of age regardless of parental, custodian, or guardian consent.

(L) Any skin or mucosa surface to receive a tattoo or body-piercing procedure shall be free of rash, infection, or any other visible pathological condition.

(M) The skin of the operator shall be free of rash, infection, or any other visible pathological condition. No person or operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, vomiting, diarrhea, or jaundice shall work in which there is a likelihood of contaminating tattoo or body-piercing equipment, supplies or working surfaces with pathogenic organisms.

(N) Each tattoo artist and operator should be able to provide the following information, upon request of the department: that each tattoo artist and operator has either completed or been offered and declined, in writing, the hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to hepatitis B; or that the vaccine is contraindicated for medical reasons.

52.45.260 Minimum standards for all establishments which offer a body-piercing service to the public.

The following are procedures and practices for body-piercing:

(A) Piercings of minors will be permitted only with a legal guardian present, and must comply with EMC 5.45.040. Both guardian and child must read, understand, and sign the release form. Both parties must provide valid identification. Both parties must fully understand post piercing after-care suggestions.

(B) Piercing an obviously intoxicated person is prohibited.

(C) The use of properly configured autoclave sterilization units on all reusable items are mandatory. Monthly efficacy testing, via a "spore test," is mandatory. A sign, prominently posted, shall apprise the public of the existence of the results of this monthly test and invite them to review said results. "Dry" heat, glass bead or pressure cookers are not acceptable methods of sterilization.

(D) Signage requesting patrons to refrain from removing their own jewelry must be plainly and easily visible.

(E) Countertops, displays and doorknobs must be nonporous and frequently disinfected throughout the day and as needed. Disinfectant hand wipes such as SaniDex® should be readily available for patrons' use.

(F) Operators must attend and pass a certified CPR and basic first aid class/training.

(G) Owners who have employees must implement OSHA Bloodborne Pathogens Standards.

(H) An understanding of and vigilant use of cross contamination prevention and infection control must be documented.

(I) Thorough hand washing, utilizing sufficient amounts of liquid anti-bacterial soap (pump dispenser or better) and running water must be performed immediately prior and immediately after each individual service. Single-use, disposable paper products are to be used. Enclosed "C" fold paper towels are preferred over standard exposed rolls.

(J) New, clean, and fresh disposable medical gloves are to be worn for each new service. Gloves must be changed after each occurrence of contamination. Gloves should be stored in an exceptionally clean, closed container when not in use.

(K) All needles must come individually bagged and autoclave sterilized, used on one client and one client only and immediately disposed of in an OSHA-approved sharps container. Yearly removal offull (two-thirds), sealed labeled containers, by a medical waste disposal service, which follows Indiana infectious waste rule ([410 IAC 1-3](#)), must be documented. Reuse of piercing needles is strictly prohibited.

(L) After soaking in an enzymatic detergent such as Enzol® (or equivalent) for no less than 10 minutes, used reusable tools must be fully submerged in an ultrasonic cleaner for no less than 15 minutes, then air dried prior to autoclaving.

(M) All reusable, stainless steel instruments must be autoclaved in appropriate, dated, sealed bags with indicator strips fully visible. Bags left unopened, in a closed container, for longer than 30 days, must be re-autoclaved. Immediately after use, the tool is to be placed in a lidded, nonporous container to await detergent soak, ultrasonic cleaning, drying, and bagging, prior to autoclaving. This container must be disinfected at least daily.

(N) A hospital-level, hard surface disinfectant such as MadaCide® (or equivalent) must be employed on all involved surfaces prior to every individual's piercing session. All involved surfaces must be nonporous and in excellent repair. If spray dispensers are used, spray should be directed into a clean, disposable paper towel; then, the towel should be used to disinfect the surface. Impregnated towelettes, Sani-Cloth®, are preferred for this application.

(O) All supplies that come into contact with the piercing station should be in "single portion" form, including, but not limited to, anti-bacterial ointments, iodine swabs, alcohol wipes and the like. These packages must be wiped down with a hospital-level, hard surface disinfectant and air dried, prior to being stored in exceptionally clean, closed containers.

(P) Floors in the piercing area must be nonporous, of solid, durable construction and disinfected on a regular basis, and as needed. Carpeting is prohibited. All floors shall be an impervious, smooth, washable surface; have a minimum dimension of at least 45 square feet; and shall be maintained in a sanitary manner at all times. All walls shall be maintained in a sanitary manner.

(Q) All oral piercing shall be preceded by the client performing a one minute, vigorous application of an antiseptic mouthwash such as Listerine®.

(R) All other pre-piercing sites must be thoroughly cleaned with an iodine-based product such as Betadine® (or equivalent) for one full minute. All traces of iodine must be removed before the client departs. On individuals with iodine sensitivity, benzethonium chloride (or equivalent) solution is an acceptable substitute.

(S) Corks and rubber bands must be autoclaved. Single-use packaging is preferred. Bulk sterilized supplies must be kept in an exceptionally clean, closed container, opened, and touched with fresh gloves only.

(T) All insertable jewelry is to be sterilized (individually is preferred) and kept in a sterile, closed container. Sterilized jewelry is to be soaked in a hospital-level, hard surface disinfectant, for no less than 10 minutes prior to insertion. Jewelry must be thoroughly dried before insertion. Jewelry previously worn by anyone other than the piercee must be autoclave processed.

(U) All jewelry is to be made of high quality 14K solid gold, surgical grade stainless steel (316L series), niobium, titanium, platinum, or inert plastics. No silver, gold-plated or gold-filled jewelry is to be inserted in fresh piercings. Reasonable requests for noncommercial reasons, to divulge the manufacturer of the jewelry for sale, should be met.

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(V) Sterilized items, in unopened bags, must be left in the autoclave to dry. The door on the autoclave may be left slightly ajar to facilitate drying. Once dry, using clean and fresh gloves, bagged tools must be placed in an exceptionally clean, closed container.

(W) A separate, dedicated area must be provided for the preparation, cleaning and disinfection of tools and equipment.

(X) A service sink, with hot and cold running water, is to be separated from the above area. Wrist, elbow, infrared or foot operated fixtures must be installed. This sink is never to be used for food or drink preparation.

(Y) Disposable table paper should be provided and changed between clients.

(Z) Privacy screens or devices must be made available at the patron's request.

(AA) Good ventilation must be available. Use of air "scrubbers" (HEPA filters) is encouraged.

(BB) All restrooms available to the public must be kept clean and disinfected regularly and as needed.

(CC) Written detailed post-piercing aftercare suggestions must be provided.

(DD) Piercers shall maintain a high degree of personal cleanliness and wear clean clothing. Piercers should refrain from piercing while under the influence of medications that may cause drowsiness. Piercers should use discretion when considering whether to work while ill.

52.45.270 Exemptions.

(A) Physicians licensed by the State of Indiana who utilize tattooing, body-piercing, or body art procedures as part of patient treatment are exempt from these regulations.

(B) Ear lobe piercings are exempt.

52.45.280 Requirements for insurance.

Before the Tipton County Health Department shall issue a license under this chapter, the licensee shall file with the Department and the County Auditor a certificate of insurance. The certificate

of insurance shall certify that a policy of insurance has been issued to the operator and provides coverage to the operator and all tattoo, body-piercing and body art artists at the facility, for the period of the license, and is in full force and effect and that the premium has been paid thereon. The policy of insurance shall be in the sum of \$500,000 conditioned for the payment of any judgments received against the facility operator or any tattoo, body piercing, or body artist for the death or injury of persons caused by the operation of or services provide by a tattoo parlor, body-piercing, body art facility (professional liability coverage).

52.45.290 Permit requirements.

(A) Establishment Permit.

- (1) No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body art establishment unless it has received a body art establishment pennit from the department.
- (2) Any person operating a body art establishment shall obtain a permit from the department, annually, with beginning/ending permit time frames and fees to be set by the department.
- (3) The applicant shall pay a reasonable fee as set by the department for each body art establishment pennit.
- (4) A body art establishment permit shall not be transferable from one place or person to another.
- (5) A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

(B) Operator Permit.

- (1) No person shall practice body art procedures without first obtaining a pennit from the department. The department shall set a reasonable fee for such permits.
- (2) Application for operator permits shall include: name, date of birth, residence, mailing address, phone number, place(s) of employment as an operator, training and/or experience, proof of attendance at a Bloodborne pathogen training program (or equivalent), given or approved by the department.

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(3) Demonstration of knowledge of infectious disease control including waste disposal, and washing techniques, sterilizing equipment operation and methods, and sanitation/disinfection/sterilization methods and techniques; facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or successful completion of an examination approved or given by the department.

(4) No operator permit shall be issued unless, following reasonable investigation by the department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this code.

(5) All operator permits shall be conditioned upon continued compliance with the provisions of this section, as well as all applicable provisions of this code.

(6) All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

(C) Temporary Establishment/Operator Permit. Temporary establishment and, when required, operator permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows, or for educational reasons.

(1) Temporary operator and/or establishment permits will not be issued unless:

(a) The applicant furnishes proof of compliance with subsection (B) of this section, relating to operator's permits; and

(b) The applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate state and/or local jurisdiction; and

(c) The temporary site complies with all temporary establishment requirements of this regulation.

(2) In lieu of attendance at a bloodborne pathogens training program given by the department, the applicant may furnish proof of attendance at equivalent training which is acceptable to the department.

- (3) Temporary permits expire after 5 days or the conclusion of the special event, whichever is less.
- (4) Temporary operator and/or establishment license will not be issued unless the applicant has paid a reasonable fee as set by the department.
- (5) The temporary establishment/operator licensees) shall not be transferable from one place or person to another.
- (6) The temporary establishment/operator licenses shall be posted in a prominent and conspicuous area where they may be readily observed by patrons.

52.45.300 Permits and Permit Fees.

(A) Business Establishments. Each Tattoo/Body Piercing/Body Art parlor operation shall obtain a business establishment permit from the County Health Department. The permit shall provide the name and address of the owner of the business and name and address of each and every Tattoo/Body Piercing/Body Art artist located at each site. The cost for this permit shall be \$150.00 as determined by the County Board of Health and shall not be transferable. In addition, each Tattoo/Body Piercing/Body Art artist, excluding the business owner/artist, will be required to pay a fee of \$50.00 annually. The permit expires on December 31st of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. The permit shall be posted at the tattoo/body piercing/body art facility in the place where the tattoos, body-piercing and/or body art are performed and clearly visible to the public.

(B) Temporary or Mobile Business. Each temporary or mobile Tattoo/Body Piercing/Body Art parlor shall also obtain a permit from the County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each and every tattoo/body piercing artist located at each business. The permit cost shall be \$75.00 as determined by the County Board of Health and shall not be transferable. The permit expires on the last day of any one event that the permit is purchased for, not to exceed five (5) days for any one event. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. The permit shall be posted at the Tattoo/Body Piercing/Body Art business in the place where the tattoos, body-piercings and/or body art are performed, and clearly visible to the public.

(C) Owner/Operator. In the event that a Tattoo/Body Piercing/Body Art parlor is a sole proprietorship, and the owner shall also perform tattooing, body-piercing, or body art for the business, the owner/operator shall only be required to obtain a business establishment permit as described in this section. An individual artist permit is not required for an owner/operator working in their own properly licensed business establishment.

(D) Proration of Fees. In the event that a business shall apply for a permit prior to July 1st of any year, they shall be responsible for the total annual fee as described in this section. In the event that a business shall apply for a permit any time after July 1st, they shall be required to pay one half of the annual fee. All permits shall expire on December 31st of the year in which they were issued.

(E) Both establishment and operator permits shall be displayed in view of the patrons.

(F) Nontransferable. No permit issued to a Tattoo/Body Piercing/Body Art establishment is transferable.

(G) Fee Amounts Subject to Change. All fees set forth in this ordinance are subject to change, from time to time. Any fee amount identified herein may be subsequently revised or amended to a different amount by being specifically added to, included as a part of, or set forth on the Health Department's approved schedule of fees, or by any fee ordinance amendment which is hereafter adopted by the Tipton County Board of Commissioners. In such case, the revised or new fee amount shall be that amount which is reflected in the most recent official action taken by the Tipton County Board of Commissioners.

52.45.310 Reserved.

52.45.320 Inspections and Enforcement.

(A) The Tipton County Health Department is responsible for developing and implementing a system of suspension, revocation, reinstatement, penalties, fines, civil charges based on the severity of the health risks involved or severity of the violations of this ordinance.

(B) The County Health Department shall conduct inspections of each and every Tattoo or Body Piercing or Body Art establishment located in Tipton County, Indiana. The Health Department shall conduct a minimum of one (1) inspection per year. Additional inspections may be conducted by the Health Department as they determine and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by

the Health Department shall be corrected immediately. The department shall conduct follow-up inspections to determine compliance with this chapter.

(C) If at any time the County Health Department has reasonable cause to suspect that public health might be at risk, it can place limitations on the license of any Tattoo, Body Piercing or Body Art facility or artist. The County Health Department must notify the facility license holder and the body artist license holder. Limitations can include the imposition of restrictions or conditions, or both, on the operations of that body art establishment. A body art establishment must comply with all license limitations until the County Health Department has conducted an inspection, has determined that the license limitations are no longer necessary, and has issued an order allowing the body art establishment to resume operations without the license limitations.

The County Health Officer may bring an action in the Circuit Court to enforce this chapter. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this chapter including reasonable attorney fees.

52.45.330 Suspension of licenses.

(A) Licenses issued under this Ordinance can be suspended temporarily by the County Health Department for failure of the holder to comply with the requirements of this Ordinance.

(B) Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Ordinance, the license holder or operator must be notified in writing that the license is, upon service of the notice, immediately suspended. The notice must also contain a statement informing the license holder or operator that an opportunity for an administrative review hearing will be provided if a written request for a hearing is filed with the County Health Department within the time specified.

(C) Any person whose license has been temporarily suspended can file an application for an expedited reinstatement of the license within ten (10) business days of the date of such notice of suspension, by meeting all the following requirements:

1. Submit a signed statement that the conditions causing the suspension (as set out in the notice) to be issued, have been corrected.
2. Provide objective proof that the conditions have been corrected, which proof may include, but is not limited to, photos, receipts, and written documentation.
3. Submit the appropriate reinspection fees, after which the County Health

Department must reinspect the body art establishment and evaluate the documentation provided by the applicant. If the applicant is in compliance with the provisions of this Ordinance, the license will be reinstated without a hearing.

(D) All hearings requested by a license holder or otherwise provided for or required under this section, shall be held upon at least ten (10) days written notice to the license holder of time, place and nature thereof. (The Health Officer and license holder may, by mutual agreement, schedule a hearing within a shorter period of time, if requested by either party) The notice of hearing shall be served upon the license holder by leaving the notice at, or by certified mailing to, the address listed on the license application as the as the license holder's mailing address, or such other address as the license holder shall designate in writing to the Health Officer, or by personal delivery.

(E) At any hearing under this Ordinance, the Hearing Officer shall be the Health Officer or the Health Officer's designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial, or unduly repetitive evidence may be excluded.

(F) Upon the conclusion of such hearing, the Hearing Officer shall enter a final order, which order is subject to the right of appeal in accordance with Section 52.340 .

52.45.340 Appeal

(A) Any license holder aggrieved by a final order of the Health Officer, including an order for the payment of immediately assessable fines, shall be entitled to a review of the final order before the Tipton County Board of Health by filing a written request therefore with the Secretary of the Board within fifteen (15) days after such final order is issued.

(B) Upon the Health Officer's receipt of such request, the Board shall hear the matter *de novo* in an open hearing after at least ten (10) days written notice of the time, place and nature thereof. (The Health Officer and license holder may agree to a shorter period of time, if requested by either party). The notice of hearing shall be issued by the Secretary of the Board to the license holder filing the request.

(C) The notice of hearing shall be served upon the license holder by leaving the notice at, or by certified mailing to, the address listed on the license application as the license holder's mailing address, or such other address as the license holder shall designate in writing to the Secretary of the Board, or by personal delivery.

(D) At such hearing, the same rules of procedure shall apply as set forth in Section 52.45.330 (E)

above. The Board shall cause the hearing proceedings before it to be recorded at the Board's expense, and such recording of the hearing, together with all papers and documents properly filed therein, shall constitute the Board's record of the proceedings. The Board is not required, at its expense, to prepare a hearing transcript, unless required to do so by law. Any party, at the party's expense, may cause a reporter approved by the Board to prepare a transcript from the Board's record.

(E) The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing. Those written findings and the written final order or determination shall be made a part of the Board's record of the proceedings.

52.45.350 Revocation of licenses.

(A) For repeated violations or repeated critical violations of any of the requirements of this Ordinance or for interference with Department personnel in the performance of their duties, a license can be permanently revoked after a hearing. Before taking such action, the Tipton County Health Department must provide the license holder or operator a written notice stating the reasons why the license is subject to revocation and advising the license holder or operator of the requirements for filing a request for a hearing.

(B) Such written notice of a pending revocation shall be served upon the license holder by leaving the notice at, or by certified mailing to, the address listed on the license application as the license holder's mailing address, or such other address as the license holder shall designate in writing to the Health Officer, or by personal delivery. The County Health Department should also, when it is reasonably possible to do so, notify the license holder or operator in person and hand-deliver the written notice of such pending revocation.

(C) The Tipton County Health Department can permanently revoke a license after fifteen (15) business days following service of the notice unless a request for a hearing is filed by the license holder to the Tipton County Health Department.

(D) The Tipton County Health Department and the Board of Health will conduct the administrative hearings concerning the suspension or revocation of any permit issued herein in accordance with local laws and regulations, and as set forth in IC 4-21.5-3 *et seq.*, including any subsequent amendments made thereto.

(E) Once a body art license has been revoked, the artist and/or establishment will be considered to be operating without a license.

52.45.360 Penalties, citations and fines.

(A) Failure to Obtain Required License. No person shall perform tattooing, body-piercing, body art or eye lash extensions without obtaining and maintaining the licenses required by this chapter. Any person who performs tattooing, body-piercing, body art or eyelash extensions without a license as required by this chapter shall be subject to a fine of \$250.00 per violation.

(B) Failing To Obtain A Business Permit / Operating After Permit Expiration. If an operator of a Tattoo/Body Piercing/Body Art establishment shall fail to obtain a business permit prior to conducting their business, or if they are conducting business after a previously issued permit has expired, the establishment may be subject to a fine of not more than \$250.00 for each day that the violation continues. Each day the establishment shall be in violation of this chapter shall constitute a separate offense.

(C) Injunctive Relief. The county attorney or any other attorney employed by the County Health Department may also bring an action in the Circuit Court to immediately enjoin the operation of any tattoo, body piercing, body art, or eyelash extension establishment occurring without proper permitting or for failure to comply with any other provisions of this ordinance.

(D) Failure To Comply With Provisions of This Chapter. Failure to comply with any provision of this chapter shall constitute a violation of this chapter. The Tipton County Health Department shall have the authority to levy citations and/or administrative fines against a body art establishment and/or body artist for noncritical or critical violations or for repeat violations. With the exception of fines set forth in Sections (A) and (B) above for failing to obtain or maintain any required permit, the fines for violating any other provision of this Chapter, within a single licensing period, shall be:

- (1) Citations for first-time violations may not exceed \$100 per violation.
- (2) Citations for second-time violations of the same violation may not exceed \$250 per violation.
- (3) Citations for third-time violations of the same violation may not exceed \$500 per violation.
- (4) Citations for the same violation more than 3 times in a 12-month period may not exceed \$1,000 per violation and will put the body art license in suspended status until such a time that the Tipton County Health Department can be sure that all

violations are or will be corrected. In such cases, the license holder can make an application for reinstatement of the license within 10 business days of notice of suspension by following the procedure detailed in Section 52.45.330 (C) above.

(C) Any citation not paid by the body art license holder within 30 days of receipt will place the body art license in suspension.

(D) If a body artist continues to operate on a suspended license, the Tipton County Health Department may issue a citation no greater than \$250 per day. If the body artist continues to operate on a suspended license for longer than 3 calendar days, the body art license can be placed in revoked status.

(E) If a body art establishment license and/or body artist license is suspended or revoked and has existing citations, the citations must be paid, and a satisfactory compliance inspection completed prior to reinstating the body art establishment license and/or body artist license.

(F) Fines will be issued using a standard citation format issued by the local Health Department with the assistance of the county attorney and may be docketed in the Tipton County Circuit Court if judicial enforcement becomes necessary.

(G) Each event or each day a violation exists shall constitute a separate violation of this chapter, and subject to separate fines and/or other penalties set forth herein. If a violation of this ordinance has caused physical injury or harm to any person, the fine shall not be no less than \$1,000 and no more than \$2,500 depending on the severity of the injury or harm caused.

ENACTMENT & SIGNATURES ON NEXT PAGE

TIPTON COUNTY ORDINANCE # BOCO 2026- ____
REGULATING FACILITIES & SERVICES RELATING TO: TATTOO, BODY PIERCING, BODY ART & EYELASH EXTENSION

SO ORDAINED THIS ____ day of _____ 2026.

Tipton County Board of Commissioners by:

Dennis L. Henderson

Nancy Cline

Tracy Powell

Attest:

Jon DeBaun
Tipton County Auditor

Reviewed by:

Mark R. Regnier #13757-80
Tipton County Atty
120 S. West Street
Tipton, Indiana 46072