

## CHAPTER 28

### REGULATION OF TATTOO ARTISTS, TATTOO ESTABLISHMENTS, BODY PIERCERS AND BODY PIERCING ESTABLISHMENTS

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**28.01 Title.** This ordinance may be cited as the Sauk County Tattoo and Body Piercing Ordinance.

**28.02 Authority.** (1) This ordinance is adopted under authority granted by §§ 59.54(6), 252.23, 252.24 and 252.245 of the Wisconsin Statutes, and Wisconsin Administrative Code, Chapter HFS 173.

(2) All requirements contained in Wis. Admin. Code Chapter HFS 173, entitled Tattooing and Body Piercing and Chapter NR 526, entitled Medical Waste Management, as currently enacted and as may be amended in the future, are hereby incorporated into this ordinance.

**28.03 Purpose.** The purpose of this ordinance is to protect the health and general welfare of Sauk County residents and transients from the spread of diseases transmitted through the use of needles and body piercing equipment by regulating and licensing tattoo establishments, tattoo artists, body piercers and body piercing establishments in Sauk County.

**28.04 Applicability.** This ordinance shall apply to all tattooists, body piercers, tattoo establishments and body piercing establishments within the boundaries of Sauk County.

**28.05 Definitions.** In this ordinance the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) **ANTISEPTIC.** A chemical that kills or inhibits the growth of organisms on skin or living tissue.

(2) **AUTOCLAVE.** An apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.

(3) **BODY PIERCE.** (As a verb). To perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.

(4) **BODY PIERCER.** A person who performs body piercing on another person at that person's request.

(5) **BODY PIERCING.** Perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

(6) **BODY PIERCING ESTABLISHMENT.** The premises where a body piercer performs body piercing.

(7) **CLEANING.** The removal of foreign material from objects, normally accomplished with detergent, water and mechanical action.

(8) **DEPARTMENT.** The Sauk County Department of Public Health.

(9) **DISINFECTANT.** A chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

(10) **HEALTH OFFICER.** The person with authority in a county or municipality for public health law enforcement and the implementation of public health program activities, or that person's designated representative.

(11) HOT WATER. Water at a temperature of 110°F or higher.

(12) OPERATOR. The owner or person responsible to the owner for the operation of a tattoo or body piercing establishment.

(13) PATRON. A person receiving a tattoo or body piercing.

(14) PRACTITIONER. A tattooist or body piercer.

(15) PREMISES. A building, structure, area or location where tattooing or body piercing is performed.

(16) SHARPS WASTE. 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.

(17) STERILIZATION. 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 15 pounds per square inch for not less than 30 minutes or through use of an autoclave approved by the department that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.

**28.06 License Required.** (1) License requirements.

(a) Application for practitioner license. 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 license from the State Department of Health and Family Services (DHFS). Application for the license shall be made pursuant to DHFS regulation, and the applicable fee shall be paid when submitting such application.

(b) No person shall engage in the practice of tattooing or own or operate a tattoo establishment in Sauk County, without first applying for and receiving a license from the Sauk County Public Health Department.

(c) No person shall engage in the practice of body piercing or own or operate a body piercing establishment in Sauk County without first applying for and receiving a license from the Sauk County Public Health Department.

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(d) Licenses are not transferable and shall only apply to the named practitioner and premises listed on the license.

(e) Licenses shall be valid for a period of one (1) year, from July 1st to June 30th.

(f) A license may be issued or renewed upon payment of the required fee and a satisfactory inspection of the premises.

(g) The denial or revocation of a license may be reviewed under the procedures of Chapter 227 Stats.

(2) Fees. Fees for permits required by this chapter shall be authorized through a fee schedule approved annually by the Board of Health.

(3) Application investigation. The application for a license shall be filed with the Health Department. The Health Department shall issue the license only after the Health Officer, after an investigation and inspection of the premises, certifies that the sanitary conditions prevailing upon the premises comply with the provisions of this ordinance, and the licensee demonstrates competence in the maintenance of sanitary conditions. The premises and equipment must be in compliance with Wis. Admin. Code Chapter HFS 173 and this ordinance before a license will be issued.

(4) Display. The issued license shall be posted in a conspicuous place in the establishment at all times.

**28.07 Health and Sanitary Requirements.** (1) Establishment.

(a) Tattooing and body piercing shall be performed by a practitioner in a business establishment that is completely separated from any living quarters by a solid permanent partition. A solid door leading to the living quarters shall be permitted, provided it remains closed during business hours. A direct outside entrance to the establishment shall be provided. This door shall remain unlocked during business hours. Business hours shall be posted on the door.

(b) The entire premises of the establishment and all facilities used in connection therewith shall be maintained in a clean, sanitary, vermin free condition and in good repair. Antiseptic procedures shall be followed to insure physical cleanliness and sanitation.

(c) The establishment shall have potable hot and cold water under pressure.

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(d) The establishment shall be equipped with toilet and hand washing facilities which are connected to water and sewage disposal systems. Hand washing lavatories shall be supplied with cleansing compound and single-service towels. At least one (1) additional hand washing facility shall be located within the immediate area of the procedure area.

(e) The establishment, including the immediate area where the procedure is to be performed, shall be adequately lighted and ventilated.

(f) Floors in the immediate area where the procedure is to be performed shall have nonporous, smooth, washable surfaces, and shall be maintained in a clean condition. Carpeting is prohibited.

(g) Approved waste containers with nonabsorbent, durable plastic liners shall be used for all tissues, towels, gauze pads and other similar items used on the patron. Bio-hazardous waste shall be disposed of in an acceptable manner. Needles and razors shall be disposed of in a SHARPS container. Other contaminated wastes should be incarcerated or autoclaved prior to disposal.

(h) No person other than the patron shall be present in the immediate vicinity of the area in which tattoos or body piercing are administered unless authorized by the practitioner to be there.

(i) Smoking or consumption of food or drink shall not be allowed in the immediate area where the procedure is being performed. The patron may consume a soft drink.

(j) No animals, except guide dogs for visually or hearing impaired persons, shall be permitted in an establishment.

(k) The Health Officer shall have the authority, under the Sauk County Code of Ordinances, to inspect any establishment under the provisions of this ordinance for the purpose of determining compliance with any of the terms of this ordinance.

**(2) Equipment.**

**(a) General.**

1. All establishments shall be equipped with an autoclave approved for use in sterilizing instruments to be used on humans, and which is in good working order and which is manufactured with temperature and pressure

gauges marked and visible on the outside of the unit. Sterilization tape, or similar indicator, shall be used with each batch autoclaved or dry sterilized to monitor functioning of the sterilization unit.

2. All pigments, dyes and instruments used in the practice of tattooing shall be sterilized before use by the establishment, if not sterilized by the manufacturer, and maintained in a condition to prevent contamination.

3. Any dye or ink in which needles were dipped shall not be used on another person. Ink cups shall be for single patron use.

4. Needles shall be used on only one (1) customer and then properly discarded.

5. Needles may be reused during the same session on the same person by rinsing them under running tap water followed by rinsing them in seventy percent (70%) isopropyl alcohol or other method approved by the Health Officer.

6. All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the instrument. The cleaning of instruments shall be done with detergent and hot water or other methods approved by the Health Officer.

7. After sterilization, all needles and other instruments 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 Health Officer shall supply all licensed establishments with a list of approved sterilizing and disinfecting solutions.

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

9. Engineering and work practice controls shall be utilized to eliminate or minimize exposure to blood and body fluids. Extraordinary care must be taken to avoid accidental wounds from sharp instruments contaminated with blood or body fluids and to avoid contact with open skin lesions. Used sharps shall be disposed of in a sharps container designed for this purpose. Needles shall not be broken, bent or recapped.

(b) Stencils.

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1. No stencil may be used unless it is sterile.

2. Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for ten (10) minutes in a chlorine disinfectant solution prepared by mixing one (1) tablespoon of household bleach containing five percent (5%) chlorine with one (1) pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air dried or blotted dry with a clean, single service towel. Prior to use, each pre-cleaned stencil shall be rinsed in a seventy percent (70%) isopropyl alcohol solution.

3. Paper stencils shall only be used once. New paper stencils shall be used for every individual.

(c) Inks and pigments.

1. All inks and pigments shall be obtained from sources recognized as safe. Information indicating the sources of all ink and pigments shall be available to the Health Department upon request.

2. Only sterile inks or pigments shall be used and shall be dispensed from sterile bottles and containers.

3. Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the sterile dye bottles into sterile disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.

(3) Skin preparation.

(a) The following aseptic techniques shall be utilized in the practice of tattooing and body piercing:

1. Practitioners shall wash their hands thoroughly with hot water and soap before gloving, prior to each patron. Hands shall be dried with individual paper towels. Practitioners shall wear single use sterile gloves during the procedure and shall discard the gloves at the end of the procedure.

2. If the patron's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. The blade shall be discarded in a sharps container after each use. If reusable blade holders are used, they may be used on only one (1) customer and then must be discarded. Disposal of

all regulated waste shall be in accordance with applicable federal, state and local regulations.

3. The skin area to be tattooed or pierced shall be prepared by thoroughly washing the area with seventy percent (70%) isopropyl alcohol or other method approved by the Health Officer. The solutions shall be applied with sterile cotton or sterile gauze or sprayed on.

4. Single-use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process. Such materials shall be discarded after use.

5. Petroleum jelly used for applying stencils shall be dispensed from a single-use disposable container or with a sterile tongue blade or sterile applicator stick which shall be discarded after each use.

6. After completing work on any patron, the tattooed area shall be washed with seventy percent (70%) isopropyl alcohol. A dry, sterile gauze dressing shall be used to cover the tattooed area. Pierced areas shall be treated to ensure the prevention of infection.

(b) Patrons tattooed or pierced shall be provided with printed instructions regarding care during the healing process.

(4) General supplies.

(a) All establishments shall have clean, laundered towels, washcloths and disposable paper towels in sufficient quantity.

(b) A clean towel and washcloth shall be used for each customer.

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

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

(e) All practitioners shall wear clean, washable outer clothing.

(f) The procedure table or chair and supply tables shall be constructed of materials capable of being easily and thoroughly cleaned.

(g) Any material or supply which has made contact with the blood or body fluid of any person, or by an instrument which has had such contact, shall be deemed contaminated and must be disposed of unless it may be sterilized and reused under the specific provisions of this ordinance.

(5) Practitioner requirements.

(a) The practitioner shall be free of communicable disease that may be transmitted by the practice of tattooing or body piercing. The

practitioner shall submit with his/her permit application a certificate from a medical doctor, licensed to practice in the State of Wisconsin, stating that the applicant has within 30 days immediately preceding the date of application been examined and found to be free of any contagious or communicable diseases.

(b) Practitioners with open sores, rashes, lesions, boils or skin infections shall not be permitted to engage in the practice of tattooing or body piercing.

(c) No tattooist or body piercer may work while under the influence of alcohol or any mind altering drug. Tobacco products may not be used while performing an actual procedure.

(d) The practitioner shall wash his or her hands thoroughly with soap and water before any skin preparation or procedure; the hands shall be dried with individual single-service towels. Single-service disposable rubber gloves and a disposable single-service face mask shall be worn throughout the entire procedure.

(e) Physical examinations of practitioners.

1. The Health Officer shall have the power to require any practitioner to submit to a practicing physician for a physical examination whenever the practitioner is suspected of having any infections or contagious disease. The expenses of the physical examination shall be paid by the practitioner.

2. Any practitioner notified to appear for a physical examination as may be required by the preceding subsection shall immediately cease working as an tattooist or body piercer and shall not be allowed to work thereafter in that capacity until he or she shall have first received a certificate in writing from a practicing physician that he or she is not inflicted with any infections or contagious condition or disease that may be transmitted by the practice of tattooing or body piercing.

(6) Patrons.

(a) It shall be unlawful for any person to tattoo an individual under the age of 18 years.

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

(c) No person 16 or 17 years of age 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.

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(d) Inquiry shall be made and no tattooing shall be performed on an individual who is suspected of having jaundice or hepatitis or who has recovered from jaundice or hepatitis within the preceding six (6) months.

(e) Tattooing or body piercing shall not be performed on an individual in an area with an evident skin infection or other skin disease or condition, including but not limited to rashes, pimples, boils or infections.

(f) Tattooing or body piercing shall not be performed on any patron who appears to be under the influence of alcohol or any mind altering drug.

**28.08 Record Retention.** Records shall be kept of all tattoos and piercings administered, including the name of customer, date, time, identification of tattoo, if applicable and practitioner's name. Records shall be kept on the premises of the establishment where administered. These records shall be available for inspection for a period of five (5) years after the date of the procedure.

**28.09 Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or Sauk County Ordinances. The provisions of Wis. Admin. Code Chapters HFS 173 and NR 526 are hereby specifically incorporated into this ordinance.

**28.10 Severability.** If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

**28.11 Effective Date.** This ordinance shall take effect upon its adoption by the Sauk County Board of Supervisors and official publication.

**28.12 Enforcement. (1)** The provisions of this Chapter shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Public Health Department, the designees of

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these departments, or other persons authorized by the Sauk County Board of Supervisors. This ordinance may be enforced by citation or civil forfeiture and the Sauk County Corporation Counsel is authorized to prosecute violations of this ordinance. Any person, business, corporation, property owner or other entity violating this ordinance may be issued a citation in which case punishment shall occur by forfeiture provided in Chapter 20, Sauk County Code of Ordinances. Failure to pay penalties in accordance with this ordinance may result in imprisonment in the Sauk County jail.

As adopted by the Sauk County Board of Supervisors on February 20, 1996. Repealed and recreated by the Sauk County Board of Supervisors on January 19, 1999 - Ordinance No. 13-99. Amended by the Sauk County Board of Supervisors on June 16, 2009 – Ordinance No. 74-09.

(2) Access. An authorized agent of the Health Department shall be permitted to enter the tattooing or body piercing establishment at any time in order to ensure that the provisions of this ordinance are being met. If violations are found, an order to correct shall be given to the practitioner or owner/operator, in writing, noting specific changes that must be made in order to bring the establishment into compliance. Such order shall set forth the time period by which such correction must take place. Failure to correct may result in suspension of the practitioner's or establishment's license to operate, and may invoke the penalty provisions of this ordinance.

**28.13 Penalties.** (1) The penalty for violating any section of this ordinance shall be a forfeiture of not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2000.00) together with court costs and fees, penalty assessments, jail assessments, automation fees or any other fees imposed pursuant to the Wisconsin Statutes.

(2) Upon conviction of a second or subsequent violation, the license of an establishment and/or practitioner may be suspended for up to a period of three (3) years.

**28.14 Violations.** Violations of this ordinance are an immediate and present danger to the public health and welfare. Unpermitted or unsanitary operation of a tattoo or body piercing business shall be deemed to cause irreparable harm. Violations of this ordinance may be enjoined, without prejudice to seek forfeiture for the violations involved.

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