

**NEW HANOVER COUNTY**

**BOARD OF HEALTH**

**RULES GOVERNING**

**BODY PIERCING**

**And**

**TATTOO ESTABLISHMENTS**

**In**

**NEW HANOVER COUNTY**

**NORTH CAROLINA**

**EFFECTIVE NOVEMBER 8, 1995**

**Amended March 7, 2018**



## *History*

|                 |  |
|-----------------|--|
| <b>11/08/95</b> | <b>Adopted requirement for tattoo artists to successfully complete blood-borne pathogen/infection control training</b> |
| <b>03/07/18</b> | <b>Updated description of required training; included body piercers; added requirement for utility sink</b>            |
| <b>03/01/19</b> |  |
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## Table of Contents

| Section  |  | Page  |
|----------|--|-------|
| 6000     | Purpose                                      | 4     |
| 6001 (a) | General Provisions - Scope                   | 4     |
| 6001 (b) | General Provisions - Conflict                | 4     |
| 6001 (c) | General Provisions – Permits and Inspections | 4     |
| 6002     | Definitions                                  | 4 - 5 |
| 6003     | Fees and Permits                             | 5 - 6 |
| 6004     | Standards of Construction and Operation      | 6     |
| 6005     | Right of Entry                               | 6     |
| 6006     | Appeals Procedure                            | 6 - 7 |
| 3007     | Remedies                                     | 7     |
| 3008     | Severability                                 | 7     |
| 3009     | Effective Date                               | 7     |

## **Section 6000 Purpose**

To establish standards for the training of any person who engages in the practice or business of **body piercing and/or tattooing and to establish standards for the disposal of greywater in establishments operated as body piercing and/or tattoo businesses**, 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 **body piercing and/or tattoo** establishment contrary to the provisions of these Rules. These Rules supersede regulations, requirements, rules and standards relative to the practice or business of **body piercing and/or 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 **body piercing and/or tattooing**, a person shall make application to the Department successfully complete blood-borne pathogen **or infection control** training, and obtain a **body piercing and/or tattooing** permit from the Department. A permit may not be issued to an artist until the **body piercing and/or 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 **body piercing and/or tattoo** establishments as soon as practicable after receipt of an application for a **body piercing and/or tattooing** permit and notification of the proposed business operation. The Department shall conduct inspections of existing **body piercing and/or 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 **and/or body fluid**.

**Board of Health** means the New Hanover County Board of Health.

**Department** means the New Hanover County Health Department or its authorized representative.

**Body piercing** means **the practice of physical body adornment by 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 into the opening**. Practices recognized as medical procedures by the North Carolina Medical Board shall not be performed in a body piercing establishment **(for example, implants under the skin are recognized as medical procedures)**. **Puncturing the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition**.

**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.

**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 establishment** means any location **or any part thereof** where tattooing is engaged in or where the business of tattooing is conducted. 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 **body piercing or** tattooing without first obtaining a **body piercing or** tattooing permit from the Department.

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

- (1) name of **body piercing or** tattoo artist;
- (2) mailing address of **body piercing or** tattoo artist;
- (3) name of **body piercing or** tattoo establishment;
- (4) street address of **body piercing or** tattoo establishment;
- (5) anticipated date of commencing operation; and,
- (6) signature of **body piercing or** 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, **when applying** for renewal of an existing **body piercing or** tattooing permit.

(e) Body piercing and tattoo practitioners shall successfully complete **annually a blood-borne pathogen or infection control** course prior to filing application for renewal of their **body piercing or** tattooing permit.

(f) **Body piercing and/or** tattooing permits shall be issued in the name of the individual **body piercing or** tattoo artist, shall list the address of the **body piercing or** 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.

(g) Application for renewal of a **body piercing or 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. **A late fee established by the Board of Health shall be assessed in addition the annual fee when an application for renewal is submitted less than thirty (30) days prior to the expiration date.**

(h) Upon determination of willful violation of these Rules, a **body piercing or tattooing** permit shall be subject to revocation by the Director. **Reinstatement** of a revoked **body piercing or 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).

**(c) Body piercing establishments shall conform to the standards of construction established in and to any future amendments of 15A NCAC 18A (Tattooing).**

**(d) Body piercing establishments shall conform to the standards of operation and maintenance established in and to any future amendments of 15A NCAC 18A (Tattooing).**

**(e) Facilities shall be provided for the washing and storage of refuse containers buckets and mops. Cleaning facilities shall include a faucet with a threaded nozzle and water of at least 110 F in either a designated utility sink or above a curbed impervious pad sloped to drain into a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system in accordance with 15A NCAC 18A .1900.**

#### **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**

Appeals concerning decisions of the Director **or authorized representatives (staff)** 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 a fifteen (15) day 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. **Amended March 7, 2018.**

Signed \_\_\_\_\_  
Chairman  
New Hanover County Board of Health

Signed \_\_\_\_\_  
Director  
New Hanover County Department of Public Health