



**NKYHEALTH**  
NORTHERN KENTUCKY HEALTH DEPARTMENT



## **Blood-borne Pathogen Certification Regulation**

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

A regulation of the Northern Kentucky Independent District Board of Health (Board) requiring Blood-borne Pathogen Certification of tattoo artists and body piercers at tattoo/body piercing facilities. This regulation replaces and supersedes the Board's previously existing Tattoo Artist/Body Piercer Blood-borne Pathogen Education Certification local regulation.

### Section 1. Purpose

The purpose of this regulation is to require Blood-borne Pathogen Certification of tattoo artists and body piercers at tattoo/body piercing facilities operating within the Northern Kentucky Independent District Health Department (NKHD) jurisdiction, so that certified tattoo artist and body piercer shall:

- (1) Have knowledge of the risk and exposure to blood or other potentially infectious materials with the underlying purpose of preventing blood-borne disease transmission and protecting public health;
- (2) Implement and perform the proper practices and techniques necessary to prevent blood-borne disease transmission.

### Section 2. Rules for Administration and Enforcement

The District Director of Health of NKHD or his/her designee is responsible for the enforcement of this regulation. NKHD is hereby authorized to make and adopt such rules and policies as deemed necessary for the administration and enforcement of this regulation.

### Section 3. Definitions

For the purpose of this regulation:

(a). "Blood-borne 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).

**Northern Kentucky Health Department**

8001 Veterans Memorial Drive, Florence KY 41042 | 859-341-4151 | [www.nkyhealth.org](http://www.nkyhealth.org)

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

(c). “Body piercing” means the act of penetrating the skin or body part of a human being to make a hole or mark.

(d). “Tattooing” means the act of inserting pigment under the skin of a human being by pricking with a needle or otherwise, to produce indelible marks or figurers visible through the skin.

(e). “Tattoo artist” means an individual registered by the NKHD who engages in the act of tattooing.

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

#### Section 4. Blood-borne Pathogen Certification Required

(a). No tattoo/body piercing facility shall allow an individual to perform tattoo or body piercing services without this certification.

(b) No tattoo artist and/or body piercer shall engage in the act of tattooing and/or body piercing unless that person holds a valid Blood-borne Pathogen Certification.

(c). In order to obtain a Blood-borne Pathogen Certification, applicants for certification must satisfactorily complete training and testing provided by NKHD with the underlying purpose of preventing blood-borne disease transmission and protecting public health. NKHD may accept other blood-borne pathogen training credentials at their sole discretion.

(d). The NKHD’s issuance of a Blood-borne Pathogen Certification is not a warranty or endorsement of the holder of the certification, their actions or any establishment they may be employed by. NKHD and its staff is not liable for any claims, damages, causes of action, or complaints of any kind related to the Blood-borne Pathogen Certification process, materials, actions of individuals who have participated in the process, or any resulting injury or illness of participants or third parties.

(e). The NKHD shall establish and charge a reasonable fee necessary to operate this program and the regulation’s enforcement.

(f). Certified individuals or businesses who perform ear piercing at an ear piercing only studio, or individuals working under a physician in a medical practice, will not be required to meet the conditions of the regulation. Certified individuals and business exempt from this regulation must use a hand-pressured instrument utilizing approved pre-sterilized earrings used exclusively for piercing the lobe and outer perimeter of the ear.

#### **Northern Kentucky Health Department**

8001 Veterans Memorial Drive, Florence KY 41042 | 859-341-4151 | [www.nkyhealth.org](http://www.nkyhealth.org)

Section 5. Certification Expiration and Renewal

Blood-borne Pathogen Certifications shall expire in a timeframe as set by the NKHD administrative policy, which shall be set at a minimum of one (1) year and a maximum of three (3) years from date of issuance.

Section 6. Proof of Certification

A holder of a Blood-borne Pathogen Certification shall display his/her certificate in a prominent location in the facility.

Section 7. Certificate Not Transferable

Blood-borne Pathogen Certification is not transferable from one person to another.

Section 8. Penalty for Violation

Any tattoo artist, body piercer, or tattoo/body piercing facility found in violation of this article shall be ordered to comply with this regulation. If any tattoo artist, body piercer, or tattoo/body piercing facility does not comply with the order of NKHD, then pursuant to KRS 212.715 and KRS 212.990 (2), the tattoo artist, body piercer, and/or facility owner/operator of the tattoo/body piercing facility shall be subject to a fine not less than \$10.00 nor more \$100.00 for each day that the order of the NKHD is not complied with. NKHD 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Printed Name)

Chair  
NKIDBOH

Secretary  
NKIDBOH

**Northern Kentucky Health Department**