

CERRO GORDO COUNTY, IOWA

ORDINANCE #30

BODY PIERCING

Effective Date:

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DEFINITIONS

The following terms used in these regulations shall be defined as follows:

- 1.1 **Aftercare** means written instructions given to the client, specific to the body piecing procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.
- 1.2 **Antiseptic** means an agent that destroys disease causing microorganisms on human skin or mucosa.
- 1.3 **Body Piercing** means puncturing or penetration of the skin of a person using pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.
- 1.4 **Body Piercing Establishment** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practice of body piercing, whether or not for profit, is performed.
- 1.5 **Contaminated Waste** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any waste containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as **Occupational Exposure to Bloodborne Pathogens.**
- 1.6 **Department** means the Cerro Gordo County Department of Public Health, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.
- 1.7 **Disinfection** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 1.8 **Ear Piercing** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers= instructions.
- 1.9 **Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body piercing establishment.
- 1.10 **Handsink** means a lavatory equipped with hot and cold running water under pressure, used solely

for washing hands, arms or other portions of the body.

- 1.11 **Hot water** means water which attains and maintains a temperature of at least 100° F.
- 1.12 **Invasive** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
- 1.13 **Jewelry** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k white or yellow gold, niobium, titanium or platinum, or a dense, low-porosity plastic and which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.
- 1.14 **Liquid Chemical Germicide** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup/gal. or 2 tablespoons/quart of tap water).
- 1.15 **Operator/Technician** means any person who controls, operates, manages, conducts or practices body piercing at a body piercing establishment and who is responsible for compliance with these regulations, whether actually performing the body piercing activities or not. The term includes technicians who work under the operator and perform body piercing activities.
- 1.16 **Permit** means written approval by the Department to operate a body piercing establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivision comprising the Jurisdiction.
- 1.17 **Person** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.
- 1.18 **Physician** means a person licensed by the state to practice medicine in all its branches and may include other areas such as dentistry, osteopathy or acupuncture, depending on the rules and regulations particular to that state.
- 1.19 **Procedure Surface** means any surface of an inanimate object that contacts the client's unclothed body during a body piercing procedure or any associated work area which may require sanitizing.
- 1.20 **Sanitize/Sanitization Procedure** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

- 1.21 **Sharps** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.
- 1.22 **Sharps Container** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.
- 1.23 **Single Use** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, and protective gloves.
- 1.24 **Sterilization** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 1.25 **Temporary Body Piercing Establishment** means any place or premise operating at a fixed location where an operator performs body piercing for no more than 14-days consecutively in conjunction with a single event or celebration.
- 1.26 **Universal Precautions** means a set of guidelines and controls, published by the Center for Disease Control. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

II. BODY PIERCING OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS

- 2.1 The following information shall be kept on file on the premises of a body piercing establishment and be available for inspection by the Department:

Operator or Technician Information

- a.1 Full names and exact duties;
- a.2 Date of birth;
- a.3 Gender;
- a.4 Home address;
- a.5 Home/work telephone numbers.

Establishment Information

- b.1 Hours of operation;
- b.2 Owner's name, address and telephone number(s).

Regulatory Information

- c.1 A complete description of services available;
 - c.2 A copy of these regulations;
 - c.3 A license for the operation of the establishment.
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- 2.2 It shall be unlawful for any person to perform body piercing procedures unless such procedures are performed in a body piercing establishment with a current permit.
 - 2.3 The body piercing technician must be a minimum of eighteen years of age.
 - 2.4 Smoking, eating or drinking by anyone is prohibited in the area where the piercing is performed.
 - 2.5 Operators/technicians shall refuse service to any person who, in the opinion of the operator/technicians, is under the influence of alcohol or drugs.
 - 2.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body piercing procedures. Before performing body piercing procedures, the operator/technician must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
 - 2.7 In performing body piercing procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or contact with a third person. The gloves shall be discarded after the completion of the piercing on an individual client and the hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. If, while performing the body piercing procedure, the operator's/technician's glove is pierced or torn, the glove shall be immediately discarded and the hands washed thoroughly before a fresh pair of gloves are applied. Any item or instrument used for the procedure which is contaminated shall be discharged or replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.
 - 2.8 Contaminated waste, 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 an approved

sharps container. 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.

- 2.9 No person shall perform body piercing procedures upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial parent or legal guardian. Nothing in this section is intended to require an operator to perform any body piercing procedure on a person under 18-years of age with parental or guardian consent.
- 2.10 Any skin or mucosa surface to receive a body piercing procedure shall be free of any rash or visible infection.
- 2.11 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body piercing establishment in any capacity in which there is a likelihood that they could contaminate the body piercing equipment, supplies or working surfaces with body substances or pathogenic organisms.
- 2.12 Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

III. EXEMPTIONS

- 3.1 Physicians licensed by the State of Iowa, who perform either independent of or in connection with body piercing procedures, as part of patient treatment, are exempt from these regulations.
- 3.2 Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations. Individuals who use ear piercing systems must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

IV. PUBLIC NOTIFICATION REQUIREMENTS

- 4.1 Written instructions, approved by the Department, for the aftercare of the piercing site shall be provided to each client by the operator upon completion of the procedure. The written instructions

shall advise the client to consult a physician at the first sign of an infection or swelling and will contain the name, address and telephone number of the establishment. This document shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original.

- 4.2 All infections, complications or diseases resulting from the piercing procedure, which becomes known to the operator, shall be reported to the Department by the operator no later than one business day after receipt of the information.

V. CLIENT RECORDS

- 5.1 In order to aid in the proper healing of the client following the piercing procedure, the client shall disclose the following information to the operator:

1. Diabetes;
2. History of hemophilia (bleeding);
3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.
4. History of allergies to metals.
5. History of epilepsy, seizures, fainting or nocolapsy;
6. Taking medications, such as anticoagulants, which thin the blood and/or interferes with blood clotting.

- 5.2 The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information that would aid the operator/technician in the body piercing process evaluation.

- 5.3 Each operator shall keep records of all body piercing procedures administered; including the client's name, date of birth, address of the client, date of the procedure, and location of the body where the piercing was performed. In addition, if the client is a minor, proof of parental or guardian presence and consent, including their signature. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.

VI. BODY PIERCING PROCEDURES

- 6.1 Before performing a body piercing procedure, the immediate and surrounding area of the skin where the piercing will occur, shall be washed with an antimicrobial soap. Single use towels or sponges (gauze) shall be used during the cleaning. Sterile disposable single use gloves shall be used.
- 6.2 All instruments and needles that are used during the piercing procedure shall be sterilized.
- 6.3 A pre-packaged, sterile, single use piercing needle should be used. The needle must be discarded

in a puncture resistant biohazard container.

- 6.4 All non-disposable instruments used for body piercing shall be sterilized. Steam sterilization shall be done at 250 degrees Fahrenheit (121 degrees Celsius) for 15 minutes at a minimum pressure of 15 pounds per square inch or dry heat at 350 degrees Fahrenheit for one hour. Instruments that cannot be steam sterilized should be protected by a sterile disposable barrier during their use and cleaned with a germicidal solution between clients. An iodophor, chlorhexidine gluconate or 70% alcohol may be used as the germicidal solution.

VII. REQUIREMENTS FOR PREMISES

- 7.1 All walls, floors, ceilings and all procedure surfaces of a body piercing establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chair/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body piercing establishment shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales or other such activity which may cause potential contamination of work surfaces.
- 7.2 Effective measures shall be taken by the operator to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents.
- 7.3 There shall be a minimum of forty-five (45) square feet of floor space for each operator in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body piercing stations shall be separated by dividers, curtains or partitions, at a minimum.
- 7.4 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot-candles three (3) feet above the floor, except that at least 100 foot-candles shall be provided at the level where the body piercing procedure is being performed and where instruments and sharps are assembled.
- 7.5 No animals of any kind shall be allowed in a body piercing establishment except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
- 7.6 A separate, readily accessible, handsink with hot and cold running water, under pressure, and supplied with soap and disposable paper towels shall be readily accessible within the body piercing establishment. One handsink shall serve no more than three operators. In addition, there shall be at least one restroom available for each establishment.

VIII. PERMIT REQUIREMENTS

A. Establishment Permit

- 8.1 No person, firm, partnership, joint venture, association, business trust, corporation, or any organized group of persons may operate a body piercing establishment unless it has received an annual body piercing establishment permit from the Department. A fee for the permit will be set by the Cerro Gordo County Board of Health. The permit shall not be transferable from one place or person to another.
- 8.2 The body piercing establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.
- 8.3 The holder of a body piercing establishment must only hire operators who have complied with the operator permit requirements of this Code.

B. Operator Permit

- 8.4 No person shall practice body piercing without first obtaining an operator permit from the Department. The Cerro Gordo County Board of Health shall set a fee for such permits.
- 8.5 The operator permit shall be valid from the date of issuance and shall automatically expire in two (2) years from the date of issuance unless revoked sooner by the Department.
- 8.6 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

C. Temporary Permit

- 8.7 Temporary establishment and operator permits may be issued for body piercing services provided outside of the physical site of a licensed facility for the purposes of product demonstration, industry trade shows or for educational reasons. The Cerro Gordo County Board of Health shall set a fee for such permits.
- 8.8 Temporary permits expire after fourteen (14) days.
- 8.9 Temporary permits shall not be transferable from one place or person to another.
- 8.10 Temporary permits shall be posted in a prominent and conspicuous area where they may be readily seen by clients.

8.11 Temporary establishment requirements:

- a) Conveniently located handwashing facilities with liquid soap, paper towels and hot and cold water under adequate pressure is the preferred condition. If these conditions are not available, single use hand wipes, which contain a sanitizing agent, may be used for hand cleaning.
- b) A minimum of eighty (80) square feet of floor space is required.
- c) At least one hundred (100) foot-candles of light at the level where the body piercing is being performed must be available.
- d) The work area must be able to be properly cleaned and sanitized.
- e) Facilities must exist to properly sterilize instruments. In addition, evidence that the sterilizing equipment has had a spore test performed within the past thirty (30) days is required. If no sterilizing equipment is available, only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed.

IX. ENFORCEMENT

- 9.1 A representative of the Department shall properly identify themselves before entering a body piercing establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this code.
- 9.2 It is unlawful for any person to interfere with the Department in the performance of its duties.
- 9.3 A copy of the inspection report must be furnished to the permit holder or operator of the body piercing establishment, with the Department retaining possession of the original.
- 9.4 If, after investigation, the Department should find that a permittee or operator, is in violation of this Code, the Department shall advise the permittee or operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed thirty (30) days.
- 9.5 If the Department has reasonable cause to suspect that a communicable disease is, or may be, transmitted by an operator, use of unapproved or malfunctioning equipment, or an unsanitary or unsafe condition, which may adversely impact the health of the public, the Department may do any or all of the following upon written notice:
 - a) Issue an order excluding any or all operators from the permitted body piercing establishment who are responsible for the transmission of a communicable disease until the

Department determines there is no further risk to public health.

- b) Issue an order to immediately suspend the permit of the permitted establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

X. SUSPENSION OR REVOCATION OF PERMITS

- 10.1 Permits issued under the provisions of the Code may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Code.
- 10.2 Whenever a permit holder or operator has failed to comply with a notice issued under the provisions of this Code, the operator must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.
- 10.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, and the submission of the appropriate re-inspection fees, the Department shall reinspect the body piercing establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this Code, the permit will be reinstated.
- 10.4 For repeated or serious (any code infraction that threatens the health of the client or operator) violations of any of the requirements in this Code or for interference with the Department personnel in the performance of their duties, its permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing with the Department. A permit may be suspended for cause, pending its revocation or hearing.
- 10.5 The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.
- 10.6 The hearing provided for in this section must be conducted by the Department at a time and place designated by the Department. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

XI. SEVERABILITY

11.1 In the event that any particular clause or section of this Code should be declared invalid or unconstitutional by the court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

Approved by:

Cerro Gordo County Board of Health
Dr. Mark Johnson

Date

Cerro Gordo County Board of Supervisors
Roger Broers

Date