

**PART F**  
**Tattoo Regulations**

**Section 601. Definitions.** For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**Body Piercing.** The term "body piercing" shall mean perforating the skin for the express intention of insertion of any object including, but not limited to, jewelry; provided, however, that the piercing of the ears shall be specifically excluded from the purview of this ordinance.

**Branding.** The term "branding" shall mean the process whereby heat is intentionally applied to the flesh of a person such that it burns the skin and forms a permanent scar. This includes, but is not limited to, hot metal, electric current, and chemicals. For the purposes of this ordinance, this term shall only apply to people and not to animals.

**Department.** The State College Department of Ordinance Enforcement and Public Health.

**Establishment.** Any place where an operator performs or practices the art of tattooing and/or body piercing.

**Health Officer.** The Health Officer of the State College Department of Ordinance Enforcement and Public Health, or representative.

**Operator.** The term "operator" shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed and any individual who performs or practices the art of tattooing and/or body piercing on another person.

**State College Board of Health.** The Board of Health of the Borough of State College.

**Tattoo, Tattooed, Tattooing.** The terms "tattoo", "tattooed" or "tattooing" refers to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a human with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. This definition shall not apply to medical doctors or doctors of veterinary medicine in performance of their professional duties.

**Temporary Tattoo Vendor.** Any person who shall engage in a temporary retail business as defined in the term "Operator" and such vendor does not have a permanent, physical tattoo establishment address within the Municipality.

A tattoo vendor shall be considered "temporary" when such vendor is not located within the Municipality with the intent to remain in business indefinitely. The lease or use of a location

whether public or private for any period of time less than six (6) months shall create a presumption that such business is temporary, however such presumption may be rebutted by facts which establish the intent to remain in business indefinitely. The term shall not include guest tattoo and/or body piercing artists which are sponsored by a licensed establishment within the Municipality. Guest artists shall only operate from the sponsoring operator's establishment and shall comply with all applicable health provisions contained within this ordinance.

(Ordinance 1283, July 9, 1990, Section 1, as amended by Ordinance 1471, July 18, 1995, Section 1, Ordinance 1742, April 7, 2003, Section 1, and by Ordinance 1922, January 12, 2009, Section 1)

### **Section 602. License.**

a. **Required.** It shall be unlawful for any person to engage in the business of operating a tattoo and/or body piercing establishment without first obtaining a license to engage in such business, in accordance with the provisions of this ordinance and unless abiding by the provisions hereof. Operators of a licensed establishment shall not perform tattoo and/or body piercing services outside the establishment premises within the Municipality.

b. **Application For.** Applicants for a license under this ordinance shall submit to the Department a written application containing such data as required by the State College Board of Health.

c. **Fee; Expiration.** Each applicant, before being granted a license, shall pay to the Borough of State College a non-refundable annual fee, which will be set by Borough Council by resolution. A license hereunder shall have a life or term of one year beginning April 1, and expiring March 31, the following year for each tattoo and or body piercing establishment. Licensees who pay their required fee after 90 days of the license fee notice shall be charged a penalty of 20 percent in addition to the license fee.

d. **Display Of.** The license provided for in this ordinance shall be posted conspicuously at the location where the applicant conducts the tattooing.

e. **Transferability.** If the licensee moves his or her tattooing and/or body piercing business to another location with-in the Borough of State College, the license may be transferred to such new location upon application to the Department giving the street and number of the new location. The new location shall first be approved by the Department in the same manner as provided in Section 603 of this chapter. However, a license is not transferable to any operator other than the applicant.

f. **Branding.** The process of branding shall be prohibited within the Municipality.

g. **Temporary Tattoo Vendors.** Temporary tattoo vendors shall not be permitted, at any time, to operate an establishment within the Municipality which performs or practices the art of tattooing and/or body piercing.

(Ordinance 1283, July 9, 1990, Sections 2, 3, 5, 6 and 7, as amended by Ordinance 1471, July 18, 1995, Section 2, Ordinance 1742, April 7, 2003, Section 2, Ordinance 1914, December 15, 2008, Section 12., and by Ordinance 1922, January 12, 2009, Section 1.)

**Section 603. Inspections.** The Department may conduct periodic inspections of any tattooing and/or body piercing establishment for the purpose of determining whether or not said establishment and the persons performing tattooing and/or body piercing therein are in compliance with all applicable health provisions contained within this ordinance. It shall be unlawful for any person or operator of a tattooing and/or body piercing establishment to willfully prevent or restrain a member of the Department from entering any licensed establishment where tattooing and/or body piercing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator.

a. **Re-inspection Fee.** Whenever an establishment shall require more than one re-inspection, a charge of \$50.00 per re-inspection for each and every re-inspection following the initial re-inspection shall be levied.

(Ordinance 1283, July 9, 1990, Sections 4 and 15, as amended by Ordinance 1471, July 18, 1995, Section 3, and by Ordinance 1922, January 12, 2009, Section 1.)

#### **Section 604. Health and Sanitary Requirements.**

a. **Facilities and Equipment.**

(1) The room in which tattooing is done shall have an area of not less than 100 square feet. The walls, floors, and ceilings shall have an impervious, smooth, washable surface and shall be painted or finished in a light color. Carpeting is prohibited in tattooing area(s) and toilet room(s).

(2) A toilet shall be located in the establishment and shall be accessible at all times when the tattooing and/or body piercing establishment is open for business. The lavatories shall be supplied with hot and cold running water, liquid soap, and single-use towels provided in approved dispensers, and shall be located in all toilet rooms and in each room where tattooing and/or body piercing is performed.

(3) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair. During the period of May 15 to October 1, every door, window and other outside opening shall be kept closed or shall be supplied with air curtains or tightly fitting screens which are not torn or damaged in a way that may allow insect infestation into the establishment.

(4) The telephone numbers of local emergency medical services and local police shall be prominently posted at the main telephone: (Emergency: Dial 911).

(5) All pigments, dyes, colors, etc., used in tattooing shall be free from bacteria, virus particles, noxious agents, and substances. The stencil, unless composed of acetate, shall be of a single use. If acetate stencils are used, they shall be washed and disinfected between uses. Designs drawn directly onto the skin shall be applied with a single use article only. All bandages and surgical dressings used in connection with the tattooing and/or body piercing of a person shall be sterile, and absorbent.

(6) All tables and other equipment shall be constructed of easily-cleanable material, shall be painted or finished in a light color, with a smooth, washable finish and shall be separated from waiting customers or observers by a panel or counter at least 4 feet high.

(7) A new, disposable, single-service safety razor shall be used for each customer or patron as required by the Department. All other sharps, including needles and tubes, shall be of single-use and sterilized in an approved manner as required by the Department before use on each customer or patron.

(8) The needles, tubes and instruments required to be sterilized shall be so used, handled, and temporarily placed during tattooing and/or body piercing so that they are not contaminated. Non-disposable and non-autoclaveable items such as; machines, countertops, wash bottles, clip cords, knobs, lamp handles, procedure tables and arm and leg rests shall be equipped with a disposable poly barrier or sleeve. New barriers and sleeves shall be used for each client.

(9) All clean and ready-to-use needles, tubes and instruments shall be kept in a closed glass, metal case, or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(10) Single-service or individual containers of dye or ink shall be used for each patron, and the container thereof shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual, sterile sponge, gauze or a disposable paper towel or tissue, which shall be used on one person and then immediately discarded. After completing work on any person, the tattooed or body pierced area shall be washed with sterile gauze and saturated with an antiseptic soap solution approved by the

Department. The tattooed area shall be allowed to dry and bandaged with a sterile, absorbent bandage if necessary.

(11) A steam sterilizer (autoclave) shall be provided within the establishment for sterilizing needles, tubes and similar instruments before use on any customer, person or patron. Sterilization of equipment shall be accomplished by exposure to steam for at least 30 minutes at a minimum pressure of 15 pounds per square inch, temperature of 260 degrees Fahrenheit. The autoclave shall be provided with a thermometer reading + 2 degrees accuracy, and an accurate steam pressure gauge. Autoclave effectiveness shall be validated by regular monthly spore testing and conducted by a laboratory approved by the Department. Record of such testing shall be kept on the premises for a period of three (3) years. Each month the operator of the tattoo establishment shall be responsible for providing a copy of the spore testing result to the State College Department of Ordinance Enforcement and Public Health. A class 5 steam sterilization integrator shall be used in all loads to be sterilized and shall be numbered so as to correspond with the lot number of the sterilized contents. Sterile packaged instruments shall be marked with a lot number and a log book shall be kept tracking; the date of processing, contents, temperature, time, integrator result, spore test result, and name of person responsible for processing. Alternate sterilizing procedures may only be used when specifically instructed by the manufacturer of the sterilizing equipment and approved by the Department. A copy of the instructions from the manufacturer shall be maintained on site at all times. Use of manufacturer pre-sterilized needles, tubes and similar instruments shall be permitted and record of these items shall be kept on the premises for a period of (3) three years. Lot numbers shall be marked on each pre-sterilized item and a log book shall be kept tracking; the manufacturer name, item description, date received, and expiration date (if any).

(12) All instruments that are processed by sterilization must first be cleaned.

(13) All body piercing jewelry shall be made of high quality stainless steel, gold, inert plastics, or other approved materials found to be safe for use in body piercing. Jewelry to be inserted shall be sterilized prior to insertion at the piercing site. All receiving corks used in body piercing shall be discarded after each use.

(14) Needles and all other sharp instruments along with gloves, gauze and other materials contaminated with blood shall be discarded by following the procedures of a reputable waste services company which collects, transports and disposes infectious waste and is approved by the Department. Infectious waste disposal shall occur at least once during a calendar year and record of such disposal shall be kept on the premises for period of (3) three years. Operators of a tattoo and or body piercing establishment shall not store needles and other infectious waste materials on the premises for more than one year.

**b. Operations and Establishment Personnel.**

(1) The operator shall scrub his/her hands thoroughly with soap and hot water before

starting to tattoo and/or body pierce; the hands shall be dried with individual, single-use towels. Clean surgical gloves (latex or nitrile) shall be worn by the operator when tattooing and/or body piercing. Gloves shall be used only once and then disposed of in a manner as prescribed by the Department. Gloves shall be changed and properly disposed of each time there is an interruption of the tattoo and or body jewel piercing procedure, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised.

(2) No establishment employees with skin infections, open sores, and/or weeping dermatological lesions shall work in a tattoo and/or body piercing establishment until documentation is provided from a licensed physician indicating that the condition is no longer communicable or transmissible.

(3) Establishment employees are prohibited from providing services or working in a facility while having an acute respiratory infection or other disease or condition which has been diagnosed to be in a communicable or transmissible condition. Documentation from a licensed physician indicating that the condition is no longer communicable or transmissible is required before returning to work.

(4) Prior to the procedure, the area to be tattooed and/or body pierced (external) shall be thoroughly scrubbed with an antiseptic soap or surgical scrub or preparation adhering to manufacturer guidelines for use of the specific product. Any oral skin piercing procedure shall be preceded by the client performing not less than one minute, vigorous application of an antiseptic mouth-wash. Waste materials shall be deposited in an easily-cleanable, covered waste container provided in the work area.

(5) In addition to surgical gloves, personnel shall wear protective eye wear and a fluid- resistant mask when performing services if necessary for the procedure.

(6) Only petroleum jelly or antibiotic ointment as approved by the Department shall be used on the area to be tattooed and/or body pierced, and it shall be applied with sterile gauze.

(7) The use of styptic pencils, alum blocks, or other solid styptics to check the flow of blood is prohibited.

(8) No establishment licensed under this ordinance shall attempt to remove a tattoo from any person or allow such a procedure to take place on its premises.

(9) Animals shall not be permitted in the tattooing establishment, except where permitted by state law. Animals are not to be tattooed in tattooing establishments.

(10) Ear piercing guns shall not be used for body piercing but may only be used for piercing ear lobes.

(11) Operators of tattoo, and/or body piercing establishments shall complete an approved course on the control of and prevention of blood-borne diseases prior to opening for business. Existing licensed tattoo and/or body piercing establishments shall have three months after the effective date of this amendment to comply.

c. **Clients.**

(1) No holder of a license hereunder, or the employee of such holder shall tattoo and/or body pierce any person under the age of 18 years without first obtaining a written parental authorization. The parent or guardian of such person shall be present at the time of the procedure. All parental authorizations shall be maintained on file and be available for inspection for a period of 7 years.

(2) No tattooing and/or body piercing shall be done on a skin surface that has a rash, pimples, boils, infections, or manifests any evidence of unhealthy conditions.

(3) Licensed establishment personnel shall refuse service to any person who is under the influence of alcohol or drugs.

(4) After-care instructions shall be provided to each client following any procedure. After-care shall consist of both verbal and written instructions concerning the proper care of the body area involved and instruction to consult a physician if infection occurs.

(5) Each client shall complete an application prior to any procedure. The application shall include, at a minimum, the client's name, date of birth, proof of age, address, telephone number, procedure performed, date of procedure, name of employee providing service, and, if a minor, then proof of parental or guardian consent and client's signature. All applications shall be retained for a minimum of (3) three years and made available upon request to the Department.

d. **Administration.** In order to carry out the intent of this ordinance, the State College Board of Health may promulgate, from time to time, rules and regulations pertaining to the requirements of sanitation, cleanliness, adequacy of facilities, equipment and operation of a tattooing and/or body piercing establishment consistent with this ordinance.

(Ordinance 1283, July 9, 1990, Sections 8, 9, 10, 11, 12 13, 14 and 16, as amended by Ordinance 1437, April 4, 1994, Sections 1 and 2, Ordinance 1471, July 18, 1995, Section 604, Ordinance 1742, April 7, 2003, Section 3, and by Ordinance 1922, January 12, 2009, Section 1.)

**Section 605. Suspension and Revocation of Tattoo Establishment License.**

a. A Tattoo and/or Body Piercing Establishment License may be suspended or revoked by the Department upon the occurrence of any of the following events:

(1) The application for such License contained a false statement(s);

(2) The Operator has violated the provisions of this ordinance; and/or

(3) The Operator is convicted and pleads guilty or nolo contendere to an offense listed under the Pennsylvania Crimes Code relating to the conduct of business in the tattoo establishment.

b. The Department shall serve the tattoo and/or body piercing establishment with written notice of said suspension or revocation, specifying the reasons therefore, before said suspension or revocation shall become effective. Service of said notice shall be deemed effective if delivered to the person in apparent charge of the tattoo and/or body piercing establishment.

c. The tattoo establishment shall have the right to a hearing on said suspension or revocation, which hearing shall be held before the Board of Health within 10 days after the service of the notice of such suspension or revocation, whether or not the suspension or revocation was effective immediately. The Board of Health shall uphold, reverse or modify such suspension or revocation.

(Ordinance 1283, July 9, 1990, Section 17, as amended by Ordinance 1437, April 4, 1994, Section 3, Ordinance 1471, July 18, 1995, Section 605, and by Ordinance 1922, January 12, 2009, Section 1)

**Section 606. Penalty.** In addition to the revocation and suspension of any license, as provided in this ordinance, any operator or other person who shall violate any provision of this ordinance shall, upon conviction be subject to a fine of not less than \$100.00 nor more than \$600.00 and costs of the action. In default of payment of such fine and costs, such person may be sentenced and committed to the Centre County prison for a period not exceeding 30 days. Each day that a violation exists shall constitute a separate violation.

(Ordinance 1283, July 9, 1990, Section 18, as amended by Ordinance 1922, January 12, 2009, Section 1.)