



Taney County Health Department
320 Rinehart Road Branson, MO 65616
www.taneycohealth.org
ph: 417-334 – 4544
fax: 417-336-9604

The following pages are the Body Art Establishment Ordinance for the City of Branson, Missouri. These ordinances **include** all changes proposed and accepted by the Board of Aldermen.

The Taney County Health Department enforces these ordinances at all Body Art Establishments inside the city limits of Branson, Missouri. If you have any questions, please feel free to contact one of our inspectors at (417) 334 – 4544.

BODY ART ESTABLISHMENT ORDINANCE

Sec. 46-3. - Definitions.

Blue or black henna means any product that contains Para-phenylenediamine (PPD) or black hair dye used for temporary skin tattoos.

Body art means the practice of physical body adornment using, but not limited to, the following techniques: tattooing, body piercing, or branding. This definition does not include piercing of the outer perimeter or the lobe of the ear or any procedure performed by a physician or health practitioner licensed by the state.

Body art establishment means any place or facility where body art procedures are performed.

Body art establishment patron means a person receiving a tattoo, body piercing or branding at a body art establishment.

Health official means the health officer of the city or his duly authorized agent.

Imminent health hazard means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness or injury based on the following:

- (1) Number of potential illnesses or injuries;
- (2) Nature, severity, and duration of the anticipated illness or injury;
- (3) Effect on the environment or the surrounding geographical area.

Pre-open inspection fee means inspections required during plan review process or at the time of change in ownership. These fees are to be charged in addition to all other fees.

Technician means a person trained in the technique of applying micro-insertions of natural pigments to the dermal layer of the skin, perforation of human tissue for a nonmedical purpose, or permanently marking human tissue by burning with a hot instrument or by the causing of scarring, or any person who practices tattooing, body piercing or branding.

DIVISION 1. - GENERALLY

Sec. 46-189. - General regulations.

Technicians shall comply with the following regulations:

- (1) No person less than 18 years of age shall receive body art without parental consent. The technician shall obtain proof of age before the body art procedure is done.
- (2) No body art establishment patron shall receive a tattoo unless the body art establishment patron has signed a cautionary notice advising the body art establishment patron that the tattoo should be considered permanent, that it can be removed only with a surgical procedure, and that any effective removal may leave permanent scarring and disfigurement. Written cautionary notices shall be signed by the body art establishment patrons and retained on file at the body art establishment for a period of three years from the date thereof.
- (3) No body art establishment patron shall receive a body piercing unless the body art establishment patron has signed a cautionary notice advising the body art establishment patron that body piercings are not permanent and must be cared for to keep the body piercing functional and free of infection. Written cautionary notices shall be signed by the body art establishment patrons and retained on file at the body art establishment for a period of three years from the date thereof.
- (4) No body art establishment patron shall receive a branding unless the body art establishment patron has signed a cautionary notice advising the body art establishment patron that the branding should be considered permanent, has a high risk of infection and must be cared for to keep it free of infection. Written cautionary notices shall be signed by the body art establishment patrons and retained on file at the body art establishment for a period of three years from the date thereof.
- (5) The skin surface to be tattooed, pierced or branded must be free of rash, pimples, infection or recent scar tissue. The body art establishment patron must be in apparent good health, and the skin to be tattooed, pierced or branded must be generally free of all appearances of obvious pathological conditions, such as the skin must not appear jaundiced (yellowed).
- (6) Body art shall not be administered to any person under the influence of drugs or alcohol. The technician is responsible for making reasonable observation and inquiry to assure himself that the body art establishment patron is sober and not under the influence of drugs or alcohol.
- (7) A technician shall provide written instructions, approved by the health official, regarding the proper care of the tattooed, pierced or branded skin as a precaution against infections to each body art establishment patron following the body art procedure.
- (8) A technician shall not perform or attempt to perform any procedure intended to remove a tattoo. Any attempt by a technician to perform a tattoo removal procedure shall be grounds for revocation of the body art health permit.
- (9) Technicians shall have received the Hepatitis B vaccine series. The health department may make this available to technicians at cost. The health official may waive this requirement for good cause.
- (10) The use of black or blue henna on skin or for temporary tattoos is prohibited.

Sec. 46-190. - Requirements for premises.

Technicians shall comply with the following regulations:

- (1) Body art establishments and equipment shall be maintained in a sanitary manner. This includes physical cleanliness as well as antiseptic precautions.
- (2) Body art establishments shall be equipped with hot (minimum 100 degrees Fahrenheit) and cold running water. Adequate toilet facilities with soap and sanitary towels properly installed and in compliance with applicable ordinances, rules and regulations of the city shall be provided and be accessible to body art establishment patrons. At least one additional hand washing facility with soap and sanitary towels shall be located within the immediate area of the procedure area.
- (3) The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborages on the premises. Litter shall not be permitted to accumulate on the premises. Animals shall not be allowed in the procedure room.
- (4) Body art establishments shall be well lit with not less than 20 footcandles in all cleaning and working areas and ten footcandles in all other areas.
- (5) Body art establishments shall have ventilation as required by applicable ordinances, rules and regulations of the city.
- (6) Floors, walls, ceilings and attachments of body art establishments shall be maintained in a clean condition and kept in good repair. The floor of the procedure area shall have nonporous, smooth, washable surfaces. Carpeting is prohibited. The walls and ceiling shall be of such materials to be easily cleanable and shall be of light color.
- (7) The establishment shall have sufficient covered waste receptacles for disposal of waste materials. Adequate equipment and facilities shall be provided for the disposal of cigarette butts and other disposable items.
- (8) All tables and chairs used in the body art process shall be constructed of a material that is easily cleanable, smooth, light-colored, nonabsorbent, corrosive-resistant and easily sanitized. All tables and chairs shall be maintained in a clean and sanitary condition. Dark-colored tables and chairs in existing city establishments are acceptable until replacement is needed as long as light-colored barrier sheets are used.
- (9) The health official shall be permitted access to all areas of the premises and all records at any reasonable time.

Sec. 46-191. - Equipment.

Technicians shall comply with the following regulations:

- (1) Non-reusable items such as needles, gauze and styptic pencils shall be treated as contaminated after a single use upon a body art establishment patron and be disposed of in appropriate isolation boxes in accordance with state and federal guidelines.
- (2) Single-service or individual portions of ink or colors in clean, sterilized containers or single-service containers of cups of ink or colors shall be used for each body art establishment patron and shall be discarded after use. Unused ink or colors shall be discarded after use on each body art establishment patron.
- (3) Needles and other instruments used in administering the body art, including hand pieces, piercing jewelry, needle bars and razor blades holders, must be thoroughly rinsed and sterilized after each use. All styptic pencils, gauze, gloves and similar items shall be used for one body art establishment patron and disposed of immediately after use.

- (4) Sterilization of equipment shall be done by steam pressure sterilization (autoclave) for a minimum of 35 minutes at 273 degrees Fahrenheit, or 30 minutes at 250 degrees Fahrenheit at 15 pounds per square inch, followed by a drying time of not less than 15 minutes. All methods of sterilization other than steam autoclaving are prohibited.
 - a. Autoclaves shall be spore-tested at least weekly. Spore kill test effectiveness shall be conducted by an independent laboratory. If a positive spore test is received, the technician shall immediately cease using the autoclave and notify the health department within 48 hours.
 - b. To prepare steam pressure sterilization, each needle shall be flushed with distilled water and left distinctly moist, immediately before the sterilized process is initiated. The tubes containing the needles shall rest on their sides in the sterilizer to facilitate the air removal and steam contact to each tube and needle.
 - c. When an autoclave procedure is used, indicator tape or other acceptable test method shall be used to check effectiveness of sterilization. A daily log shall be kept of tests of equipment. The sterilizer shall be certified.
 - d. Records of methods of sterilization and temperature cycle for each sterilization process shall be kept on file for inspection by the health official for a period of three years from the date thereof.
 - e. All instruments and needles shall be stored in a closed metal or glass container. Sterilized equipment shall be resterilized if the packaged is opened, damaged, or becomes wet.
- (5) All acetate tattoo stencils shall be cleaned with 70 percent isopropyl alcohol between customers. Individual transfers of tattoo designs shall be used once and discarded.
- (6) All furniture or items splashed with blood or body fluid shall be cleaned with a bactericidal cleaner.
- (7) All tubes, hoses, and reusable equipment shall be cleaned with soap and water and/or ultra sounded, then double-wrapped in sterilizer paper or in peel pouches, dated and appropriately sterilized.

Sec. 46-192. - Minimum aseptic techniques.

Technicians shall comply with the following regulations:

- (1) Neither the body art establishment patron nor technician shall consume or bring food or drink into the body art procedure area, and shall not smoke during the procedure or in the room(s) where the body art takes place.
- (2) The technician must be free from communicable disease while tattooing, piercing or branding and present no pustule lesions of the hands and arms.
- (3) The technician's hands shall be thoroughly washed in hot water with soap, using a short-bristled brush, and dried with a disposable paper towel immediately before the body art procedure. If the technician interrupts the procedure to perform other duties, the technician's hands shall be washed again in the manner provided in this section before resuming the body art procedure and a new pair of gloves shall be used.
- (4) The technician shall wear a clean and easily cleanable smock as well as latex/rubber single-use disposable gloves during the body art procedure.
- (5) The technician shall wear an effective hair restraint, shall have clean fingernails and shall be generally clean and free from offensive body odors while performing the body art procedure.
- (6) The skin surrounding the area where the body art is to be placed shall first be washed with a germicidal soap and then shaved with a single service disposable razor. Following shaving, the skin must be gently scrubbed with 70 percent isopropyl alcohol of commercial grade or other germicidal solution using a sterile gauze pad which shall be disposed of after use in an isolation container.

- (7) Petroleum jelly used for applying stencils shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick or gauze, which shall be discarded after each use.
- (8) Acetate stencils shall be cleaned with 70 percent isopropyl alcohol, or other approved germicidal solution for at least 20 minutes and then dried with sterile gauze or air-dried before each use. If individual transfers of tattoo designs are used, these shall be discarded after each use.
- (9) Tattoos and brands shall be bandaged with a sterile non-stick type bandage when the procedure has been completed.
- (10) All infections resulting from tattooing, body piercing or branding reported to any technician or body art establishment shall be reported within five business days to the health official by the person owning or operating the body art establishment. The owner or technician shall advise the body art establishment patron to seek appropriate medical treatment for the infection.

Secs. 46-193—46-222. - Reserved.

DIVISION 2. - PERMITS

Sec. 46-223. - Generally.

- (a) *Permit required.* It shall be unlawful for any person to tattoo, body pierce or brand another person except at a body art establishment where the establishment and technicians, as individuals, have obtained a license from the state division of professional registration and where a current body art establishment permit has been issued by the health official.
- (b) *Application.* Any person desiring a body art establishment permit shall make written application for a permit on forms provided by the health official. The application shall include the applicant's full name, address, telephone number, location of the proposed body art establishment and such other information as may be required.
- (c) *Issuance.* After receipt of an application for a body art establishment permit, the health official shall inspect the proposed body art establishment to determine compliance with the provisions of this article. If applicable requirements of this article have been met, the health official shall issue a body art establishment permit.
- (d) *Annual fee.* An annual fee shall be paid pursuant to the city fee schedule at the time the body art establishment permit is issued.
- (e) *Expiration; transfer; existing establishments.* A body art establishment permit may be granted at any time during the year. Any body art establishment currently operating in the city shall be in compliance with this article within 90 days of the effective date of the ordinance from which this article is derived. Body art establishment permits shall not be transferable.
- (f) *Posting.* A current body art establishment permit shall be posted at all times in a prominent and conspicuous place in the body art establishment where it may be readily observed by body art establishment patrons.

Sec. 46-224. - Suspension or revocation.

- (a) Body art establishment permits may be suspended by the health official for failure of the holder to comply with the requirements of this article. Whenever the health official finds unsanitary or other conditions in the operation of a body art establishment which, in their judgment, constitute an imminent health hazard, or for interference with the health official in the performance of his duties, the health official may issue a written notice to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed an imminent health hazard, such order

shall state that the permit is immediately suspended and all body art operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the health official shall be afforded a hearing within five days before the health official as hearing officer.

- (b) Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five business days following the receipt of a written request, the health official shall make a reinspection. If the applicant is complying with the requirements of this article, the permit shall be reinstated.
- (c) For serious or repeated violations of any of the requirements of this article or for interference with the health official in the performance of their duties, the permit may be permanently revoked after an opportunity for a public hearing as provided in chapter 30 of this Code for administrative hearings.

Secs. 46-225—46-241. - Reserved.