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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Glidden**

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**Amending Title 13, Chapter 339, of the Minneapolis Code of Ordinances  
relating to Licenses and Business Regulations: Body Art Code.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 339.20 of the above-entitled ordinance be amended to read as follows:

**339.20. Definitions.** The following terms used in this ordinance shall be defined as follows:

*Aftercare* means written instructions given to the client, specific to the ~~tattoo or body piercing procedure(s)~~ rendered, on caring for the tattoo body art and surrounding area, ~~or piercing, and~~ The instructions must include information on when to seek medical treatment.

*Antiseptic* means an agent that destroys disease-causing microorganisms on human skin or mucosa.

~~*Apprentice* means a person who is learning the skills of the practice of tattooing or body piercing under an apprenticeship within a licensed tattoo or body piercing establishment.~~

~~*Apprenticeship* means the educational time required for an apprentice to learn the skills of the practice of tattooing or body piercing, specifically, thirty (30) days minimum, one (1) year maximum time spent under the direct supervision of a licensed tattooist or piercer within a licensed tattoo or body piercing establishment.~~

*Body art or body art procedure* means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

*Body art establishment* means any structure or venue, whether permanent or temporary, where body art is performed.

*Body piercer or piercer* means any person engaged in the practice of body piercing.

*Body piercing or piercing* means puncturing or penetration of the skin and tissue of a person and the insertion of jewelry or other adornment into the opening, except 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.

*Branding* means an indelible mark made by intentional burning with a hot iron or other instrument burned into the skin using instruments of thermal cautery, radiohyfreaction, and strike branding.

*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 wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations, title 29, Part section 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

*Convention temporary event* means a tattooing or piercing event held in a building other than the licensed tattooing or piercing establishment.

*Department* means the department of ~~operations and regulatory services~~, City of Minneapolis.

*Director* means the director of ~~operations and regulatory~~ licenses and consumer services, or designee.

*Disinfection* means the destruction of disease-causing microorganisms on inanimate objects or surfaces.

*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 ~~tattoo or piercing a body art~~ establishment.

*Establishment* means any location where tattooing, piercing, or both tattooing and piercing are practiced.

*Establishment plan* means a to-scale drawing or other suitable drawings and specifications of an establishment's layout which illustrates that the requirements of sections 339.160(1) and (2) are incorporated into the establishment's proposed facilities.

Guest artist means an individual who performs body art procedures according to the requirements under section 339.120(1).

Guest artist temporary event means ~~tattooing or piercing~~ performing body art procedures within a licensed ~~tattooing or piercing~~ body art establishment by a person licensed to ~~tattoo or pierce~~ perform body art procedures pursuant to section 339.120(1).

Handsink means a lavatory equipped with potable hot and cold ~~running~~ water held under pressure, used ~~solely~~ for washing hands, wrists, arms, or other portions of the body.

Hot water means water ~~which attains and maintains~~ at a temperature of at least 110°F.

Implanting means to fix or set securely an object in or under tissue and includes but is not limited to 3-dimensional body art applications. Implanting does not include medical procedures including but not limited to pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by licensed medical personnel.

Jewelry means any ~~personal~~ ornament inserted into a ~~newly~~ pierced area.

Liquid chemical germicide means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Microdermal means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Micropigmentation or cosmetic tattooing means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Operator means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Piercer (see "Body piercer.")

Piercing (see "Body piercing.")

Procedure surface means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

*Remodel* means, for the purposes of the body art code, any change to the current establishment that would require either a building permit or trades permit for the work to proceed except that remodel does not include changes to the front desk area, wait area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into adjacent space to add workstations are examples of remodeling. Remodel also means any change to an establishment plan previously submitted to the director.

*Sanitize/sanitization* means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level.

*Scarification* means an indelible mark left (as in the skin) by the healing of deliberately injured tissue fixed on the body by the production of scars.

*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.

*Sharps container* means a closed puncture-resistant, leak-proof container labeled with the international "biohazard" symbol ~~that can be closed is used for handling, storage, transportation, and disposal, and is labeled with the international "biohazard" symbol.~~

*Single use* means products or items ~~that are~~ intended for one-time, one-person use and that are disposed of after use on each the client, including, but not limited to, This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

*Sterilization* means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

*Subdermal implantation* means the implantation of an object entirely below the dermis.

*Suspension* means ~~the piercing of human tissue with large gauge fishing hooks or other piercing apparatus and subsequent hanging of the human body in mid air with the body being lowered and raised off the ground by pulleys or other raising/lowering apparatus~~ suspension of the body from affixed hooks placed through temporary piercings.

*Tattooing* means any method of placing indelible ink or other pigment into or under the skin or mucosa ~~by the aid of~~ with needles or any other instruments used to

puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of micropigmentation and cosmetic tattooing.

*Tattooist* means any person engaged in the practice of tattooing.

Technician or body art technician means any individual who is licensed under Minn. Statute Chapter 146B to perform tattooing or piercing.

Temporary body art establishment means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 21 days in conjunction with a single event or celebration.

Tongue bifurcation means the cutting of the tongue from the tip of the base, forking at the end.

*Universal precautions* means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. 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.

Section 2. That Section 339.40 of the above-entitled ordinance be amended to read as follows:

**339.40. Enforcement.** ~~The Pursuant to the authority granted in Minn. Statute Section 146B.02(9), the department of operations and regulatory services shall enforce the provisions of this chapter. The director of operations and regulatory licenses and consumer services, or designee thereof, after proper identification, shall at all reasonable times have the right to enter into and upon premises and inspect any tattooing or piercing establishment.~~

Section 3. That Section 339.50 of the above-entitled ordinance be amended to read as follows:

**339.50. License Technician license required.** No person shall ~~operate any establishment where tattooing or piercing is practiced, nor engage in the practice of tattooing or piercing~~ body art without being licensed under ~~this chapter~~ Minn. Statute Chapter 146B.

Section 4. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.55 to read as follows:

**339.55. Establishment license required.** No person shall operate any establishment where body art, tattooing, or piercing is practiced without being licensed under this chapter.

Section 5. That Section 339.60 of the above-entitled ordinance be amended to read as follows:

**339.60. Licensing Establishment licensing procedure.** (a) All applications, new and renewal, for body art establishment licenses shall be made upon forms furnished by the director of licenses and consumer services, and upon payment of the license fee, the license may be granted or denied pursuant to section 259.30.

(b) Each new applicant shall provide:

(1) Names, addresses, phone numbers, and dates of birth of all owners, officers, partners and onsite managers of the body art establishment;

(2) The address of the permanent or temporary establishment;

(3) An approved establishment plan;

(4) All applicable fees; and

(5) Any other relevant information as required by the director.

~~(1) Provide proof of an apprenticeship; or~~

~~(2) Provide proof of being a credentialed (licensed or certified) medical professional including an MD, Physician Assistant, RN, LPN, Nurse Practitioner, Dentist, Dental Hygienist, Phlebotomist, Veterinarian, Veterinarian Technician, Ophthalmologist Technician, Dermatologist Assistant, Nurse Practitioner; or~~

~~(3) Provide proof of completion of either the American Red Cross or US OSHA courses pertaining to blood borne pathogens and the prevention of disease transmission. Other courses provided by professional tattooing or piercing organizations/associations, certified educational programs, or by equipment manufacturers, may be submitted to the department for approval.~~

~~(c) Each new applicant for a tattoo or body piercing license shall successfully complete an examination administered by the department. Successful completion of the~~

examination given by the department shall be a passing grade of seventy (70) percent or better. The fee for such examination shall be twenty-five dollars (\$25.00).

~~(d) — The director of licenses and consumer services may grant a tattooist or piercer a license by reciprocity with a municipality, county, or state, which has equal or greater requirements. Each new applicant under this section shall:~~

- ~~(1) Provide to the department a copy of their license from the municipality, county, or state where they are currently licensed.~~
- ~~(2) Make license application upon forms furnished by the director, and upon payment of the license fee, the application shall be submitted to the director of licenses and consumer services who shall grant or deny the license pursuant to section 259.30.~~

Section 6. That Section 339.70 of the above-entitled ordinance be and is hereby repealed.

~~**339.70. Apprenticeship procedure.** (a) No person shall apprentice at a licensed tattoo or body piercing establishment until the licensed tattooist or piercer conducting the apprenticeship submits to the director the following:~~

- ~~(1) The name and address of the establishment where the apprenticeship is taking place.~~
- ~~(2) The name of the apprentice.~~
- ~~(3) The name(s) of the tattooist(s) or the piercer(s) conducting the apprenticeship. If more than one person is conducting the apprenticeship, then a lead person must be identified on the application.~~
- ~~(4) The starting date of the apprenticeship.~~
- ~~(5) The anticipated completion date of the apprenticeship.~~

~~(b) One of the licensed tattooists or piercers identified pursuant to 339.70(a)(3) shall be present at all times when the apprentice is tattooing or piercing.~~

~~(c) An apprenticeship shall last for a minimum of thirty (30) days, one (1) year maximum.~~

~~(d) If the apprenticeship procedure is not followed, the licensed tattooist or piercer conducting the apprenticeship will be sanctioned.~~

Section 7. That Section 339.80 of the above-entitled ordinance be amended to read as follows:

**339.80. Location restricted.** No ~~tattooist or piercer~~ body art technician shall engage in the practice of body art, tattooing or piercing at any location other than the location(s) listed in the application ~~and license~~ of a valid establishment.

Section 8. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.81 to read as follows:

**339.81. Transfer and display of license.** A body art establishment license must be issued to a specific person and location and is not transferable. The license must be prominently displayed in a public area of the establishment.

Section 9. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.82 to read as follows:

**339.82. Establishment information.** The following information must be kept on file for three (3) years on the premises of the establishment and must be made available for inspection upon request by the director:

(1) a description of all body art procedures performed by the establishment;

(2) copies of the spore tests conducted on each sterilizer; and

(3) the following information for each technician or guest artist employed or performing body art procedures in the establishment:

a. name;

b. home address;

c. home telephone number;

d. date of birth;

e. copy of an identification photo; and

f. license number or guest artist license number.

Section 10. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.83 to read as follows:

**339.83. Establishments located in a private residence.** If the body art establishment is located within a private residence, the space where the body art procedures are performed must:

(1) be completely partitioned off;

- (2) be exclusively used for body art procedures, except for licensed practices under Minn. Statutes Chapter 155A, which must be performed in compliance with the health and safety standards in this chapter;
- (3) be separate from the residential living, eating, and bathroom areas;
- (4) have a separate and secure entrance accessible without entering the residential living, eating, and bathroom areas;
- (5) have an approved establishment plan pursuant to section 339.90;
- (6) meet the standards of this chapter;
- (7) be made available for inspection upon request; and
- (8) comply with all provisions of the zoning code and with any other applicable provisions of this Code.

Section 11. That Section 339.90 of the above-entitled ordinance be amended to read as follows:

**339.90. Establishment plan review.** Establishment plan review is required for all new, remodeled, and altered establishments prior to commencement of construction. An establishment owner must submit an establishment plan to the director for approval of such plans and specifications. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter, including but not limited to sections 339.150(1) and (2). Failure to submit a plan for approval may result in the closing down of operations until plans have been approved.

Section 12. That Section 339.100 of the above-entitled ordinance be amended to read as follows:

**339.100. License fee.** (a) ~~*Tattooist or piercer.* The annual license fee for a tattooist or a piercer shall be as established in Appendix J, License Fee Schedule. The type of license sought must be indicated on the application. A person who is a tattooist and a piercer must indicate both on the application, but one (1) fee shall be waived. A tattooist or a piercer may engage in the practice of tattooing or piercing at up to four (4) licensed establishments without acquiring additional licenses provided that the additional establishments are listed on the license application.~~

~~(b) *Establishment.* An establishment shall pay an annual license fee as established in the Appendix J, License Fee Schedule. The licensee of an establishment, if also a tattooist or piercer, shall not be required to pay the tattooist or piercer fee described in section 339.100(a).~~

~~(e)~~(b) *Establishment plan review.* The establishment plan review fee shall be ~~one hundred dollars (\$100.00)~~ as established in the License Fee Schedule.

Section 13. That Section 339.120 of the above-entitled ordinance be amended to read as follows:

**339.120. Temporary event license.** Notwithstanding the requirements set forth in this chapter, the director may issue a temporary event license for a convention or guest artist temporary event. A convention temporary event shall be sponsored by a licensed ~~tattooist, piercer,~~ body art establishment, or professional organization. A guest artist temporary event shall be sponsored by a licensed ~~tattooist, piercer,~~ or body art establishment. The sponsor of a convention or guest artist temporary event shall list on the temporary event license application the name, address, date of birth, state license number and phone number of each participating ~~tattooist or piercer~~ body art technician, and the starting and anticipated completion dates the guest artist will be working.

(1) *License requirements.*

a. ~~A body art technician tattooist or piercer must hold a license issued pursuant to Minn. Statute Section 146B.04 or similar certification or registration to engage in the practice of tattooing or piercing issued under the jurisdiction of another political subdivision, state, or nation.~~

b. ~~An applicant who practices tattooing or piercing in a jurisdiction that does not license, certify, or register tattooists or piercers, may obtain a temporary event license provided the tattooist or piercer passes the examination described in section 339.60(c) and complies with all other requirements of section 339.120.~~

(2) *Duration of event.*

a. A convention temporary event shall be no longer than seven (7) consecutive days.

b. ~~A guest artist temporary event shall be no longer than ninety (90) consecutive days may not conduct body art procedures for more than 30 days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license pursuant to Minn. Statute 146B.03.~~

(3) *Number of events.*

a. The same ~~tattooist, piercer,~~ establishment, or professional organization serving as a sponsor of a convention temporary event

shall have no more than two (2) tattooing or piercing events in the same calendar year.

- b. The same ~~tattooist, piercer, or~~ establishment serving as a sponsor of a guest artist temporary event shall have no more than four (4) tattooing or piercing events in the same calendar year.

(4) *Convention temporary event location requirements.*

- a. A convention temporary event shall be held in a building other than a licensed tattooing or piercing establishment.
- b. The location must be equipped with the facilities specified in ~~339.160(1)~~ 339.150(1) and (2).
- c. A portable hand washing station must be located at each tattooing or piercing station, or an approved equivalency.

- (5) ~~*Tattooist or piercer fee.* The fee for such a temporary license shall be as established in Appendix J, License Fee Schedule. A sponsor of a convention temporary event with more than ten (10) tattooists or piercers may request a group fee in lieu of individual license fees for tattooists or body piercers based on the cost of inspection as set by the director.~~

- ~~(6) *Sponsor fee.* The fee for a sponsor of a convention or guest artist temporary event shall be as established in the Appendix J, License Fee Schedule, and the fee shall be increased by fifty (50) percent if the completed application is received less than fourteen (14) days prior to the event. If the sponsor is a tattooist or piercer at a convention temporary event, the sponsor must submit a separate temporary event tattooist or piercer application and the tattooist or piercer fee shall be waived.~~

Section 14. That Section 339.130 of the above-entitled ordinance be amended to read as follows:

**339.130. Director of operations and regulatory services Professional standards.** ~~The director of operations and regulatory services, or designee, may establish additional health regulations deemed necessary to protect health, safety, or welfare of the public and require such regulations to be adhered to by tattooists, tattoo establishments, piercers, and piercing establishments licensed under this chapter. The additional health regulations shall be approved by the city council. No person shall engage in the branding, implantation, suspension, or scarification of another person.~~

(b) A technician may perform body piercing on an individual under the age of eighteen (18) if the individual's parent or legal guardian is present and a consent form

and the authorization form is signed by the parent or legal guardian in the presence of the technician, and the piercing is not prohibited under paragraph (d).

(c) No technician shall tattoo any individual under the age of eighteen (18) regardless of parental or guardian consent.

(d) No nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of eighteen (18) regardless of parental or guardian consent.

(e) Technicians shall require proof of age prior to performing body art procedures on a client. Proof of age is established by one of the following:

(1) A valid driver's license or identification card issued by the State of Minnesota, or another state, and including the photograph and date of birth of the person;

(2) A valid military identification card issued by the United States Department of Defense;

(3) A valid passport; or

(4) A resident alien card; or

(5) A tribal identification card.

(f) Before administering a body art procedure, the technician shall obtain from the client a signed and dated informed consent form. The consent form must disclose (i) that a tattoo is considered permanent, that it may be removed only with a surgical procedure, that any effective removal may leave scarring or (ii) that body piercing may leave scarring.

(g) Before performing any body art procedure, the technician must provide the client with a disclosure and authorization form that indicates whether the client has:

(1) Diabetes;

(2) A history of hemophilia;

(3) A history of epilepsy, seizures, fainting, or narcolepsy;

(4) Any condition that requires the client to take medications such as anticoagulants that thin the blood or interfere with blood clotting; or

(5) Any other information that would aid the technician in the body art procedure process evaluation.

(h) The form must include a statement informing the client that the technician shall not perform a body art procedure if the client fails to complete or sign the disclosure and authorization form, and the technician may decline to perform a body art procedure if the client has any identified health conditions.

(i) The technician shall ask the client to sign and date the disclosure and authorization form confirming that the information listed on the form is accurate.

(j) Before performing any body art procedure, the technician shall offer and make available to the client personal draping, as appropriate.

(k) No technician shall perform body art procedures on any person who appears to be is under the influence of alcohol, controlled substances as defined in Minn. Statutes Section 152.01(4), or hazardous substances as defined in rules adopted under Minn. Statutes Chapter 182.

(l) No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined in Minn. Statutes Section 152.01(4), or hazardous substances as defined in rules adopted under Minn. Statutes Chapter 182.

Section 15. That Section 339.140 of the above-entitled ordinance be amended to read as follows:

**339.140. Clients records.** ~~(a) No tattooist or piercer shall tattoo or pierce any person under the age of eighteen (18) years except in the presence of, and with the written permission of, the parent or legal guardian of such person. Nipple and genital piercing is prohibited on minors regardless of parental consent.~~

~~(b) Tattooists and piercers shall request proof of age prior to tattooing a client. Proof of age is established by one of the following:~~

~~(1) A valid driver's license or identification card issued by the State of Minnesota, or another state, and including the photograph and date of birth of the person;~~

~~(2) A valid military identification card issued by the United States Department of Defense;~~

~~(3) A valid passport; or~~

~~(4) A resident alien card.~~

~~(c) Before administering a tattoo, the client must be advised that any tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave scarring. Written information to this effect shall be included on the tattoo consent form.~~

~~(d) Tattooing or piercing may not be performed on any person who is under the influence of alcohol, controlled substances as defined in Minnesota Statutes, Section 152.01 Subd.4, or hazardous substances as defined in rules adopted under Minnesota Statutes, Chapter 182. The establishment licensee shall maintain proper records for each customer. The records shall include the following:~~

~~(1) The date of the procedure.~~

~~(2) Record of information on picture identification showing name, age, and current address of client.~~

~~(3) The design and location of the body art procedure performed.~~

~~(4) The name and license number of the technician performing the procedure.~~

~~(5) If the client is eighteen (18) years or older, a copy of the informed consent form to perform the tattoo or piercing signed and dated by the client.~~

~~(6) If the client is under the age of eighteen (18) years, a copy of the consent form to allow the piercing signed and dated by the parent or legal guardian as required under section 339.140.~~

~~(7) A copy of the consent form signed and dated by the client required pursuant to section 339.130(f).~~

~~The record of the procedure shall be kept for three (3) years and shall be available for inspection by the department upon request.~~

Section 16. That Section 339.150 of the above-entitled ordinance be amended to read as follows:

**339.150. Client records Health and sanitary requirements.** ~~The establishment licensee shall maintain proper records for each customer. The records shall include the following:~~

~~(1) The date of the procedure.~~

~~(2) Record of information on picture identification showing name, age, and current address of client.~~

~~(3) The design and location of the tattoo or piercing.~~

~~(4) The name and license number of the tattooist or piercer.~~

~~(5) Copy of the signed information and consent form to perform the tattoo or piercing.~~

~~The record of the procedure shall be kept for three (3) years and shall be available for inspection by the department upon request. No body art establishment shall engage in the practice of body art, tattooing or piercing without complying with the following health and sanitary regulations:~~

(1) Facilities.

- a. Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the director to ascertain compliance with all other conditions and provisions of section 339.150(1) and (2).
- b. Every establishment shall be equipped with a sewer and water connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition. The hand lavatory must be equipped with liquid hand soap, single-use paper towels or a mechanical hand drier or blower, and a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.
- c. There shall be not less than 150 square feet of floor space at the establishment and the establishment shall be lighted and ventilated as to comply with the standards approved by the director.
- d. No establishment shall be used or occupied for living or sleeping quarters.
- e. Facilities shall be maintained in good working order and in a clean and sanitary condition.
- f. The procedure area must be separated from any other area that may cause potential contamination of work surfaces.
- g. For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.
- h. All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.
- i. All ceilings in the establishment must be in good condition.

- j. All walls and floors must be free of open holes or cracks and be washable. No carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.
- k. No animals may be present during a body art procedure, unless the animal is a service animal.

(2) Equipment and instruments.

- a. All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:
  - 1. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least fifteen (15) minutes at a minimum of two hundred fifty (250) degrees F, one hundred twenty-one (121) degrees C, and at a minimum of fifteen (15) pounds of chamber pressure (fifteen (15) psi); or
  - 2. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least thirty (30) minutes at a minimum of two hundred forty (240) degrees F, one hundred fifteen (155) degrees C, and at a minimum of ten (10) pounds of chamber pressure (ten (10) psi); or
  - 3. By another method approved by the director which results in sterilization.
  - 4. At least once a month, but not to exceed 30 days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.
- b. Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.
- c. Jewelry must be made of surgical implant grade stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, platinum, and/or a dense, low-porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.

- d. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.
- e. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses.
- f. Every tattooist or piercer shall provide single-service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the director.
- g. Every body art technician, tattooist or piercer shall wear clean garments when engaged in the practice.
- h. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk-packaged clean.
- i. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.
- j. All instruments and supplies must be stored clean and dry in covered containers.
- k. Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including, but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(3) Skin preparation.

- a. Whenever it is necessary to shave the skin, a new disposable safety razor or a stainless steel straight edge must be used for each customer. The disposable razor must be discarded after use. The stainless steel straight edge must be thoroughly washed to remove all organic matter and sterilized before use on another client. All electric hair clippers shall be sanitized.

- b. No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, or open wound.
- c. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single-service towels and washcloths shall be used in the skin cleaning process.
- d. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.

(4) Hand washing.

- a. Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.
- b. A technician may not smoke, eat, or drink while performing body art procedures.
- c. A technician may not perform a body art procedure if the technician has any open sores visible or in a location that may come in contact with the client.

(5) Gloves. Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. At a minimum, gloves must be discarded after the completion of a procedure on a client. Upon leaving the procedure area, hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.

(6) Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

- a. Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a

manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.

- b. Contaminated waste that 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 that is marked with the international biohazard symbol. It must then be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- c. 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.
- d. Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling, storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160(2)(a).
- e. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(7) The operator of the body art establishment shall ensure that all technicians provide each client with verbal and printed instructions on the approved care of the tattoo or piercing during the healing process. The written instructions must advise the client to consult a health care professional at the first sign of infection.

(8) The operator of the body art establishment shall immediately notify the Minnesota Commissioner of Health and the City of Minneapolis health department of any reports received of a potential bloodborne pathogen transmission.

Section 17. That Section 339.160 of the above-entitled ordinance be amended to read as follows:

**339.160. Health and sanitary requirements Grounds for denial of an establishment license or emergency closure.** ~~No tattooist, tattoo establishment, piercer, or piercing establishment shall engage in the practice of tattooing or piercing without complying with the following regulations:~~

~~(1) *Facilities.*~~

- a. ~~Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the director to ascertain compliance with all other conditions and provisions of section 339.160(1) and (2).~~
- b. ~~Every establishment shall be equipped with a sewer and water-connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition.~~
- c. ~~There shall be not less than 150 square feet of floor space at the establishment and said establishment shall be lighted and ventilated as to comply with the standards approved by the director.~~
- d. ~~No establishment shall be used or occupied for living or sleeping quarters.~~
- e. ~~Facilities shall be maintained in good working order and in a clean and sanitary condition.~~

*(2) Equipment and instruments.*

- a. ~~All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:
  - 1. ~~In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least fifteen (15) minutes at a minimum of two hundred fifty (250) degrees F, one hundred twenty-one (121) degrees C, and at a minimum of fifteen (15) pounds of chamber pressure (fifteen (15) psi); or~~
  - 2. ~~In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least thirty (30) minutes at a minimum of two hundred forty (240) degrees F, one hundred fifteen (155) degrees C, and at a minimum of ten (10) pounds of chamber pressure (ten (10) psi); or~~
  - 3. ~~By another method approved by the director which results in sterilization.~~~~
- b. ~~Jewelry must be made of surgical implant grade stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, platinum, and/or a dense, low porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use.~~

- ~~c. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.~~
- ~~d. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses.~~
- ~~e. Every tattooist or piercer shall provide single service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the director.~~
- ~~f. Every tattooist or piercer shall wear clean garments when engaged in the practice of tattooing.~~
- ~~g. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk packaged clean.~~
- ~~h. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.~~

~~(3) Skin preparation.~~

- ~~a. Whenever it is necessary to shave the skin, a new disposable safety razor must be used for each customer. All electric hair clippers shall be sanitized.~~
- ~~b. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single service towels and washcloths shall be used in the skin cleaning process.~~
- ~~c. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.~~

~~(4) Hand washing.~~

- a. ~~Each tattooist or piercer shall scrub his or her hands thoroughly before beginning to tattoo or pierce. Tattooists or piercers with skin infections of the hand shall not tattoo or pierce.~~
  - b. ~~The tattooist's or piercer's hands must be washed after contact with the person being tattooed or pierced or after contact with potentially contaminated articles.~~
- (5) ~~Gloves of medical exam quality shall be used for touching persons being tattooed or pierced or for handling blood or body fluids.~~
- (6) ~~Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.~~
- a. ~~Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.~~
  - b. ~~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 licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.~~
  - c. ~~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.~~
  - d. ~~Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling, storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160(2)(a).~~
  - e. ~~Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to blood borne pathogens.~~

~~(7) No tattooist or piercer shall practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01 subd.4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.~~

~~(8) The tattooist or piercer shall provide the person tattooed or pierced with printed instructions on the approved care of the tattoo or piercing during the healing process. If any of the following conditions exist, the owner or operator of a licensed establishment may be ordered by the director to discontinue all operations of a licensed body art establishment or the director may refuse to grant or renew, suspend, or revoke licensure:~~

- (1) evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;
- (2) lack of potable, plumbed, or hot or cold water to the extent that handwashing or toilet facilities are not operational;
- (3) lack of electricity or gas service to the extent that handwashing, lighting, or toilet facilities are not operational;
- (4) significant damage to the body art establishment due to tornado, fire, flood, or another disaster;
- (5) evidence of an infestation of rodents or other vermin;
- (6) evidence of any individual performing a body art procedure without a license as required under this chapter;
- (7) evidence of existence of a public health nuisance;
- (8) use of instruments or jewelry that are not sterile;
- (9) failure to maintain required records;
- (10) failure to use gloves as required;
- (11) failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;
- (12) failure to properly report complaints of potential bloodborne pathogen transmission to the commissioner; or
- (13) evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment.

Before license approval or renewal or the reopening of the establishment, the establishment shall submit to the director satisfactory proof that the problem condition causing the need for the licensure action or emergency closure has been corrected or removed by the operator of the establishment. A body art establishment may not reopen without the written approval of the director and a valid establishment license.

Section 18. That Section 339.170 of the above-entitled ordinance be amended to read as follows:

**339.170. Violations Prohibitions.** ~~(a) No person shall engage in the branding, implantation, suspension, or scarification of another person.~~

~~(b) No person shall pierce the genitalia or nipples of a minor.~~

~~(c) No person shall engage in tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01 subd.4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:~~

~~(1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.~~

~~(2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.~~

~~(3) Repeated or serious violations of this chapter or of any other applicable provision of this Code may constitute just cause for the imposition of adverse license action, including but not limited to license suspension or revocation.~~

~~(4) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.~~

Section 19. That Section 339.180 of the above-entitled ordinance be and is hereby repealed.

~~**339.180. Violations.** (a) A violation of this chapter shall be a misdemeanor punishable as provided in section 1.30 of this Code.~~

~~(b) Violations of this chapter may subject a license holder, after notice and hearing, to a monetary penalty, or in the case of repeat or serious violations, license revocation, suspension, or non-renewal by the city council.~~