

**HARDIN COUNTY FISCAL COURT
COMMONWEALTH OF KENTUCKY
ORDINANCE NO. 303, Series 2016**

**AN ORDINANCE RELATED TO MANDATORY BLOODBORNE PATHOGEN
EDUCATION CERTIFICATION FOR TATTOO ARTISTS AND BODY
PIERCERS**

WHEREAS, it is the duty of the Lincoln Trail District Health Department (LTDHD), pursuant to KRS Chapters 211 and 212, to establish policies and programs to safeguard the health of the citizens of the Lincoln Trail District, KY and

WHEREAS, it is the duty of the LTDHD, pursuant to KRS Chapters 211 and 212, to investigate and abate nuisances, sources of filth, and causes of sickness and illness, and

WHEREAS, Tattoo Artists and Body Piercers that fail to follow procedures that will assure safe, clean, sanitary conditions and standards may promote a cause of illness. Pursuant to the authority granted to the LTDHD under the provisions of KRS Chapters 211 and 212 the Lincoln Trail District Board of Health has recommended additional regulation of local Tattoo Artists and Body Piercers.

BE IT THEREFORE ORDAINED that all Tattoo Artists and Body Piercers within Hardin County be required to complete an annual Bloodborne Pathogen Education Course (BPEC) which has been approved by the LTDHD and which meets Occupational Safety and Health Administration standards 29 CFR 1910.103 as adopted by 803 KAR 2:320.

Section 1

Definitions

For the purpose of this ordinance:

1. "Tattoo Artist" means an individual associated with a permitted establishment engaged in the art of tattooing;
2. "Body Piercer" means an individual associated with a permitted establishment engaged in the art of body piercing;
3. "Bloodborne pathogen" means the pathogenic microorganisms that are present in 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).

Section 2

Requirements

1. No individual shall engage in the act of tattooing or body piercing in Hardin County or be registered by the LTDHD as a Tattoo Artist or Body Piercer in Hardin County unless that person holds a Bloodborne Pathogen Education Certificate (BPEC) which meets Occupational Safety and Health Administration standards 29 CFR 1910.103 as adopted by 803 KAR 2:320.
2. No Tattoo or Body Piercing Studio shall allow an individual to engage in tattooing or body piercing without a BPEC. All facilities applying for permit as a Tattoo or Body Piercing Studio shall provide proof of a BPEC for all Tattoo Artists and Body Piercers.
3. It shall be the responsibility of the Tattoo Artist or Body Piercer to ensure his/her personal compliance with the provisions of this Ordinance.
4. It shall be the responsibility of the Tattoo or Body Piercing Studio to ensure that copies of the BPEC for all Tattoo Artists or Body Piercers are displayed on the premises of the Tattoo or Body Piercing Studio.
5. All individuals seeking registration as a Tattoo Artist or Body Piercer by LTDHD shall make application for registration to the LTDHD. Individuals shall obtain the required BPEC by completing a course approved by the LTDHD.
6. Each registered Tattoo Artist or Body Piercer shall make his/her BPEC available for inspection by LTDHD upon request.
7. A BPEC is not transferable from one person to another.

Section 3

Enforcement

1. The LTDHD is responsible for the enforcement of this Ordinance.
2. Tattoo Studios and Body Piercing Studios and individual Tattoo Artists and Body Piercers failing to verify compliance with this Ordinance shall be issued a written Notice of Noncompliance by the LTDHD (DFS 210, DFS 214) which shall allow a reasonable time for compliance, not to exceed ten (10) working days from the date of the issuance of the written notice or order.
3. An individual person or establishment issued a Notice of Noncompliance shall be afforded an opportunity for a conference, if a written request for such is filed with the LTDHD within ten (10) working days of receipt of the Notice of Noncompliance. The conference provided for in this ordinance shall be conducted by the LTDHD at a time and place designated by the LTDHD.

4. Pursuant to KRS 212.230(f) the LTDHD Board of Health shall hear and decide appeals from decisions of the LTDHD where the aggrieved party makes a written request to the Lincoln Trail District Health Department Board of Health within thirty (30) days after the action complained of.

Section 4

Renewal of Education Certificate

The BPEC shall be renewed biannually.

Section 5

Exemptions

Individuals who currently hold a Tattoo Artist or Body Piercing registration shall be provided 90 days from the effective date of this Ordinance to obtain a BPEC.

Section 6

Penalties

Failure to comply with a Notice of Noncompliance from the LTDHD Board of Health shall result in a fine of not less than ten (\$10.00) nor more than one hundred (\$100.00) dollars per day of non-compliance pursuant to KRS 212.715 and KRS 212.990(2).

Section 10

Effective Date:

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON SECOND READING AND PASSAGE THIS 23rd DAY OF February, 2016.



HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

ATTEST:



DEBBIE DONNELLY
HARDIN COUNTY CLERK