

Chapter 160

TATTOO AND BODY-PIERCING FACILITIES

[HISTORY: Adopted by the Borough Council of the Borough of Upland 8-13-2002 by Ord. No. 6-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing and mechanical standards — See Ch. 140.

Sewers — See Ch. 150.

§ 160-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF HEALTH — The Board of Health of the Borough of Upland, the Health Officer of said Board of Health, the Health Inspector of said Board of Health, or any authorized representative thereof.

BODY ART — The practice of physical body adornment by permitted facilities and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification, and the placement of pigments, trimming, or filing of the nails.

BODY PIERCING — The process of penetrating the skin or mucous membrane for the purpose of insertion of any object, including but not limited to jewelry, for cosmetic purposes. The term also includes the intentional production of scars upon the body.

BODY PIERCING FACILITY — Any room or space where body piercing is practiced or where the business of body piercing is conducted or any part thereof.

BODY PIERCING ARTIST/OPERATOR — Any person who actually performs the work of body piercing.

DISINFECTION — The destruction of all vegetative forms of pathogenic agents by chemical or physical means.

EQUIPMENT — All machinery, including fixtures, containers, vessels, tools, implements, furniture, display and storage areas, sinks, and other apparatus used in connection with the operation of any facility.

FACILITY — Any place or premise, or any part thereof, whether public or private, where any person conducts any enterprise, occupation, vocation or business, whether or not for profit and whether temporarily or permanently located.

FACILITY MANAGER — Any person, partnership, business, corporation or other entity who/which owns, controls, operates, conducts or manages any tattooing or body piercing facility, whether actually performing tattooing or body piercing or not.

HOT WATER — Water which is at a temperature of not less than 110° F. nor greater than 125° F.

INFECTION — The entry and multiplication of any pathogen in the body of a human or animal.

INFECTIOUS DISEASE — A disease of humans or animals resulting from a transmissible infection, whether or not patent, apparent, inapparent, latent, clinical or subclinical.

INFECTIOUS WASTE — Waste generated in the treatment or service of a human which falls under one or more of the following categories:

- A. Pathological wastes. Human pathological wastes, including tissues that are removed during medical procedures. The term does not include hair, nails or extracted teeth.
- B. Human blood and body fluid waste including liquid waste, human blood, blood products, items contaminated with blood or dried human blood.
- C. Used sharps. Needles, scalpel blades, suture needles, broken or unbroken glass or plasticware, disposable razors, scalpel blades, and other sharp objects that have cut or pierced the skin or have been in contact with infectious agent

MUNICIPAL WASTE — Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional facilities and from community activities.

SANITIZATION — The reduction of the population of microorganisms to safe levels as determined by public health officials.

STERILIZATION — Process of destruction of all forms of life by physical or chemical means.

TATTOO — The indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin of a human being.

TATTOO ARTIST/OPERATOR — Any person who actually performs the work of tattooing.

TATTOO FACILITY — Any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

TATTOOING — The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.

TEMPORARY TATTOO/BODY PIERCING FACILITY — A tattoo/body piercing facility that operates at a fixed location for a period of time of not more than seven consecutive days in conjunction with a single event or celebration.

§ 160-2. Licenses.

A. Facility license.

- (1) No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a tattooing or body-piercing facility unless it has received a tattooing/body piercing facility license from the Board of Health. Application for this license shall be made at the Borough Office and shall require:
 - (a) Location and description of the intended facility.
 - (b) Name and address of the person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons intending to operate said facility.
 - (c) Proof of existing and valid operator license issued by the Board of Health.
 - (d) A written report indicating the appropriateness of the proposed facility for the intended use, based on a recent inspection conducted by the Board of Health.
- (2) Any person operating a tattooing/body piercing facility shall obtain a license from the Board of Health annually.
- (3) The applicant shall pay a fee of \$100 for each tattooing/body piercing facility license.
- (4) A license for a tattooing/body piercing facility shall not be transferable from one place or person to another.
- (5) A license shall automatically expire on December 31 of each year unless renewed by the Board of Health upon the request of the licensee and payment of the fee.
- (6) A current tattooing/body piercing facility license shall be posted in a prominent and conspicuous area where it may be readily observed by patrons.

B. Operator license.

- (1) No person shall practice the art of tattooing or body piercing within the Borough of Upland without first obtaining a license from the Board of Health.
- (2) All licenses shall be valid from the date of issuance and shall automatically expire in three years from the date of issuance unless revoked sooner by the Board of Health.
- (3) No license to practice the art of tattooing or body piercing shall be issued unless the applicant furnishes proof of having previously held such a license; or the applicant furnishes proof of having served an apprenticeship in tattooing under an operator's license pursuant to this section for a period of at least three years, or apprenticeship in body piercing under an operator's

license pursuant to this section for a period of at least 18 months; or the applicant furnishes proof of having practiced the art of tattooing or body piercing as a full-time occupation prior to the date of the passage of these regulations; and the applicant furnishes proof of having attended a bloodborne pathogens training program given or approved by the Board of Health within the past three years; and the applicant pays the \$40 license fee. Upon adoption of these regulations, individuals who comply with all of the above provisions except relating to bloodborne pathogens training will be issued a temporary license valid for a period of six months. At the end of this period, upon proof of attendance, a permanent license (valid for three years) will be issued.

- (4) Each application for a license shall set forth:
 - (a) The name and address of the applicant;
 - (b) A physical description of the premises where tattooing/body piercing is to be done; and
 - (c) Such other information as the Board of Health may require.
- (5) No license shall be issued unless, following reasonable investigation by the Board of Health, the tattoo/body piercing operator has demonstrated compliance with the provisions of this section.
- (6) All licenses shall be conditioned upon continued compliance with the provisions of this section.
- (7) The license shall be posted in a prominent and conspicuous area where it may be readily observed by patrons.

C. Apprentice license.

- (1) Any person certified as a tattoo/body piercing operator pursuant to this section may apply to the Board of Health for one or more apprentice licenses which, upon issuance, will allow the apprentice named thereon to practice tattooing in the facility of and under the direct supervision of the certified operator named thereon, for a period of three years, or practice body piercing in the facility of and under the direct supervision of the certified operator named thereon for a period of 18 months.
- (2) The applicant pays the \$40 license fee.
- (3) The apprentice license shall be posted in a prominent and conspicuous area where it may be readily observed by patrons.

D. Temporary facility/operator license. Temporary facility and, when required, operator licenses may be issued for tattooing/body-piercing services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or for educational reasons. The provision of tattooing/body-piercing services at a mobile facility without a temporary facility license issued in accordance with this section is prohibited.

- (1) Temporary operator and/or facility licenses will not be issued unless:
 - (a) The applicant furnishes proof of compliance with § 160-1B relating to operator licenses;
 - (b) The applicant is currently affiliated with a fixed permanent facility which, where applicable, is licensed by the appropriate state and/or local jurisdiction; and
 - (c) The temporary site complies with § 160-9, temporary facility requirements, of this chapter.
- (2) In lieu of attendance at a bloodborne pathogens training program given by the Board of Health within the past three years as specified in § 160-2B(3) above, the applicant may furnish proof of attendance at equivalent training which is acceptable to the Board of Health.
- (3) Temporary licenses expire after seven days or the conclusion of the special event, whichever is less.
- (4) Temporary operator and/or facility license(s) will not be issued unless the applicant has paid a reasonable fee as set by the Board of Health.
- (5) The temporary facility/operator license(s) shall not be transferable from one place or person to another.
- (6) The temporary facility/operator licenses shall be posted in a prominent and conspicuous area where they may be readily observed by patrons.

§ 160-3. Criteria for operating a facility.

A. Each facility manager shall:

- (1) Require each individual working within the facility premises providing tattooing/body-piercing services to have a valid tattoo/body-piercing operator or apprentice license.
- (2) Be responsible for maintaining a list of licensed operators or apprentices employed at the facility for review by the Board of Health upon request.
- (3) Post the valid facility, operator(s), or apprentice licenses.
- (4) Comply with all the requirements of this chapter.
- (5) Allow the Board of Health representative to inspect the facility when it is open for business.
- (6) Notify the Board of Health in writing by mail or in person within five calendar days of closure of the facility. If the same owner reopens the facility while the license is still current, the facility operator is to inform the Board of Health prior to resuming business.

B. Tattooing/body-piercing services shall not be provided outside of a licensed facility

unless a temporary facility license has been obtained pursuant to § 160-2 of this chapter.

- C. The facility shall comply with the most current version of the U.S. Board of Health of Labor, Occupational Safety and Health Administration (OSHA) Occupational Exposure to Bloodborne Pathogens Standard, 29 CFR 1910.1030, including OSHA instruction CPL 2-2.44C, or later editions.

§ 160-4. Facility requirements.

- A. Location. All tattoo/body-piercing facilities shall be completely separated by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food facility or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces. If such partition or wall contains a door or window, the door shall be self-closing and kept closed and the window shall not be able to be opened. When partitions are authorized to be used to separate areas within the facility, such partitions shall not extend closer than 18 inches to the ceiling, and shall permit free circulation of air.
- B. Floors. Floors shall be constructed of approved materials so as to be durable, easily cleanable, and free of open holes or cracks and shall be kept clean and in good repair. Carpeting or other porous floor coverings are not permitted in the service areas of the facility. The juncture between the floor and the wall shall be closed, and in new facilities or those extensively altered, it shall also be covered to permit effective cleaning. Floors shall be kept clean by dustless methods.
- C. Walls, ceilings, partitions, fixtures, equipment and other appurtenances.
 - (1) Walls and partitions in service areas shall be easily cleanable and kept in good repair. Walls, partitions, ceilings, cabinets, shelves, drawers, furniture, fixtures, and all other equipment and appurtenances shall be easily cleanable and kept clean and finished in a color that will not conceal the presence of soil.
 - (2) Furniture used by the client during procedures is to be of nonporous materials and cleaned after use by each client. Work tables shall be constructed of smooth, easily cleanable material and cleaned between each use. A properly designed and installed equipment washing sink adequate for the needs of the facility is to be located convenient to the work area.
- D. Lighting. General illumination of at least 10 footcandles at a point 30 inches above the floor level shall be provided in all rooms, and illumination of at least 100 footcandles shall be provided at all working surfaces where services are provided to patrons and where tools and instruments are cleaned and sanitized or sterilized. Such illumination shall be reasonably free from glare and distributed so as to avoid shadows.
- E. Ventilation. Ventilation shall be provided so as to prevent condensate and excess moisture and to remove objectionable odors and toxic substances. Construction and

operation of ventilation facilities shall be such as to prevent undue chill. Exhaust outlets shall be constructed and operated so as to avoid creating a nuisance to adjacent areas as prescribed by Chapters 126, 129 and 185 of the Code of the Borough of Upland.

- F. Water supply. Water shall be of a safe, sanitary quality from a source approved by the Board of Health and shall be provided in adequate quantity and pressure in all rooms used for service of patrons and/or cleaning of tools and instruments. All hand washing facilities, containers, and sinks used for cleaning of tools and instruments or hand-washing shall be provided with cold and hot water conveniently available at all times when the facility is open for service.
- G. Liquid waste disposal. All liquid wastes shall be disposed in accordance with the requirements of the Plumbing and Sewer Codes¹ and regulations adopted thereunder, and any other applicable ordinances and regulations of the Borough of Upland. Such wastes shall only be discharged into the municipal sewerage system.
- H. Refuse storage and disposal.
 - (1) Hair particles, paper, tissues, cottons, and other waste materials shall be kept stored in tightly covered waste containers. Refuse containers in areas where services are provided to patrons shall be emptied and cleaned at least daily. All refuse containers shall be cleanable and kept clean. All waste materials are to be removed from the premises at least weekly. Used bandages, gauze or other disposable items which are contaminated with blood or dried blood are to be placed in closable, leak-proof color-coded or labeled containers built to contain all contents during handling, storing, transporting, or shipping. These containers are to be transported and processed by an infectious waste transporter and disposal site approved by the PA Board of Health, Department of Environmental Protection.
 - (2) Needles or any other sharp objects which may have come into contact with blood or blood products are to be placed in a closable, puncture-resistant, disposable container which is leak-proof on the sides and bottom and labeled or color coded to identify the contents as a biohazard. These containers are to be transported and processed by an infectious waste transporter and disposal site approved by the PA Board of Health, Department of Environmental Protection.
- I. Sanitary facilities.
 - (1) Toilet and lavatory facilities shall be adequate, conveniently located and available during working hours for all persons working in the facility, and shall comply with applicable statutes, ordinances and regulations. Toilet rooms shall be constructed with smooth, washable floors, walls and ceilings and shall be kept clean, well illuminated and in good repair and finished in a color so as not to conceal the presence of soil. Toilet rooms shall be ventilated

1. Editor's Note: See Ch. 140, Plumbing and Mechanical Standards and Ch. 150, Sewers.

to the outside air as prescribed in the Plumbing Code, and discharge vents shall also conform to the requirements of the Plumbing Code.²

- (2) A handwash sink with hot and cold running water shall be located in the work area and shall be for the exclusive use of the tattoo artist/body piercer for handwashing and preparing the client. The sink shall be equipped with wrist-or-foot-operated controls, approved germicidal soap solution provided by means of a pump dispenser, and individual disposable or autoclavable hand brushes and fingernail files for each operator. C-fold paper or other approved individual hand wiping towels are to be available. Common towels and common drinking cups are prohibited. Durable, legible signs shall be posted conspicuously in each toilet room directing employees to wash their hands before returning to work.

J. Insect, rodent and animal control.

- (1) Effective measures shall be taken to protect against the entrance into the facility and the breeding or presence on the premises of insects and rodents. Insects and rodents shall not be present in any part of the facility.
- (2) No live animals shall be kept or allowed in any room where tattooing or body piercing is conducted except that guide dogs accompanying physically disabled persons may be permitted.

K. Soiled utility area. An area located away from work stations or areas frequented by the public is to be provided for the cleaning and/or sterilization of equipment. A sink with hot and cold running water and adequate lighting and ventilation is to be provided.

§ 160-5. Health, cleanliness and personal hygiene of operators.

A. Employee health.

- (1) No person affected with any boils, infected wounds, open sores, acute respiratory infection or other communicable disease or condition, nausea, vomiting, or diarrhea shall work in any area of a tattoo or body-piercing facility in any capacity in which there is a likelihood of contaminating tattoo or body-piercing equipment, supplies or work surfaces with pathogenic organisms.
- (2) Proof shall be provided upon request of the Board of Health that all operators have either completed or were offered and declined the Hepatitis B vaccination series, antibody testing has revealed that the employee is immune to Hepatitis B, or that the vaccine is contraindicated for medical reasons. Contraindication is to be supported by a dated and signed physician's statement specifying the name of the employee and that the vaccine cannot be given.

2. Editor's Note: See Ch. 140, Plumbing and Mechanical Standards.

B. Cleanliness and personal hygiene.

- (1) Prior to starting each tattoo, piercing or handling the supplies for the procedure, the operator is to wash his or her hands, forearms and nails thoroughly with an antiseptic liquid soap or its equivalent, nail brush and water. The operator's hands and forearms shall be dried with individual, single-use towels. Disposable single-service surgical gloves shall be worn for any procedure involving contact with a client's skin, hair, or other body tissue. If the operator is allergic to latex, they should use powderless or hypoallergenic gloves. Gloves shall be changed after contacting overhead lights, power supplies, telephones, ink bottles, furniture, curtains, or other nonprotected surfaces during the procedure or whenever necessary to prevent cross-contamination. Protective gloves shall be disposed of and hands shall be thoroughly washed after the procedure has been completed.
- (2) Every tattoo or body-piercing operator shall wash their hands thoroughly with warm water and soap and use an individual clean towel after use of the toilet.
- (3) Each tattoo or body-piercing operator shall keep his or her outer garments clean at all times during business hours and shall be clean in person.
- (4) All tattoo or body-piercing operators shall refrain from smoking, eating or drinking in the service area.

§ 160-6. Practices and procedures for tattoo facilities.

A. Instrument cleaning, sterilization, storage, handling and construction.

- (1) Cleaning and preparation of instruments for sterilization. After each tattooing operation, the tubes and needle bars shall be placed in an ultrasonic-type machine to remove any foreign material. A high-quality detergent material which shall be changed daily and is suitable for an ultrasonic machine is to be used. Ultrasonic cleaners must be operated with the lid on to prevent contamination of adjacent surfaces. When this process is completed, the tubes and needle bars are to be rinsed in accordance with the manufacturers' directions and shall be placed in a self-sealing autoclavable bag which is dated with an expiration date not to exceed six months and sealed in preparation for autoclaving.
- (2) Sterilization. Each tattoo facility is to be equipped with an autoclave which is a design, style or model that has received clearance by the U.S. Food and Drug Administration for conformance with Section 510 (k) of the Federal Food, Drug and Cosmetic Act. After each use and before use on another client, all needle bars, grips and tubes and needles shall be processed by the following procedure: cleaned, packaged in a self-sealing autoclave bag which is dated with an expiration date not to exceed six months, and arranged in an autoclave which is operated in strict accordance with the manufacturer's recommendations. As the operation time of the autoclave may vary with the type of instrument, the packaging of that item and the arrangement of items in

the autoclave, it is critical that the manufacturer's operation manual be followed. This will assure that each item placed in the autoclave achieves the proper temperature for sterilization. Temperature-sensitive autoclave tape, autoclave bags with a chemical color indicator on the bag or any other temperature-sensitive medium approved for autoclaves by the Board of Health must be applied to each load every time the autoclave is used. To further confirm that the autoclave is operated in a manner to assure sterility of the processed instruments, it must be tested monthly using a biological indicator such as spore strips or spore suspensions which are processed by a laboratory. Records documenting such testing must be maintained by the operator for three years. A copy of the manufacturer's recommended procedures for the operation of the autoclave and a copy of all test records for the autoclave are to be available for inspection by the Board of Health.

- (3) Storage. Sterile instruments must be stored in a condition so as to maintain their sterility. All sterile and ready-to-use needles and instruments in their autoclaved bag or container, or in the manufacturer's original packaging, shall be kept in an easily cleanable, dry enclosed glass, plastic or metal case, cabinet or drawer while not in use. Such enclosure shall be maintained in a sanitary manner at all times. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- (4) Handling. The needles and instruments shall be used, handled, and temporarily placed during tattooing so that they are not contaminated.
- (5) Construction. Solder used for the attachment of needles to the needle bars for use in a tattoo machine shall be lead free.
- (6) Cleaning of other instruments and articles. Articles that do not penetrate the skin, but are used on clients, including containers used for the storage of items and the collection of dirty instruments, must be thoroughly cleaned before and after each use. These are to be cleaned by rinsing in warm water, thoroughly washing with hot water and soap or detergent, rinsing in water at a temperature of 160° F., allowed to air dry and stored in a clean, enclosed container or in a manner to prevent recontamination. Instruments which can be damaged by water, such as the electrical handpiece, are to be thoroughly wiped with clean cotton wool or a cotton pad saturated with 70% isopropyl alcohol, allowed to air dry and stored in a clean, enclosed container or in a manner to prevent recontamination.

B. Application and use of single use hectographic stencils.

- (1) Stencils shall be single-use disposable carbon or thermal spirit master units.
- (2) Petroleum-based jellies, soaps and other products used for the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. If used, the gauze shall be used only once and then discarded.

- C. Use of dyes, inks and pigments.
- (1) All dyes, inks and pigments shall be from a source of supply which complies with applicable U.S. Food and Drug Administration regulations when available. Dyes, inks and pigments are to be used in accordance with the manufacturer's directions and are not to be adulterated with any substance not recommended by the manufacturer.
 - (2) Immediately before applying a tattoo, the quantity of dye, ink or pigment to be used for the tattoo shall be transferred from the supply bottles and placed into sterile, single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
 - (3) Excess dye, ink or pigment shall be removed from the skin with a single-service wiping tissue or sterile gauze which shall be discarded after use on each client. Enough wipes to be used on one client should be kept in the working area and any not used should be immediately discarded.
- D. Inspection, shaving and preparation of the skin.
- (1) No tattooing shall be done on skin surfaces which have any rash, pimples, boils, infections or any other evidence of an unhealthy condition. No tattoo operator shall remove any tattoo marks.
 - (2) If the skin is to be shaved, it must first be washed with soap and warm water. Safety razors with single-service blades for each client shall be used for preparation of the areas to be tattooed. The blade shall be discarded after each use and the blade holder, if reused, shall be autoclaved after each use.
 - (3) After shaving, the area to be tattooed shall be prepared by washing with soap and warm water and gently scrubbed with a sterile gauze pad soaked in a germicidal preparation that is registered with the Environmental Protection Agency.
 - (4) The use of styptic pencils, alum blocks or other solid styptic to check the flow of blood is prohibited.
- E. Concluding procedure. After completing work on any person, the tattooed area shall be washed with a sterile gauze saturated with an approved antiseptic solution or a 70% alcohol solution. The tattooed area shall be allowed to air dry and an antibacterial cream or lotion from a single-use dispenser is to be applied using sterile gauze. A dressing shall then be affixed over the tattooed area using either a nonstick bandage (telfa) or a sterile gauze attached with adhesive tape. Where adhesive tape is used, the client is to be advised as to the procedure for its removal.
- F. Linens. If reusable cloth items are used in the care and treatment of the client, they shall be changed after each use. The used linens shall be placed in a closed or covered container and laundered on a weekly basis or more frequently depending upon storage capacity and degree of contamination of the linen. Used linens shall be laundered either by a commercial laundering or by a noncommercial laundering process which includes immersion in laundry detergent and chlorine bleach water

or immersion in water at 160° F. for not less than 15 minutes during the washing and rinsing operation. The laundered linens shall be stored in a clean, enclosed storage area until needed for immediate use.

§ 160-7. Practices and procedures for body piercing.

A. Cleaning, sterilization and handling of instruments and supplies.

- (1) Cleaning and preparation of instruments for sterilization. After each body-piercing operation, insertion tapers, Pennington and other tissue forceps, nostric tubes, needle-receiving tubes, ring-expanding and closing pliers, files, and other instruments are to be placed in an ultrasonic-type machine to remove any foreign material. A high-quality detergent material which shall be changed daily and is suitable for an ultrasonic machine is to be used. Ultrasonic cleaners must be operated with the lid on to prevent contamination of adjacent surfaces. When this process is completed, the instruments to be rinsed in accordance with the manufacturers' directions and placed in individual autoclavable bags or containers, dated with an expiration date not to exceed six months and sealed.
- (2) Sterilization of instruments or supplies. At least one autoclave shall be provided for each body piercing facility which utilizes reusable equipment or supplies requiring sterilization. Autoclaves must be of a design, style or model that has been cleared by the U. S. Food and Drug Administration for conformance with Section 510 (k) of the Federal Food, Drug and Cosmetic Act. After each use and before using on another client, all clamps, pliers or equipment shall be sterilized using the following procedure: the item is to be cleaned, packaged in a peel-pack which is dated with an expiration date not to exceed six months, and arranged in an autoclave which is operated in strict accordance with the manufacturer's recommendations. As the operation time of the autoclave may vary with the type of instrument, the packaging of that item and the arrangement of items in the autoclave, it is critical that the manufacturer's operation manual be followed. This will assure that each item placed in the autoclave achieves the proper temperature for sterilization.
 - (a) All new corks, rubberbands, hair clips, wooden-handled cotton swabs, toothpicks, gauze pads and other single-use items are also to be autoclaved prior to use if they are not received in a sterilized condition from the manufacturer or supplier in accordance with the requirements of § 160-7B of this chapter.
 - (b) Temperature-sensitive autoclave tape, autoclave bags with a chemical color-indicator on the bag or any other temperature-sensitive medium approved for autoclaves by the Board of Health must be applied to each load each time the autoclave is used. To further confirm that the autoclave is operated in a manner to assure sterility of the processed items, it must also be tested monthly by using a biological indicator such as spore strips or spore suspensions which are processed by a laboratory.

Records documenting such testing must be maintained by the operator for three years. A copy of the manufacturer's recommended procedures for the operation of the autoclave, and a copy of all test records for the autoclave, are to be available for inspection by the Board of Health.

- (3) Storage. Sterile instruments must be stored in a condition so as to maintain their sterility. All sterile and ready-to-use needles and instruments in their autoclaved bag or container, or in the manufacturer's original packaging, shall be kept in an easily cleanable, dry enclosed glass, plastic or metal case, cabinet or drawer while not in use. Such enclosure shall be maintained in a sanitary manner at all times. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- (4) Handling. During the body-piercing operation, the needles, instruments and supplies shall be used, handled, and temporarily placed so as to avoid contamination.

B. Inspection, shaving and preparation of the skin.

- (1) No body piercing shall be done on skin surfaces which have any rash, pimples, boils, infections or any other evidence of an unhealthy condition.
- (2) If the skin is to be shaved, the skin surface must first be washed with soap and warm water. Safety razors with single-service blades for each client shall be used for preparation of the areas to be pierced. The blade shall be discarded after each use and the blade holder, if reused, shall be autoclaved after each use.
- (3) Prior to piercing, the area to be pierced shall be gently scrubbed with individual packets of povidone-iodine or a sterile gauze pad soaked in a germicidal preparation registered with the Environmental Protection Agency and applied in accordance with the manufacturer's recommendations.
- (4) Only medical-grade markers or ink and sterile tooth picks are to be used to identify the areas to be pierced. Gentian violet may be utilized for marking oral piercings.
- (5) The use of styptic pencils, alum blocks or other solid styptic to check the flow of blood is prohibited.

C. Body-piercing procedures.

- (1) The body-piercing operator will direct the client to assure that appropriate jewelry material, sizes and styles for the piercing are selected. Jewelry is to be made from one of the following grades: 3 16LVM and/or surgical-implant-grade stainless steel ASTM F138; solid yellow or white gold which is 14K or 18K; titanium meeting ASTM Ti6A4V ELI, F136; niobium; platinum; high-density, low-porosity nontoxic plastics meeting FDA standards where applicable (Tygon and PTFE); and autoclavable borosilicate glass (Pyrex). Certification of the quality of the jewelry is to be obtained from the

manufacturer/supplier and made available for inspection. Substandard jewelry such as that which is damaged, scratched, intended for earlobes or not expressly designed for body piercing, jewelry made of silver, gold-plated or filled or other corrosive metal or threaded jewelry 16 gauge or thicker with external threads shall not be used. Jewelry which has not been sterilized by the manufacturer and maintained in an individual factory-sealed package or container is to be placed in a sealed package, dated and sterilized by autoclave. When stored in a closed, clean, dry container, jewelry stored in paper autoclave bags may be stored up to three months and up to one year when a full plastic autoclave bag is used.

- (2) Ear-piercing guns may not be used for piercing any part of the body other than ear lobes and the upper ear perimeter.
 - (3) Piercing needles shall be single service and not reused.
 - (4) Individuals other than the licensed body-piercing operator(s)/apprentice are prohibited from conducting body piercing/insertions in the facility.
- D. Linens. If reusable cloth items are used in the care and treatment of the client, they shall be changed after each use. The used linens shall be placed in a closed or covered container and laundered on a weekly basis or more frequently depending upon storage capacity and degree of contamination of the linen. Used linens shall be laundered either by a regular commercial laundering or by a noncommercial laundering process which includes immersion in laundry detergent and either chlorine bleach water or water at 160° F. for not less than 15 minutes during the washing and rinsing operation. The laundered linens shall be stored in a clean, enclosed storage area until needed for immediate use.

§ 160-8. Notifications; client records; prohibitions.

A. Notifications.

- (1) Verbal and written instructions for the care of the tattoo/pierced site shall be provided to each client by the operator prior to the initiation of the procedure. The after-care instructions for body piercing shall be appropriate for the area being pierced. The written instructions shall advise the client to consult a physician at the first sign of infection and contain the name, address and phone number of the facility. The after-care instructions shall be made available to the Board of Health upon request.
- (2) If the body-art operator has reasonable cause to suspect that body art is being performed in the Borough of Upland by an unlicensed operator(s), they shall refer the incident to the Upland Borough Office, Borough Manager/Secretary or directly to the Health Inspector or Health Officer, and provide any reasonable assistance or information.

B. Client records.

- (1) Prior to the tattooing or body-piercing procedure, the operator is to advise the

client to contact a physician prior to the procedure if they fall within any of the following risk categories (suggested informational wording is provided in brackets):

- (a) History of skin disease or skin cancer at the site of service. (If you currently or in the past have had skin disease or cancer at, around, or near the site, undergoing this procedure will greatly increase the chances of recurrence or magnification of these problems.);
 - (b) History of allergies or anaphylactic reaction to pigments, dyes or other sensitivities. (If you have any known allergies or anaphylactic reaction to any cleaning solutions, dyes, pigments or any other chemical used in the process, please let the technician know so that other preparations can be made.);
 - (c) Taking medications such as anticoagulants which interfere with the clotting of blood. (If you are currently or have recently taken medications that interfere with normal blood clotting, it is best to consult with your physician before obtaining this procedure. Inform the technician of this potential problem.)
 - (d) History of hemophilia or other bleeding disorders. (If you have a history of hemophilia, you must consult with a physician regarding the procedure. Some piercings carry an inherent risk of heavy short-term bleeding and you must not undergo these procedures without a physician's approval.)
 - (e) Diabetes, peripheral nerve disease, or any deficiency of the immune system. (If you have diabetes, there may be a problem with healing in certain areas of the body such as the foot.)
 - (f) Keloid: existence, propensity or history of Keloid formation. (Piercing through tissue can be difficult and more painful and can result in the formation of more scar tissue.)
 - (g) Any deficiency of the immune or circulatory system.
- (2) Each operator shall keep records of all tattoos/piercings administered and include the following: client's name; date; time; identification of tattoo/piercing; and operator's name. Such records shall be retained for a minimum of two years and made available to the Board of Health upon request.

C. Prohibitions.

- (1) It is prohibited to perform tattooing or body piercing on any body part of a person under the age of 16 except when prescribed by a physician's statement.
- (2) Tattooing or performing body piercing on any body part of a person under the age of 18 is not to be performed without the written consent of the parent or legal guardian of such minor. This consent is to be given in person to the

tattooing artist, body piercer or responsible person at the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. The operator is required to see photographic identification of the adult as well as confirm that the adult is the parent or legal guardian of the minor.

- (3) It is prohibited to perform tattooing or body piercing on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs which alter cognitive function.

§ 160-9. Temporary tattoo and body-piercing facilities.

- A. General requirements. Temporary tattooing or body-piercing operations are to comply with all aspects of the provisions relating to temporary licenses, health, cleanliness and personal hygiene of operators, practices and procedures for tattoo/body-piercing facilities and notifications as specified in §§ 160-2, 160-3, 160-5, 160-6, 160-7 and 160-8 of this chapter.
- B. Site requirements.
 - (1) Tattooing/body piercing must be conducted within a building or structure which provides protection against the elements and dust, and is free of insects, rodents, other nuisances or pests. The tattooing/body-piercing 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 in a chlorine bleach solution (one tablespoon of bleach in one quart of water) 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.

§ 160-10. Exemptions.

- A. Medical practitioners licensed by the Commonwealth of Pennsylvania who utilize tattooing or body-piercing procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who pierce only earlobes or the upper ear leading edge and strike perimeter are exempt from these regulations when it is demonstrated that equipment, supplies or jewelry that come into contact with the client's ear are sterile, and that the operator's hands that come into contact with equipment, jewelry or the client's skin surface are clean and disposable medical examination-type gloves are used. Individuals who use ear-piercing guns must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration

requirements.

§ 160-11. Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§ 160-12. Enforcement; violations and penalties.

A. Notices. Whenever the Board of Health, during the normal course of time, or as a result of an inspections of any tattooing/body-piercing facility, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or any regulation adopted pursuant thereto, the Board of Health shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (1) Be in writing.
- (2) Include a statement explaining the reason for its issuance.
- (3) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.
- (4) Be served upon the facility owner or the facility manager, tattoo artist/operator body-piercing artist/operator present at the facility, as the case may require, provided, however, that such notice or order shall be deemed to have been properly served upon such facility owner or the facility manager, tattoo artist/operator body-piercing artist/operator when a copy thereof has been served with such notice by any other method authorized or required by laws of the Commonwealth of Pennsylvania.

B. Penalties.

- (1) Any person, partnership, business, corporation or other entity who/which fails, neglects or refuses to comply with any or all of the requirements of the provisions of this chapter, or who/which fails to comply with any notice, order or direction of the Board of Health of the Borough of Upland, upon a first conviction thereof in a summary proceeding before a District Justice, such person, partnership, business, corporation or other entity or the officers of any such corporation or the agent of any of them responsible for such violation, shall be sentenced to pay a fine to the Borough of Upland of not more than \$600, plus the cost of prosecution, and relinquish their associated facility license to operate their business for a period not to exceed 30 days.
- (2) Upon a second such conviction, such person, partnership, business, corporation or other entity or the officers of any such corporation or the agent of any of them responsible for such violation shall be sentenced to pay a fine to the Borough of Upland of not more than \$600, plus the cost of prosecution, and relinquish their associated facility license to operate their business for a

period not to exceed 90 days.

- (3) Upon a third such conviction, such person, partnership, business, corporation or other entity or the officers of any such corporation or the agent of any of them responsible for such violation shall be sentenced to pay a fine to the Borough of Upland of not more than \$600, plus the cost of prosecution, and will have the associated facility and operator's licenses revoked.

§ 160-13. Appeals.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Borough Council of Upland or a committee appointed by the Borough Council, provided that such person shall file in the office of the Borough Manager/Secretary a brief statement of the grounds therefor within seven days after the day the notice was served. Upon receipt of such petition, the Borough Council, or its appointed committee, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The petitioner shall be notified of the hearing date not later than seven days after the day on which the petition was filed, and the hearing shall commence not later than 30 days from said notice. After the hearing, the Borough Council, or its appointed committee, may sustain, modify or withdraw the notice of the violation on the basis of the finding of the hearing and shall give the petitioner written notice thereof. Such proceedings shall be summarized in writing and shall become a matter of public record in the office of the Borough Manager/Secretary. Such record shall also include a copy of every notice or order issued in connection with this matter. If the appointed committee hears the petitioner, and makes a decision which the petitioner rejects, the petitioner shall have the right to appeal to the entire Borough Council within five days of receiving the notice asking the entire Borough Council to hear the case and make the ruling. Any person aggrieved by the decision of the Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

§ 160-14. Notice to become order.

Any notice served pursuant to § 160-12A of this chapter shall automatically become an order if a written petition is not filed in the office of the Borough Manager/Secretary within seven days after such notice is filed.

§ 160-15. Emergency action.

Whenever the Board of Health finds that there exists any violation of this chapter which creates an emergency requiring immediate correction to protect the health or safety of the public, the Board of Health may issue an order reciting the existence of such an emergency and require that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately but, upon petition to the Borough Council, shall be afforded a

hearing as soon as possible. After such hearing, depending upon the findings of the Council as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Board of Health shall continue such order in effect, modify or revoke it.

§ 160-16. Inspections; right of entry.

The Board of Health is hereby authorized and directed to make inspections of the conditions of the tattooing and/or body-piercing facilities located in the Borough of Upland. Said inspections will be carried out on an annual basis, and as required by the provisions of this chapter. Upon display of proper identification, the Board of Health is authorized to enter, examine and survey such facilities during any normal business hours.