



Tattoo Artist/Body Piercer Bloodborne Pathogen Education Certification

Regulation of the Northern Kentucky District Board of Health Pursuant to KRS 212.230 (1) (c)

A regulation of the Northern Kentucky District Board of Health including definitions, requiring tattoo artist/body piercer bloodborne pathogen education certification within the district; Establishing requirements for certification; Establishing the term of certification; Providing for renewal of certification; Establishing Requirements for proof of certification; Providing for penalty for violation, and severability.

Section 1. Purpose

The purpose of this regulation is to require the certification of tattoo artist/body piercer operating within the Northern Kentucky Independent Health District (NKIDHD) jurisdiction; so that personnel shall have knowledge of the risk of exposure to blood or other potentially infectious materials with the underlying purpose of preventing bloodborne disease transmission and protecting the public health.

Section 2. Rules for Administration and Enforcement

The District Director of Health of the NKIDHD or his/her designee is responsible for the enforcement of this regulation. The NKIDHD is hereby authorized to make and adopt such rules as deemed necessary for the administration and enforcement of this regulation and which rules shall not be in conflict with or an enlargement of any of the provisions of this regulation.

Section 3. Definitions

For the purpose of this regulation:

(a). “Tattoo Artist” means an individual registered by the NKIDHD who engages in the act of tattooing.

(b). “Body Piercer” means an individual registered by the NKIDHD who engages in the act of body piercing.

(c). “NKIDHD” means the Northern Kentucky Independent District Health Department Health Director or his/her designee having jurisdiction over tattoo/body piercing facility.

(d). “Tattoo/body piercing facility” means the place of business where tattooing, body piercing, or both are conducted.

(e). “Bloodborne pathogen(s)” means the pathogenic microorganisms that are present in the human blood that can cause disease in humans such as, but not exclusive of, Hepatitis B (HBV), Hepatitis C (HCV), and human immunodeficiency virus (HIV).

(f). “Blood” means human blood or any human body fluid or tissue that is visibly contaminated with blood.

(g). “Contaminated waste” means any material to be disposed of that has been soiled by blood or other potentially infectious material in the process of tattooing and/or body piercing.

Section 4. Tattoo Artist/Body Piercer Bloodborne Pathogen Education Certification Required

(a). After 90 days of the adoption of this regulation no tattoo artist/body piercer shall engage in the act of tattooing and/or body piercing unless that person holds a valid bloodborne pathogen education certification. No tattoo/body piercing facility shall allow an individual to perform tattoo or body piercing services without this certification.

(b). In order to obtain a tattoo artist/body piercer bloodborne pathogen education certification, applicants for certification must provide the NKIDHD with documentation that verifies their knowledge of the risk of exposure to blood or other potentially contaminated waste and the prevention of bloodborne disease transmission. Satisfactory documentation will consist of bloodborne pathogen training approved by NKIDHD, such as bloodborne pathogen training in accordance with Occupational Safety and Health Administration (OSHA) standards 29 CFR 1910.1030. Such certification shall verify the applicant has achieved a passing score on an examination, which has been designed to measure the understanding and application in the precautions, the risks, and types of infectious diseases contracted through exposure, the proper

safeguards to prevent exposure, and proper methods of handling other potentially infectious materials.

(c). The NKIDHD's issuance of a blood borne pathogen certification is not a warranty or endorsement of this service, or of the holder of the certification. NKIDHD is not liable for any claims, damages, causes of action, or complaints of any kind for any and all bodily injury resulting either to the applicant or a third party as a result of the tattooing or body piercing.

(d). The NKIDHD shall establish and charge a reasonable fee necessary to operate this program and the regulation's enforcement.

(e). Certified individuals or businesses who perform ear piercing at an ear piercing-only studio will not be required to meet the conditions of this regulation. Certified individuals and businesses exempt from this regulation must use a hand-pressured instrument utilizing approved presterilized earrings used exclusively for piercing the lobe and outer perimeter of the ear.

Section 5. Renewal of Certification

A holder of a tattoo artist/body piercer bloodborne pathogen education certification shall renew their certificate per NKIDHD administrative policy.

Section 6. Proof of Certification

Each certified tattoo artist/body piercer shall display his/her certificate in a prominent location in the facility.

Section 7. Certificate Not Transferable

A tattoo artist/body piercer bloodborne pathogen education certificate is not transferable from one person to another.

Section 8. Penalty for Violation

Any tattoo artist, body piercer, or tattoo/piercing facility found in violation of this article shall be ordered to comply with this regulation. If any tattoo artist, body piercer, or facility owner/operator does not comply with the order of the NKIDHD, then pursuant to KRS 212.715 and KRS 212.990 (2), the tattoo artist, body piercer, and/or facility owner/operator shall be subject to a fine not less than \$10.00 nor more than \$100.00 for each day that the order of the NKIDHD is not complied with. NKIDHD may ask for court cost and legal fee reimbursement.

Section 9. Severability

If any section, sub-section, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this regulation.

This regulation is hereby authorized by the Northern Kentucky Independent District Board of Health this 7th day of December, 2011.

(Signature)

Kirk Kavanaugh, JD, MSW
Chair
Northern Kentucky Independent District Board of Health