

NEW HANOVER COUNTY

BOARD OF HEALTH

RULES GOVERNING TATTOOING ESTABLISHMENTS

IN

NEW HANOVER COUNTY

NORTH CAROLINA

EFFECTIVE NOVEMBER 8, 1995

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Section 6000 Purpose

To establish standards for the training of any person who engages in the practice or business of tattooing so as to minimize the risk of disease transmission, the New

Hanover County Board Of Health declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

Section 6001 General Provisions

(a) Scope No person shall operate, or cause to be operated any tattoo establishment contrary to the provisions of these Rules. These Rules supersede regulations, requirements, rules and standards relative to the practice or business of tattooing previously adopted by the Board Of Health.

(b) Conflict The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety and welfare shall prevail within the jurisdiction of such agency or municipality over requirements and standards established by these Rules.

(c) Permits And Inspections Prior to engaging in the practice or business of tattooing a person shall make application to the Department, attend and successfully complete the tattoo artist course, and obtain a tattooing permit from the Department. A permit may not be issued to an artist until the tattoo establishment where he (she) proposes to practice has been inspected and found to conform with these Rules. The Department shall conduct inspections of new tattoo establishments as soon as practicable after receipt of an application for a tattooing permit and notification of the proposed business operation. The Department shall conduct inspections of existing tattoo establishments as frequently as necessary to verify conformance with these Rules.

Section 6002 Definitions

The following definitions shall apply in the interpretation and enforcement of these Rules:

Blood and body fluid precautions means a method of infection control in which all human blood and body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other infections that can be transmitted by contact with blood.

Board Of Health means the New Hanover County Board Of Health.

Department means the New Hanover County Health Department or its authorized

representative.

Director means the Director of the New Hanover County Health Department or his (her) authorized representative.

Sharps means any objects that can penetrate the skin including, but not limited to, needles, razor blades, scalpels, and broken capillary tubes.

Sterilize means the approved microbicidal treatment by a process which provides enough accumulative heat or concentration of chemicals for a length of time sufficient to eliminate the microbial count, including pathogens.

Tattooing means the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method.

Tattoo artist means any person 18 years of age or older who engages in tattooing.

Tattoo artist course means a structured program of study providing training in at least the following topics: hygiene, sterilization techniques including autoclave operation, hazardous waste handling and disposal, and first aid.

Tattoo establishment means any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof. The term “tattoo parlor” falls within this definition.

Tattooing room means a room in the tattoo establishment where tattooing is performed.

Section 6003 Fees And Permits

(a) No person shall engage in the practice or business of tattooing without first obtaining a tattooing permit from the Department.

(b) Application for a tattooing permit shall be submitted to the Director and shall include at least the following information:

- (1) name of tattoo artist;
- (2) mailing address of tattoo artist;
- (3) name of tattoo establishment;
- (4) street address of tattoo establishment;
- (5) anticipated date of commencing operation; and,
- (6) signature of tattoo artist.

(c) Any additional information requested to verify compliance with 15A NCAC 18A (Tattooing) and these Rules shall be submitted to the Director either with the permit application or promptly thereafter within a reasonable period of time.

(d) An application fee established by the Board Of Health is payable at the time of initial application and, thereafter, at the time of application for renewal of an existing tattooing permit.

(e) A course for tattoo artists and tattoo business operators, hereinafter referred to as the tattoo artist course, providing training in at least the following topics: hygiene, sterilization techniques including autoclave operation, hazardous waste handling and disposal, and first aid shall be made available through the Department or through a private provider such as a contracted registered surgical nurse with expertise in sterilization techniques and procedures. Successful completion of this course shall be determined by the administration of a written examination by the instructor. Participants with a score of at least seventy percent (70%) on the written examination shall be rated as passing and, therefore, successful in completing the tattoo artist course. The Director shall periodically review the content of instruction and the written examination offered in the tattoo artist course to assure that it fulfills the objectives and standards established by adoption of these Rules.

(f) The Director shall notify applicants within thirty (30) calendar days after receipt of their initial application of scheduled dates/times for the tattoo artist course. Applicants shall give notice to the Director at least seven (7) calendar days prior to the beginning of the tattoo artist course of their plans to attend and participate in a scheduled course.

(g) No tattooing permit shall be issued to a person until he (she) attends and successfully completes the tattoo artist course, and until an inspection by the Department verifies compliance with 15A NCAC 18A (Tattooing) and these Rules. Artists shall attend and successfully complete the tattoo artist course at least biannually [every two (2) years] and prior to filing application for renewal of their tattooing permit.

(h) If an applicant fully complies with these Rules and all other pertinent laws, rules and standards, then he (she) may work as a tattoo artist in a permitted tattoo establishment under the supervision of a permitted and trained tattoo artist until the next tattoo artist course is offered. A *trained tattoo artist* shall be interpreted to mean a tattoo artist that has attended and successfully completed the program of study mandated by these Rules, the tattoo artist course, within the previous two (2) years. The *next tattoo artist course* shall be interpreted to mean the first course scheduled by or through the Department after the date of application for or application for renewal of a tattooing permit.

(i) Tattooing permits shall be issued in the name of the individual tattoo artist, shall list the address of the tattoo establishment where the artist will practice, shall not be transferable to another person or place of practice, and shall expire one (1) year from the date of issue.

(j) Application for renewal of a tattooing permit along with a renewal fee established by the Board Of Health shall be submitted to the Director at least thirty (30) days prior to the expiration date.

(k) Upon determination of willful violation of these Rules, a tattooing permit shall be subject to revocation by the Director. Reissue of a revoked tattooing permit shall only be done in accordance with specific conditions and procedures prescribed by the Board Of Health.

Section 6004 Standards Of Construction And Operation

(a) Tattoo establishments shall conform to the standards of construction established in and to any future amendments of 15A NCAC 18A (Tattooing).

(b) Tattoo establishments shall conform to the standards of operation and maintenance established in and to any future amendments of 15A NCAC 18A (Tattooing).

Section 6005 Right Of Entry

Pursuant to authority granted by North Carolina General Statute 130A Section 17, the Department shall have the right to enter upon the premises of any property for the purpose of conducting an inspection and determining compliance with these Rules.

Section 6006 Appeals Procedure

(a) **Director** Appeals concerning interpretation and enforcement of these Rules shall be made by written petition to the Director and shall be made within fifteen (15) days of the challenged action. The Director may require the appellant to submit such information as deemed necessary to make a decision concerning interpretation and enforcement. The Director shall respond to affirm, modify or reverse the challenged action. When granting variance from these Rules, the Director may impose such conditions as deemed necessary to protect the public health.

(b) **Board Of Health** Appeals concerning decisions of the Director shall be made by

written petition to the Board Of Health and shall be made within fifteen (15) days of the challenged action. The Board Of Health shall conduct a hearing within forty-five (45) days after receipt of an appeal petition and shall give the appellant not less than fifteen (15) days notice of the date, time and place of the hearing. The Board Of Health shall respond to affirm, modify or reverse the challenged action. When granting variance from these Rules, the Board Of Health may impose such conditions as deemed necessary to protect the public health.

Section 6007 Remedies

If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

Section 6008 Severability

If any provision of these Rules or the application thereof to any person or circumstance is declared invalid, then the remainder of these Rules or the application of such provision to other persons or circumstances shall not thereby be affected.

Section 6009 Effective Date

Adopted November 8, 1995 by the New Hanover County Board Of Health, these Rules shall be effective on and after November 8, 1995.

Signed _____

Chairman
New Hanover County Board Of Health

Signed _____

Director
New Hanover County Health Department