

## Chapter 32 TATTOOING AND BODY PIERCING LAW

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### 32.1. Purpose and Policy

32.1-1. *Purpose.* The purpose of this law is to regulate tattooists, tattoo establishments, body piercers and body piercing establishments under the jurisdiction of the Tribe in order to protect public health and safety.

32.1-2. *Policy.* It is the policy of this law is to protect the health and safety of the public from unsanitary and unlicensed practice by tattooists and body piercers within the Reservation boundaries.

### 32.2. Adoption, Amendment, Repeal

32.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-11-09-C.

32.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

32.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

32.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

32.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

### 32.3. Definitions

32.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Antiseptic" means a chemical that kills or inhibits the growth of organisms on skin or living tissue.

(b) "Autoclave" means an apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.

(c) "Body pierce" or "body piercing" means to perforate, or perforating, any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.

(d) "Body piercer" means a person who performs body piercing on another person at that person's request.

(e) "Body piercing establishment" means the premises where a body piercer performs body piercing.

(f) "Cleaning" means the removal of foreign material from objects, normally accomplished with detergent, water and mechanical action.

- (g) “Division” means the Environmental Health and Safety Division of the Tribe, or an agent designated by the Division, which is authorized to make investigations or inspections of tattooists, body piercers, tattoo establishments and body piercing establishments, recommend to the Licensing Department whether an establishment or practitioner be licensed and enforce the requirements of this law.
- (h) “Disinfectant” means a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.
- (i) “Establishment” means a building, structure, area or location where tattooing and/or body piercing is performed.
- (j) “Hot water” means water at a temperature of 110°F or higher.
- (k) “Licensing Department” means the department of the Tribe that is responsible for administering and issuing licenses in accordance with Oneida laws.
- (l) “Operator” means the owner or person responsible to the owner for the operation of a tattoo or body piercing establishment.
- (m) “Patron” means a person receiving a tattoo or body piercing.
- (n) “Practitioner” means a tattooist or body piercer.
- (o) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.
- (p) “Sharps waste” means waste that consists of medical equipment or clinical laboratory articles that may cause punctures or cuts, such as hypodermic needles, syringes with attached needles and lancets, whether contaminated, unused or disinfected.
- (q) “Single-use” means a product or item that is disposed of after one use, such as a cotton swab, a tissue or paper product, a paper or soft plastic cup, or gauze or other sanitary covering.
- (r) “Sterilization” means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F (121°C) at pressure of at least fifteen (15) pounds per square inch for not less than thirty (30) minutes or through use of an autoclave approved by the Division that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.
- (s) “Tattoo,” as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce a permanent mark or figure through the skin.
- (t) “Tattoo establishment” means the premises where a tattooist applies a tattoo to another person.
- (u) “Tattooist” means a person who tattoos another person at that person’s request.
- (v) “Tempered water” means water ranging in temperature from 85°F to less than 110°F.
- (w) “Temporary establishment” means a single building, structure, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven (7) consecutive days in conjunction with a single event or celebration.
- (x) “Tribe” or “Tribal” means the Oneida Tribe of Indians of Wisconsin.
- (y) “Universal precautions” means to treat everyone’s blood and other bodily fluids as infectious at all times.

## **32.4. Scope**

### **32.4-1. *Applicability.***

- (a) This law applies to all tattoo and body piercing establishments within the Reservation boundaries that are located on:

- (1) Tribal land held in trust or fee status;
  - (2) fee status land under the control of an individual Oneida member or member of another tribe; or
  - (3) an individual's land held in trust.
- (b) This law applies to all tattooists and body piercers who tattoo or body pierce another person within the Reservation boundaries on:
- (1) Tribal land held in trust or fee status;
  - (2) fee status land under the control of an individual Oneida member or member of another tribe; or
  - (3) an individual's land held in trust.
- (c) Establishments and practitioners licensed when this law is adopted shall obtain a Tribal License when their non-Tribal license becomes invalid in order to be able to continue to run an establishment and/or to be a practitioner.

32.4-2. *Approved Comparable Compliance.* When strict adherence to a provision of this law is impractical for a particular tattooist, tattoo establishment, body piercer or body piercing establishment, the Licensing Department may approve a modification in that requirement for that practitioner or establishment if the Division provides the Licensing Department with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.

### **32.5. Licenses**

32.5-1. Except as provided for under 32.12-2, the Licensing Department shall issue licenses to tattooists, tattoo establishments, body piercers and body piercing establishments, based on the recommendation of the Division. The Division shall conduct investigations and inspections of practitioners and establishments.

- (a) The agents of the Division who make recommendations on licenses and conduct investigations or inspections of practitioners and establishments shall be recognized by the National Environmental Health Association as a Registered Environmental Health Specialist, also known as a Registered Sanitarian.

32.5-2. *Application for Establishment License.*

- (a) Requirement. No person may operate an establishment unless he or she has obtained a license for the establishment from the Licensing Department by application made upon a form furnished by the Licensing Department. An application submitted to the Licensing Department shall be accompanied by the fee required under 32.5-2(b) and 32.5-3(a) or (b), if applicable. The annual license fee shall be returned in full if the application is denied.
- (b) Annual Fees. The operator of an establishment shall pay an annual license fee to the Licensing Department as follows:
  - (1) For a body piercing establishment, \$100.
  - (2) For a tattoo establishment, \$100.
  - (3) For a combined tattoo and body piercing establishment, \$150.
- (c) Temporary Establishments. For a temporary tattoo or body piercing establishment or a temporary combined tattoo and body piercing establishment, the operator of the establishment shall pay a fee of \$100 per application. The fee shall not be returned if the establishment fails the inspection.

32.5-3. *Inspection Fees.*

- (a) Pre-Inspection Fee. The operator of a new permanent establishment or a new operator of an existing permanent establishment shall pay a pre-inspection fee for the

inspection of the establishment of \$75. The fee shall not be returned if the establishment fails the inspection.

(b) Annual Inspections. All permanent establishments shall pay an annual inspection fee for the inspection of the establishment of \$50.

32.5-4. *Application for Practitioner License.*

(a) Requirement. No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer or designate or represent himself or herself as a tattooist or body piercer unless the person has obtained a practitioner license from the Licensing Department by application made upon a form furnished by the Licensing Department. An application submitted to the Licensing Department shall be accompanied by the fee required under 32.5-4(d). The fee shall be returned in full if the application is denied.

(b) Except as provided for in (c) and 32.12-5, in order to be licensed as a practitioner, a tattooist or body piercer shall:

(1) provide proof of successful completion of a Bloodborne Pathogen training or a Universal Precautions training or proof that he or she will be taking the necessary training within ninety (90) days after submitting his or her application for a license; and

(2) provide proof that he or she has received a vaccination against hepatitis B (BHV) or provide a written statement with his or her application stating that he or she declines the vaccination.

(c) A practitioner who has had his or her practitioner license revoked, whether under this law or under another jurisdiction, within the two (2) years immediately preceding the application date may be denied a license.

(d) Annual Fees. A person who wishes to practice as a tattooist or body piercer in a permanent establishment shall pay an annual fee to the Licensing Department as follows:

(1) For a body piercer, \$50.

(2) For a tattooist, \$50.

32.5-5. *Approval of Licenses.*

(a) Except as provided for under 32.12-2, within thirty (30) days after receiving a completed application for a license, whether for an establishment or practitioner, the Division shall recommend the Licensing Department approve the application or deny the application. If the Licensing Department approves an application, a license shall be issued. If the Licensing Department denies an application, the Licensing Department shall:

(1) give the applicant reasons, in writing, for the denial;

(2) provide information about how the applicant may appeal the decision under 32.13-4.

(b) The Division shall not recommend the Licensing Department issue a license to a new tattoo or body-piercing establishment or a new operator at an existing establishment without completing a prior inspection of the establishment to ensure that the establishment complies with the requirements of this law.

32.5-6. *Display of License.* The operator of a tattoo or body piercing establishment shall conspicuously display in the establishment the licenses issued by the Licensing Department for the establishment and for all practitioners working in the establishment.

32.5-7. *Change of Operator.* The operator of a tattoo or body piercing establishment shall promptly notify the Licensing Department of his or her intention to cease operations and shall supply the Licensing Department with the name and mailing address of any new operator. An

establishment license is not transferable. A new operator shall submit an application under 32.5-2 for a new establishment license.

32.5-8. *Records.* The Licensing Department shall maintain a record pertaining to each applicant for a license under this law and each holder of a license issued under this law, including temporary licenses. The record shall include all information received by the Licensing Department that is relevant to the approval or denial of the application, the issuance of the license and any limitations, suspensions or revocations of the license(s). The public shall have access to the following information for any person who receives a license under this law:

- (a) Name of the person holding the license, including any former names;
- (b) Type of license the person is issued;
- (c) License number
- (d) Expiration date of the license; and
- (e) Any orders or penalties issued under this law to the license holder and upheld on appeal.

### **32.6. Patrons**

#### **32.6-1. Limitations.**

(a) **Consent.** A tattooist or body piercer may not tattoo or body pierce a patron without first obtaining the signed, informed consent of the person on a form approved by the Division.

(b) **Minors.**

(1) No person under sixteen (16) years of age may be body pierced.

(2) No person age sixteen (16) or seventeen (17) may be body pierced unless an informed consent form has been signed by his or her parent or legal guardian in the presence of the operator.

(3) No person under eighteen (18) years of age may be tattooed except by a physician in the course of the physician's professional practice.

(4) A body piercing establishment shall post a notice in a conspicuous place in the establishment stating that it is illegal to body pierce a person under the age of eighteen (18) without the signed, informed consent of that person's parent or legal guardian.

(5) A tattoo establishment shall post a sign in a conspicuous place in the establishment stating that no person under the age of eighteen (18) may be tattooed.

(c) **Barriers to Procedure.** A tattooist or body piercer may not tattoo or body pierce any of the following:

(1) A person who appears to be under the influence of alcohol or a mind-altering drug.

(2) A person who has evident skin lesions or skin infections in the area of the procedure.

32.6-2. *Record.* Every tattooist and body piercer shall keep a record of each patron. A patron's record shall include the patron's name, address, age and consent form, the name of the practitioner doing the procedure and any adverse effects arising from the procedure. A patron's record shall be retained for a minimum of three (3) years following completion of the procedure.

### **32.7. Physical Facilities and Environment**

32.7-1. *Floors.* Floors in the area where tattoo or body piercing procedures are performed shall be constructed of smooth, durable and non-porous material and shall be maintained in a clean condition and in good repair. Carpeting is prohibited.

32.7-2. *Walls and Ceilings.* Walls and ceilings in the area where tattoo and body piercing procedures are performed shall be light-colored, smooth and easily cleanable.

32.7-3. *Lighting.* Tattoo and body-piercing application areas shall maintain a minimum illumination of fifty (50) footcandles.

32.7-4. *Establishments.* The establishment and all facilities used in connection with the establishment shall be maintained in a clean, sanitary and vermin-free condition.

32.7-5. *Living Areas.* Tattoo and body piercing areas shall be completely separated from any living quarters by floor-to-ceiling partitioning and solid doors which are kept closed during business hours. A direct outside entrance to the tattoo or body piercing establishment shall be provided.

32.7-6. *Toilet Rooms.*

(a) All tattoo and body piercing establishments shall have a public toilet and hand washing facility which is separated from any living area.

(b) Toilet room fixtures shall be kept clean and in good repair. An easily cleanable covered waste receptacle shall be provided in the toilet room.

32.7-7. *Hand Washing Facilities.*

(a) At least one (1) hand washing facility shall be conveniently located in the tattoo or body piercing area, in addition to what is provided in the toilet room.

(b) Anti-bacterial soap in a dispenser and single-service towels for drying hands shall be provided at all hand washing facilities.

(c) Hot and cold potable water under pressure shall be available at all hand washing facilities, except that tempered water rather than hot water may be provided.

32.7-8. *Refuse.* Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels, gauze pads and other similar items used on a patron. Infectious waste, including sharps waste, shall be stored and disposed of in a manner approved by the Division.

32.7-9. *Equipment Storage.* Instruments, dyes, pigments, stencils and other tattoo and body piercing equipment, shall be stored in closed cabinets exclusively used for that purpose.

32.7-10. *Privacy.* A panel or other barrier of sufficient height and width to effectively separate a patron on whom a procedure is being performed from any unwanted observers or waiting patrons shall be in place or readily available at the patron's request.

32.7-11. *Smoking and Eating Prohibited in Area of Procedure.* No smoking or consumption of food or drink is permitted in the area where a tattoo or body piercing procedure is performed, except that patrons may consume a non-alcoholic beverage during the procedure.

32.7-12. *Animals Prohibited in Establishment.* No animals, except for those that provide services to persons with disabilities, are permitted in a tattoo or body piercing establishment.

## **32.8. Personnel**

32.8-1. *Operator.* An operator shall be present at an establishment at all times during its business hours. The operator shall have the following information available at the establishment for review by the Division at any time:

(a) contract or agreement for the disposal of sharps waste and/or other infectious or regulated waste;

(b) spore test log and test results;

(c) patron records for the preceding three (3) years;

- (d) infection and exposure control written procedures; and
- (e) the practitioners of the establishment, including their names, addresses, phone numbers and licenses.

32.8-2. *Licensed Practitioners.* No operator shall employ a practitioner who does not have a valid license issued by the Licensing Department.

32.8-3. *Absence of Skin Condition.* No tattooist or body piercer with an exposed rash, skin lesion or boil may engage in the practice of tattooing or body piercing.

32.8-4. *Restriction.* No tattooist or body piercer may work while under the influence of alcohol or a mind-altering drug.

32.8-5. *Personal Cleanliness.*

(a) Tattooists and body piercers shall thoroughly wash their hands and the exposed portions of their arms with dispensed soap and tempered water before and after each tattoo or body piercing procedure and more often as necessary to keep them clean.

(b) Tattooists and body piercers shall dry their hands and arms with individual single-service towels.

(c) Tattooists and body piercers shall maintain a high degree of personal cleanliness and shall conform to good hygiene practices during procedures.

32.8-6. *Clothing.* All tattooists and body piercers shall wear clean, washable outer clothing.

32.8-7. *Hygienic Practices.*

(a) When preparing the skin and during a procedure, a tattooist or body piercer shall wear non-absorbent gloves which shall be disposed of after completing the procedure.

(b) If interrupted during a procedure, a tattooist or body piercer shall rewash his or her hands and put on new gloves if the interruption required use of hands.

(c) Tattooists shall use single-use plastic covers to cover spray bottles or other reusable accessories to minimize the possibility of transmitting body fluids or disease during application of tattoos to successive patrons.

(d) If the patron's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. Disposable-type razors shall be for single-use only and disposed of in a manner approved by the Division. Electric razors used for skin preparation prior to a procedure shall have screens cleaned and disinfected between patron use. Reusable blade holders shall be sterilized after each use. Disposable blade holders shall be for single-use only.

(e) Body piercing needles shall be disposable, sterile and for single-patron use only. Body piercing jewelry shall be cleaned, individually packaged and sterilized prior to use.

(f) Needles, bars and tubes shall be constructed in a manner that permits easy cleaning and sterilizing. Needles shall be used on only one (1) patron and discarded after use. Needles may be reused on the same patron by rinsing them under running tap water followed by rinsing them in an antiseptic.

32.8-8. The Division may require a practitioner to submit to a practicing physician for a physical examination whenever the practitioner is suspected of having any infectious or contagious disease that may be transmitted by tattooing or body piercing. The expense of the physical exam shall be paid by the practitioner.

(a) Any practitioner notified to appear for a physical examination shall immediately cease working as a tattooist and/or body piercer until he or she receives a certificate from a practicing physician that he or she is not inflicted with any infectious or contagious condition that may be transmitted by the practice of tattooing or body piercing.

## **32.9. Equipment**

32.9-1. All surfaces, counters and general-use equipment in the tattoo or body piercing area shall be cleaned and disinfected before a patron is seated. The operating table, chair and supply tables shall be constructed of a material capable of being easily and thoroughly cleaned.

32.9-2. All tattoo establishments shall have clean towels, washcloths and disposable paper towels.

(a) A clean towel and washcloth shall be used for each patron.

(b) Clean towels and washcloths shall be stored in a closed, dust-proof container.

(c) Soiled towels and washcloths shall be stored in an approved covered container.

32.9-3. All inks and pigments shall be obtained from sources generally recognized as safe and shall be sterilized before use. Information indicating the sources of all inks and pigments shall be available to the Division upon request. Sterile single-use or sterile individual containers of pigment or ink shall be used for each patron. No pigment or ink in which needles were dipped may be used on another patron. Pigment and ink cups shall be for single-patron use. All bulk materials used for the procedure shall be dispensed with single-use utensils. The remainder of dispensed portions and the cups shall be disposed of after application.

32.9-4. All tattoo establishments shall be equipped with an autoclave which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit.

32.9-5. *Stencils.* Acetate tattoo stencils shall be single-use. The substance used for applying stencils shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.

## **32.10. Cleaning and Sterilization**

32.10-1. *Cleaning.*

(a) After each use, tattooing and body-piercing equipment shall be cleaned to remove blood and tissue residue before sterilization. This may be done with an ultrasonic cleaner or with a probe, needles or brush able to enter the smallest opening of the equipment. After cleaning, equipment shall be rinsed under fresh running tap water.

(b) Reusable equipment shall be placed in a covered stainless steel container of cleaning or disinfectant solution until it can be cleaned and sterilized.

(c) All containers holding contaminated needles, tubes, reusable body-piercing equipment and container lids shall be cleaned and disinfected at least daily.

(d) The tattoo machine shall be cleaned and disinfected before each use.

(e) Gloved personnel shall clean needles and tubes prior to sterilization by doing all of the following:

(1) Manually pre-cleaning the items with care taken to ensure removal of residue; thoroughly rinsing the items with warm water and then draining the water; cleaning the items by soaking them in a protein-dissolving detergent-enzyme cleaner used according to manufacturer's instructions; and cleaning the items further in an ultrasonic cleaning unit which operates at forty (40) to sixty (60) hertz and is used according to the manufacturer's instructions.

(2) Rinsing and drying the items.

(f) Prior to autoclaving, all equipment shall be packaged either individually or in quantities appropriate for individual procedures. Packages shall be identifiable and dated.

32.10-2. *Sterilization.*

(a) Equipment requiring sterilization shall be pressure-sterilized at the establishment in an autoclave and in accordance with the manufacturer's instructions. The equipment may

be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All packages or containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.

(b) Each batch of sterilized equipment shall be monitored for sterilization by use of heat-sensitive indicators capable of indicating approximate time and temperature achieved.

(c) Autoclaves shall be spore-tested at least monthly. Spore kill test effectiveness shall be conducted by an independent laboratory.

(d) Sterilized equipment shall be wrapped or covered and stored in a manner which will ensure that it will remain sterile until used. All sterilized needles and other equipment not individually wrapped shall be stored in a sterilized and covered glass container or in a stainless steel tray and submerged in an approved sterilizing and disinfecting solution. The Division shall supply all establishments licensed under this ordinance with a list of approved sterilizing and disinfecting solutions.

(e) Each tattoo or body piercing establishment shall maintain sterilization records including spore tests for at least one (1) year from the date of the last entry, which shall include the following information:

(1) Date of sterilization.

(2) Name of the person operating the equipment.

(3) Result of heat-sensitive indicator.

(f) Sterilized equipment shall be re-sterilized if the package is opened, damaged or becomes wet.

(g) Autoclaving is the only allowable method of sterilization.

### **32.11. Preparation and Care of Site.**

32.11-1. *Preparation by Practitioner.* Before beginning a procedure, the tattooist or body piercer shall clean the skin area for the tattooing or piercing and then prepare it with an antiseptic. The solution shall be applied with single-use cotton, gauze or toweling.

32.11-2. After a tattooist completes work on any patron, the tattooed area shall be washed with antiseptic and covered with a dry, sterile gauze dressing.

32.11-3. *Care Instructions for Patron.* After completing a procedure, the tattooist or body piercer shall provide the patron with oral and written instructions on the care of the tattoo or piercing.

### **32.12. Temporary Establishments**

32.12-1. In addition to the requirements under 32.1 to 32.11 that apply to all tattoo and body piercing establishments, the requirements found under this section apply specifically to temporary establishments.

32.12-2. An agent of the Division who is a Registered Sanitarian may issue temporary establishment and temporary practitioner licenses without the approval of the Licensing Department.

32.12-3. No temporary establishment may be operated without a temporary establishment license. An application for a temporary establishment license shall be made under 32.5-2 and shall be accompanied by the fee required under 32.5-2(c).

32.12-4. No temporary establishment license shall be issued without a prior inspection, however, a pre-inspection fee as required under 32.5-3(a) shall not be charged.

32.12-5. A practitioner in a temporary establishment shall not tattoo or body pierce another person without obtaining a temporary practitioner's license, but shall not be required to pay the practitioner license fee under 32.5-4(d).

(a) A practitioner in a temporary establishment may be issued a temporary practitioner license if he or she:

(1) has sufficient proof of a valid permanent license, except as provided for under (b); and

(2) is tattooing and/or body piercing in a licensed temporary establishment.

(b) A practitioner in a temporary establishment who is not required to have a license where he or she permanently practices tattooing and/or body piercing may meet the requirements of (a)(1) if he or she demonstrates knowledge of infection control techniques, application of universal precautions and the requirements of this law by:

(1) complying with this law.

(2) providing proof of a valid certificate for the successful completion of a Bloodborne Pathogen training or Universal Precautions training; or

(3) responding correctly to the inspector's questions as they relate to the specific operation of the temporary establishment. This includes explaining:

(A) the significance of universal precautions;

(B) protective actions against bloodborne pathogens, including proper autoclave use; and

(C) the proper use of personal protective equipment.

32.12-6. An establishment's temporary license along with the temporary license of each on-staff tattooist or body piercer shall be conspicuously displayed in the temporary establishment.

32.12-7. The Division may deny a temporary establishment license or may revoke the license of a temporary establishment if the Division finds a violation of any provision of this law.

32.12-8. *Water.* A temporary establishment shall have all of the following:

(a) An approved toilet and hand washing facility.

(b) Potable water under pressure.

(c) Hot or tempered water for hand washing and cleaning.

(d) Connection to an approved sewage collection system.

### **32.13. Enforcement**

32.13-1. *Access.* An authorized employee(s) of the Division, upon presenting proper identification, shall be permitted to enter any tattoo or body-piercing establishment at any reasonable time to determine if the establishment and the practitioners are in compliance with this law. The Division's authorized employee(s) shall be permitted to examine the records of the establishment to obtain information about supplies purchased, received or used and information relating to patrons who received tattoos or body piercings.

32.13-2. *Enforcement Policy.*

(a) *Order to Correct Violations.* If upon inspection of a tattoo or body piercing establishment, it is discovered that the tattoo or body piercing establishment is not planned, equipped or operated or a practitioner is not licensed as required by this law, the Division shall notify the Licensing Department.

(1) The Licensing Department shall issue a written notice of violation to the operator within five (5) days of receipt of the Division's findings.

(2) This written notice of violation shall include a list of violations, and an order that directs the operator to make specified changes that will bring the establishment into compliance with standards established in this law and that stipulates the time period within which compliance is to take place.

(3) If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, the Division may direct that the Licensing

Department issue an order suspending or revoking the license to operate the tattoo or body piercing establishment or the practitioner's license, or both.

(4) The operator may request, to the Division, an extension of time in order to comply which may be granted if determined reasonable by the agent of the Division. Only one such reasonable extension of time will be granted before 32.13-2(a)(3) may be enforced against the operator.

(5) An operator whose license has been suspended or revoked may reapply for a license after compliance and correction with the original notice of violation has been satisfied, but remains subject to penalties, loss of the original license fee, and must submit a new license fee to regain a license.

(b) Order to Deal with an Immediate Danger to Public Health. If there is reasonable cause to believe that any construction, sanitary condition, operation of the establishment or of equipment or a procedural practice creates an immediate danger to health, an authorized employee of the Division may, without written notice, issue a temporary order to remove the immediate danger to health. The order shall take effect upon delivery to the operator or other person in charge of the tattoo or body piercing establishment and shall remain in effect for fourteen (14) days unless it is terminated by the Division or the Licensing Department by notice to the operator within that period or is kept in effect beyond that period. The order shall be limited to prohibiting specific procedures or methods of operation, or a combination of these, except that if a more limited order will not remove the immediate danger to health, the order may direct that all operations authorized by the license cease. If, before the temporary order expires, the Licensing Department determines that the immediate danger to health does in fact exist and continues to exist, the temporary order shall remain in effect, and may be extended, with notification to the operator.

(c) Any order issued by the Division or the Licensing Department under this law shall inform the practitioner and/or operator of his or her right to appeal the order and any time limits associated with an appeal.

32.13-3. *Penalty Provision.* Any person who willfully violates or obstructs the execution of this law for which no other penalty is prescribed, shall be fined not more than \$500. This shall include performing tattooing or body piercing without a license.

32.13-4. *Appeal by the Operator or Practitioner.* Any operator or practitioner aggrieved by an action of the Division or the Licensing Department may appeal to the original hearing body of the Appeals Commission within thirty (30) days after the action is taken. That decision may be appealed to the appellate body of the Oneida Appeals Commission as provided in the Administrative Procedures Act.

*End.*

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