

## **CHAPTER 10 - GENERAL LICENSING & LICENSING BOARDS**

### **ARTICLE 21 - LICENSING AND REGULATION OF TATTOOING AND BODY PIERCING ESTABLISHMENTS AND ARTISTS**

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**Section 10-21-101 to 199, inclusive. Tattooing and Body Piercing Establishments – general provisions.**

**Section 10-21-101 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BODY PIERCING.** The placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples, or parts thereof, for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL § 36-4-11.

**BODY PIERCING AREA,** within a body piercing establishment, the immediate vicinity where body piercing is performed.

BODY PIERCING ARTIST. A person engaged in the practice of body piercing.

BODY PIERCING ESTABLISHMENT. The building or structure where body piercing is practiced.

COMMUNICABLE DISEASE. A disease, which is capable of being transmitted from person to person.

DEPARTMENT. The South Dakota Department of Health.

INFECTIOUS DISEASE. An infection, which is capable of being transmitted from person to person.

INSPECTION FEE. The amount established by the South Dakota Health Department for required inspections.

MINOR. A person who is under the age of 18 years.

PATRON. A person who receives a tattoo.

TATTOO ARTIST. A person engaged in the practice of tattooing.

TATTOO ESTABLISHMENT. A building or structure where tattooing is practiced.

TATTOOING. To puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.

TATTOOING AREA. Within a tattoo establishment, the immediate vicinity where tattooing is performed.

### **Section 10-21-102 Applicability.**

The standards in this section and those established under South Dakota Health Department Article 44:12:01 and Article 44:12:02 apply to both temporary and permanent tattooing and body piercing establishments within the City of Pierre.

### **Section 10-21-103 License Required for Tattoo Establishment And/Or Body Piercing Establishment.**

- A. No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted, or carried on in or upon any premises within the city, a tattoo establishment and/or piercing establishment, unless a tattoo establishment and/or body piercing establishment license has been issued by the city and unless the license remains in effect in conformity with the provisions of this chapter. The license shall expire on December 31<sup>st</sup> next following its issuance. The license may be revoked, for cause, by the governing body.
- B. Physicians and surgeons licensed under the provisions of SDCL §36-4 are exempt from the requirements of this chapter.

**Section 10-21-104 Application for Tattoo Establishment And/Or Body Piercing Establishment License.**

- A. *Generally.* Each application for a tattoo establishment license and/or body piercing establishment license shall be upon a form provided by the City Finance Officer and shall be submitted to the finance office and shall contain the following information.
- B. *Information.*
1. A definition of service to be provided;
  2. The location and mailing address of the proposed establishment;
  3. The name and residence address of each applicant;
  4. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation, and the address of the corporation itself, if different from the address of the tattoo establishment and/or body piercing establishment;
  5. If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the tattoo establishment and/or body piercing establishment;
  6. The last 2 previous addresses (if any) during the past 3 years immediately prior to the present address of the applicant;
  7. Written proof that the applicant is over the age of 18 years;
  8. Individual or partnership applicant's height, weights, color of eyes and hair, and
  9. Copy of identification such as driver's license and social security card;
  10. The history of the applicant in the operation of a tattoo establishment and/or body piercing establishment or similar business or occupation, including, but not limited to, previously operating in this or another city within this state with or without a license, has had the license revoked or suspended and the reason therefore, and the business activity or occupation subsequent to the action of suspension or revocation;
  11. The name and address of each tattoo artist and/or body piercing artist who is or will be employed in the establishment;
  12. Any other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in the application;
  13. If a corporation, the name and address of a resident agent, residing within the city, which must be kept current at all times; and
  14. The amount of license fee shall be set out in a scheduled to be approved by the City Commission, as presented and on file at the city business office.

**Section 10-21-105 Investigation of Premises Proposed To Be Used as Tattoo Establishment And/Or Body Piercing Establishment.**

The City Finance Officer shall refer any application to the South Dakota Health Department, the City of Pierre Building Department, each of which, within a period of 30 days from the date of application, shall

review records and make a inspection of the premises proposed to be used as a tattoo establishment and/or body piercing establishment and shall make a written recommendation to the City Finance Officer concerning compliance with the municipal building and fire codes, and the Department of Health's minimum health and sanitary standards..

**Section 10-21-106 Denial of Tattoo Establishment License And/Or Body Piercing Establishment License; Notice; Right to Hearing.**

- A. The City Finance Officer shall not issue the tattoo establishment and/or body piercing establishment license if, based upon the investigation and reports, it is found that:
  - 1. The operation, as proposed by the applicant, if licensed, would not comply with all applicable laws; and/or
  - 2. The applicant has, knowingly and with intent to deceive, made any false, misleading, or fraudulent statement of fact in the permit application or any other document required by the city in conjunction therewith.
- B. For denial, notifications and reasons for the denial shall be set forth in writing by the Finance Officer and sent to the applicant by certified mail. The denied applicant shall at his or her election have the right to receive a hearing before the City Commission. If a hearing is not requested within 10 days of the notice of denial by the Finance Officer, the denial shall be final.
- C. This section shall not limit causes for denial but shall be in addition to other causes for denial found by the City Finance Officer or provided by this code.

**Section 10-21-107 Inspection of Establishments by Officials.**

City officials and South Dakota Department of Health officials may enter the tattoo establishment and/or body piercing establishment premises, from time to time, during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, or health regulations. This shall not restrict or limit the right of entry vested in any law enforcement agency.

**Section 10-21-108 Name of Establishment.**

No person licensed to do business as provided in this chapter shall operate under any name or conduct the business under any designation not specified in the license.

**Section 10-21-109 Change of Location of Establishment.**

A change of location of a licensed tattoo establishment and/or body piercing establishment would require the same application process and fees as a new license under Section 10-21-4..

**Section 10-21-110 Licensed Tattoo And/Or Body Piercing Artists.**

No tattoo establishment licensee and/or body piercing licensee shall employ or otherwise allow any person to practice as a tattoo artist and/or body piercing artist who is not licensed as a tattoo artist or body piercing artist under the terms of this chapter.

**Section 10-21-111 Tattoos Or Body Piercing At Tattoo Establishment And/Or Body Piercing Establishment Only.**

No person shall tattoo and/or bodily pierce or permit a tattoo and/or body piercing to be administered at or upon any public place other than a tattoo establishment and/or body piercing establishment.

**Section 10-21-112 Tattoo And/Or Body Piercing Artist License Required.**

- A. No person shall practice as a tattoo artist and/or body piercing artist within the city unless the person has a valid tattoo artist license and/or body artist license issued by the city.
- B. The license shall expire on December 31 next following its issuance. The license may be revoked, for cause, by the governing body.
- C. A person who only pierces ears using a commercial ear piercing gun does not have to have a body piercing license.

**Section 10-21-113 Application for Tattoo Artist And/Or Body Piercing Artist License.**

- A. Each application for a tattoo artist license and/or body piercing license shall be upon a form provided by the Finance Officer and shall be submitted to the Finance Officer.
- B. Each form shall contain the following information:
  - 1. The applicant's full name, residence address, and telephone number;
  - 2. The name and address of the tattoo establishment and/or body piercing establishment where the applicant is to be employed as a tattoo artist or body piercing artist;
  - 3. Whether any license to practice as a tattoo artist and/or body piercing artist has previously been denied or revoked and, if so, the reasons, dates, and place of the denial or revocation;
  - 4. Written proof that the applicant is over the age of 18 years; and
  - 5. The amount of license fee shall be set out in a scheduled to be approved by the City Commission, as presented and on file at the city business office.

**Section 10-21-114 Investigation Upon Receipt of Application for Tattoo Artist And/Or Body Piercing Artist License.**

Upon receipt of the application for a tattoo artist and/or body piercing license, the Finance Officer shall, within a period of 30 days from the date of the application, make investigation and recommendation thereon.

**Section 10-21-115 Denial of Tattoo Artist And/Or Body Piercing License; Notice; Right to Hearing.**

- A. The City Finance Officer shall not issue a tattoo artist and/or body piercing license if, based upon the investigation and report, it is found that the applicant has, knowingly and with intent to deceive, made any false, misleading, or fraudulent statement of fact in the license application or in any other document required by the city in conjunction therewith.
- B. For denial, notifications and reasons for denial shall be set forth in writing by the Finance Officer and shall be sent to the applicant by means of certified mail. The denied applicant shall, at his or her election, have the right to a hearing before the City Commission. If the hearing is not requested within 10 days of the notice of denial by the Finance Officer, the denial shall be final.
- C. This section shall not limit causes for denial but shall be in addition to other causes for denial found by the City Finance Officer or provided by this code.

**Section 10-21-116 Transfer of Tattoo Artist And/Or Body Piercing Artist License.**

No tattoo artist and/or body piercing artist license shall be transferable.

**Section 10-21-117 Transfer of Tattoo And/Or Body Piercing Establishment License.**

No tattoo establishment and/or body piercing establishment license shall be transferable.

**Section 10-21-118 Posting of Tattoo Artist And/Or Body Piercing Artist and Tattoo Establishment And/Or Body Piercing Establishment Licenses.**

Each tattoo establishment and/or body piercing establishment licensee shall post in a conspicuous place within the tattoo establishment and/or body piercing establishment, the license of each tattoo artist and/or body piercing artist practicing as a tattoo artist and/or body piercing artist in the establishment and the license of the tattoo establishment and body piercing establishment.

**Section 10-21-119 Denial, Suspension, or Revocation of Licenses; Generally.**

- A. Denial. Within 10 days of the denial by the City Finance Officer of an application for a tattoo establishment and/or body piercing establishment license or tattoo artist license and/or body piercing artist license, the applicant may file with the Finance Officer a written request for hearing before the City Commission. At the hearing, evidence shall be received for the purpose of determining whether or not the denial shall be upheld. Following the hearing, if the denial is upheld, the notification of and reasons for the decision shall be set forth in writing and sent to applicant by means of certified mail.



- B. Any tattoo establishment, body piercing establishment, tattoo artist, or body piercing artist license shall be subject to suspension or revocation by the City Commission for violation of any provision of this chapter, or applicable provision of any health or building code adopted by the city, city ordinance, a rule, or regulation or state law, or for grounds that should warrant the denial of the issuance of the license in the first instance, or for the violation of any law relating to or regulating tattoo establishments and/or body piercing establishment or tattoo artists and/or body piercing artist. The suspension or revocation of a license shall be accomplished pursuant to a hearing held before the City Commission at which time evidence shall be received for the purpose of determining whether or not the license shall be suspended or revoked or retained. Following the hearing, if the license is suspended or revoked, the notification of and reasons for the decision shall be set forth in writing and sent to the licensee by means of registered or certified mail or hand delivery. Notice of the hearing shall be in writing, directed to and delivered to applicant by means of registered or certified mail or hand delivery at least 10 days before the hearing.

**Section 10-21-120 Injunctive Relief.**

In addition to the legal remedies provided for in this chapter, the operation of any tattoo establishment and/or body piercing establishment in violation of the terms of this chapter shall be deemed a public nuisance and may be enjoined by the city.

**Section 10-21-121 Tattoo Establishments And/Or Body Piercing Establishments; General Provisions.**

- A. Generally. A tattoo establishment and/or body piercing establishment must be a minimum of 60 square feet for 1 tattoo artist and/or body piercing artist and 40 square feet for each additional artist. A tattoo establishment and/or body piercing establishment must be physically separated from facilities used for purposes other than tattooing and/or body piercing. Floors, walls, and ceiling of the tattooing area and/or body piercing area must be smooth, easily cleanable, nonabsorbent and in good repair. A minimum of 30 foot-candles of light must be provided for applying the tattoo and/or body piercing and a minimum of 10-foot-candles for general lighting.
- B. Hand-washing facility required. An easily accessible hand-washing facility supplied with warm, potable, running water must be provided in or directly adjacent to the tattooing and/or body piercing area. Each hand-washing facility must be provided with liquid soap and single-use paper towels.
- C. Toilet facilities. Toilet facilities must be available for employee or patron use.
- D. General-use equipment. Tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel or porcelain coating or stainless steel. General-use equipment must be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners must be provided.
- E. Animals prohibited; restricted activities. Animals other than guide dogs are prohibited in tattoo establishments. Smoking, eating and drinking are prohibited within 10 feet of the tattooing and/or body piercing area. Tattoo establishments and/or body piercing

establishments may not be used for activities which are not directly associated with the practice of tattooing and/or body piercing.

- F. Maintenance. A tattoo establishment and/or body piercing establishment must be maintained in a clean, sanitary, vermin-free condition and in good repair.
- G. Inspection. A tattoo establishment and/or body piercing establishment must be inspected before any license renewal by the State Health Department to determine compliance with this chapter, state law or regulation.

### **Section 10-21-122 Required Equipment for Tattoo Establishments.**

A tattoo establishment and/or body piercing establishment must be equipped with a steam pressure autoclave capable of producing 15 pounds of pressure per square inch for at least 35 minutes at a temperature of 250°F.

### **Section 10-21-123 Required Equipment For Tattoo Artists, Tattoo Establishments, and Body Piercing Establishments.**

- A. A tattoo artist must have the following minimum equipment:
  - 1. Twenty-five liner tubes of whatever style and design preferred in sealed sterile envelopes;
  - 2. Twenty-five shader tubes of whatever style and design preferred in sealed sterile envelopes; and
  - 3. Fifty needle bar setups with needles attached in sealed sterile envelopes.
- B. Each tattoo establishment must have the following minimum equipment:
  - 1. Five hundred disposable pigment containers;
  - 2. Three hundred disposable latex or vinyl examination gloves;
  - 3. One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
  - 4. Access to the applicable sterilization and sanitization measures in this chapter;
  - 5. Closed dust-proof containers for the exclusive storage of instruments, dyes, pigments, stencils, and other equipment; and
  - 6. Gauze and bandages.
- C. A body piercing establishment must have the following minimum equipment:
  - 1. Twenty-five disposable single-use needles of each size used;
  - 2. Twenty-five forceps;
  - 3. Two hundred cotton swabs in sealed containers.
  - 4. Two hundred disposable cups;
  - 5. Three hundred disposable latex or vinyl examination gloves;
  - 6. One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
  - 7. Access to the applicable sterilization and sanitation measures as required in this chapter, state law or regulation;
  - 8. Closed dustproof containers for the exclusive storage of instruments and other equipment;

9. Sealed gauze bandages.

**Section 10-21-124 Tattoo Artist And/Or Body Piercing Artist.**

- A. Restricted activities. A tattoo artist and/or body piercing artist may not engage in the practice of tattooing and/or body piercing while under the influence of alcohol or other mind-altering drug. Minors are prohibited from the practice of tattooing and/or body piercing. A tattoo artist and/or body piercing artist who knowingly has an infectious disease in a communicable stage may not tattoo and/or body pierce a patron. Infectious diseases include rashes, skin lesions, boils, and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist and/or body piercing artist shall wear clean, laundered clothing and shall bathe daily. The tattoo artist's and/or body piercing artist's hair shall be secured, tied, or covered in such a fashion to prevent the hair from falling in front of the artist's shoulders when in a normal working position.
- B. Patrons restricted; notice posted.
  1. A tattoo artist and/or body piercing may not tattoo or pierce a patron without first obtaining a signed consent. The consent must include a statement by the patron that he or she is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist and/or body piercing artist may not tattoo or pierce a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.
  2. Minors may not be tattooed or pierced unless the minor's parents have signed a consent form authorizing the tattoo or body piercing. No tattoo artist and/or body piercing artist may tattoo or pierce a patron who is under the influence of alcohol or other mind-altering drugs.
  3. A tattoo artist and/or body piercing artist shall conspicuously post a notice stating that it is illegal to tattoo or pierce any person under the age of 18 without the parents', or legal guardians', signed consent.

**Section 10-21-125 Communicable Disease Reporting.**

A tattoo artist and/or body piercing artist shall immediately report to the Department any known or suspected communicable disease associated with the practice of tattooing and/or body piercing.

**Section 10-21-126 Records of Patrons.**

A tattoo artist and/or body piercing artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, and the locations and description of tattoos and/or body piercing. This record must be available for inspection by the City Finance Officer or his or her designated representative, and kept for a period of at least 2 years. A sample record form will be

prepared and furnished each tattoo artist and/or body piercing artist by the finance office.

**Section 10-21-127 Immersion Methods.**

- A. Generally. The following methods are approved for immersion of soiled equipment, such as instruments, needles, and tubes prior to cleaning and sterilization.
- B. Methods.
  - 1. Immersion in glutaraldehyde 2% solution mixed according to manufacturer's instruction. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.
  - 2. Immersion in a 500 ppm solution of chlorine. (This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 2 teaspoons bleach per quart of water.) A minimum contact time for 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.
  - 3. Immersion in a solution of 70% isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in a cool, well-ventilated area.
  - 4. Immersion in a phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to the manufacturer's instruction.
  - 5. Immersion in an iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.

**Section 10-21-128 Sterilization Methods.**

Equipment requiring sterilization must be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 30 minutes at a temperature of 250°F in an autoclave. This must be certified by a chemical indicator, which is attached to the autoclave bag and turns color when the required temperature has been reached. A tattoo establishment and/or body piercing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. These tests may be performed in the establishment by the owner with test procedures and criteria approved by the Department. Dry heat is not an acceptable method of sterilization for the purpose of this chapter.

**Section 10-21-129 Packaging and Storage.**

All sterile equipment and supplies must be stored in a closed dust-proof container in such a manner as to prevent being contaminated. All needles and tubes must be packaged prior to autoclaving either individually or in quantities for individual tattoos and/or body piercings. Autoclave packages must be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment, which has been autoclaved, must be dated with an expiration date. The expiration date may not exceed 30 days from the date autoclaved sterile equipment may not be used after the expiration date without being re-sterilized. A tattoo machine and/or body piercing machine must be stored in a manner that will prevent contamination.

**Section 10-21-130 Needle Construction; Sterilization Required.**

- A. All needles must be either stainless steel or nickel-plated carbon steel. Needles may be soldered to stainless steel bars using a silver-bearing solder.
- B. Lead-bearing solder may not be used in this process. Needles are a single-service item and must be thoroughly cleaned and sterilized between patrons. Rusty or faulty needles may not be used for tattooing.
- C. Commercially available individually packaged sterilized equipment may be used within the manufacturer's expiration date.

**Section 10-21-131 Tube Construction; Sterilization Required.**

All tubes, including the grips on the tube, must be stainless steel, nickel-plated carbon steel or Lexan. The grips may also be constructed of anodized aluminum. Lead-bearing solder may not be used in the construction of the tubes. Tubes must be thoroughly cleaned and sterilized between patrons.

**Section 10-21-132 Tattoo Machine Sanitation.**

The open end of the tattoo machine and/or body piercing machine must be cleaned and sanitized with an approved sanitizer before each use.

**Section 10-21-133 Razor Requirement.**

Razors must be disposable single-use only. Single-use razors may be used for 1 patron only and must then be discarded.

**Section 10-21-134 General-Use Equipment; Sanitization Required.**

- A. All surfaces, counters, and general-use equipment in the tattooing area and/or body piercing area must be cleaned and sanitized before a patron is seated. The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, chairs, and the open end of tattoo and/or body piercing machines.
  1. Application of a quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilutions must be according to the manufacturer's instructions;
  2. Application of phenolic germicidal detergent solution mixed according to the manufacturer's instruction. May cause skin irritation; and
  3. Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach), which is equivalent to ½ teaspoon bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily.

- B. If using spray bottles for application of these solutions, the following procedure must be followed: Each time the bottle needs refilling, any remaining old solution must be discarded, the bottle rinsed and fresh solution poured into the spray bottle. Always label spray bottles with the name of the contents. Never add fresh solution to remaining old solution.

**Section 10-21-135 Linen Cleaning and Storage.**

Cloth towels, robes and similar items used in conjunction with tattooing and/or body piercing must be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed dust-proof container must be provided for the storage of clean towels and linen. A hamper or similar receptacle must be provided for the storage of soiled towels and linen.

**Section 10-21-136 Hygienic Practices; Gloves Required.**

A tattoo artist and/or body piercing artist shall use antiseptic techniques at all times in the practice of tattooing and/or body piercing. A tattoo artist and/or body piercing artist shall scrub his or her hands with liquid soap and water thoroughly before beginning preparation to tattoo and/or body pierce. Hands must be dried with individual single-use towels. At all times when preparing the skin and while applying the actual tattoo or piercing, the tattoo artist or body piercing artist must wear latex or vinyl examination gloves, which must be discarded upon completion of the tattoo or piercing. A tattoo artist and/or body piercing artist must discard the gloves he or she is wearing, rewash his or her hands, and put on new gloves after an interruption in the tattoo and/or body piercing process, which requires him or her to use his or her hands.

**Section 10-21-137 Skin Preparation.**

The skin area to be tattooed or pierced must be shaved if needed and must be washed with germicidal soap and water, rinsed, dried, and washed again with 70% isopropyl alcohol. A single-use gauze pad or tissue may be used for washing the skin. All single-use products used must be discarded after they are used.

**Section 10-21-138 Pigment Requirements.**

All pigments must be nontoxic and antiseptic. All pigments, which are in a dry form, must be suspended in a solution of isopropyl alcohol, distilled water, or witch hazel with only nontoxic and antiseptic additives. Pigments must be dispensed from a main plastic container with a sealable top, which allows a single service portion of the pigment to be dispensed into a single use container. All pigment dispensed and the material into which it has been dispensed must be immediately discarded upon completion of the tattoo.

**Section 10-21-139 Design Layout.**

The methods in this section are approved for the design layout of the tattoo or body piercing on the skin. In the first method, the tattoo artist and/or body piercing artist sketches the design directly onto the skin with nontoxic ink to serve as a guideline for the actual tattoo or body piercing. In the second method, the tattoo artist and/or body piercing artist makes a stencil using nontoxic ink on tracing paper and transfers the design to the skin by spraying germicidal soap and distilled water directly onto the area to be tattooed or pierced and laying the stencil over the sprayed area.

**Section 10-21-140 Tattoo or Body Piercing Application.**

Before placing the tattoo and/or body piercing design on the patron's skin, the tattoo artist and/or body piercing artist must apply a thin coating of a petroleum jelly or antibacterial ointment over the area to be tattooed or pierced. This must be applied with cotton swabs, gauze, or wooden tongue depressors, which must immediately be discarded. This application may not be directly spread with an ungloved hand.

**Section 10-21-141 Changing Pigments.**

When changing pigments, a tattoo artist may use a solution of germicidal soap and water or an ultrasonic cleaner to rinse the needle and tube, if the needle and tube are use on the same patron. Ultrasonic cleaner solutions and solution containers and covers must be discarded between patrons.

**Section 10-21-142 Washing of Excess Pigment.**

Washing of excess pigment from the skin during the tattoo process must be done with single-use gauze pads or tissue with a solution of germicidal soap and distilled water.

**Section 10-21-143 Use of Styptics.**

Styptics, if used to arrest bleeding, may be used only in liquid or powder form and must be applied with cotton swabs or gauze, which is immediately discarded.

**Section 10-21-144 Use of Antibacterial Ointment Required; Care Instructions for Tattoos.**

- A. Upon completion of the tattoo, a tattoo artist must apply an antibacterial ointment to the tattoo with a single-use cotton swab, gauze pad, or wooden tongue depressor, which is immediately discarded. After application of the antibacterial ointment, the tattoo artist must apply a sterile bandage. The tattoo artist must provide written instructions regarding the proper care and precautions for a new tattoo to each patron.
- B. Care instructions must include the following minimum recommendations:
  1. Remove the bandage after 24 hours;

2. Wash tattoo gently with mild soap and water and pat dry;
3. Apply an antibacterial ointment at least twice daily;
4. Avoid exposing the tattoo to direct sunlight for 2 weeks;
5. Avoid swimming or soaking of the tattoo until healed;
6. Avoid scratching or picking of the tattoo;
7. If redness or swelling develops, contact your doctor.

**Section 10-21-145 Storage of Soiled Equipment.**

Upon completion of a tattoo and/or body piercing, a tattoo artist and/or body piercing artist must immerse needles and tubes used for the tattoo or body piercing in an effective sanitizing solution until they can be cleaned and sterilized.

**Section 10-21-146 Disposal of Contaminated Products.**

Gauze, cotton swabs, or other single-use products, which are contaminated with body fluids, must be disposed of in impervious double plastic bags, which are securely sealed. When needles, tubes, or other multiple-use products used in conjunction with the practice of tattooing or body piercing are disposed of, they must be sterilized and placed in an impervious rigid container, which is securely sealed.

**Section 10-21-147 Jewelry Preparation.**

Jewelry or an insertion tape that has been autoclaved and never worn must be placed in a medical antibacterial prep soak for 10 minutes and dried thoroughly before insertion. Jewelry previously worn by the patron must be soaked in a medical and antibacterial prep soak for 10 minutes in a separate container that is disposed of or sterilized immediately after the service. Jewelry worn by a person other than the patron must be cleaned and autoclaved before insertion.

**Section 10-21-148 Use of Antibacterial Ointment Required; Care Instructions for Body Piercing.**

(A) Upon completion of the body piercing, a body piercing artist must apply antibacterial cleaner to the body piercing with a single-use cotton swab or gauze pad. The body piercing artist must provide each new patron written instructions regarding the proper care and precautions for a body piercing.

(B) Care instructions must include the following minimum recommendations:

- (1) Wash the body piercing gently with mild soap and water and pat dry;
- (2) Apply an antibacterial clean at least twice daily;
- (3) Avoid swimming or soaking of the body piercing until healed;
- (4) Avoid scratching, picking, or touching of the body piercing;
- (5) If redness or swelling develops, contact your doctor.



**Section 10-21-149 Care Instruction for Oral Piercing.**

A) The patron of oral piercing must rinse mouth with an antibacterial mouthwash containing no sugar or alcohol or with a hydrogen peroxide solution before the procedure. The body piercing artist must provide written instruction regarding the proper care and precautions for a new oral body piercing to each patron.

- (B) Care instructions must include the following minimum recommendations:
- (1) Rinse mouth twice a day with an antibacterial mouthwash containing no sugar or alcohol. The mouthwash may be diluted up to 75% to reduce irritation. Continue rinsing for the duration of the healing process;
  - (2) Avoid placing anything other than food in the mouth, including cigarettes, fingers, and gum;
  - (3) Eat and drink only for nutritional needs until healed;
  - (4) If excessive swelling or pain develops, contact your doctor.

**Section 10-21-151 Use of Ear Piercing Gun.**

An ear piercing gun may only be used to apply studs in a patron's ears, following manufacturer's instructions. The use of an ear piercing gun to apply a stud or any other jewelry to other areas of the body is prohibited.

**Section 10-21-152 Sanitizing Solutions.**

The following methods are approved for immersion of soiled equipment, such as instruments, needles, and tubes prior to cleaning and sterilization.

1. Immersion in glutaraldehyde 2% solution mixed according to manufacturer's instruction. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.
2. Immersion in a 500 ppm solution of chlorine. This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 2 teaspoons bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.
3. Immersion in a solution of 70% isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in a cool, well-ventilated area.
4. Immersion in a phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to the manufacturer's instruction.
5. Immersion in an iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.
6. After immersion in any of the above solutions, instruments, needles, tubes, or similar equipment must be thoroughly cleaned, rinsed with warm water, dried thoroughly, and individually packaged for sterilization as described under South Dakota Department of

**Section 10-21-153 Environmental Cleaning Solutions.**

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, chairs, and the open end of tattoo machines:

1. Application of a quaternary ammonium germicidal solution. Benzalkonium chloride is not acceptable. Dilutions must be according to the manufacturer's instructions.
2. Application of phenolic germicidal detergent solution mixed according to the manufacturer's instruction. May cause skin irritation.
3. Application of 100 ppm solution of chlorine This requires a 1:500 dilution of 5.25% sodium hypochlorite (Bleach) which is equivalent to ½ teaspoon bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily.
4. If using spray bottles for application of these solutions, the following procedure must be followed:
  - a. Each time the bottle needs refilling, any remaining old solution must be discarded, the bottle rinsed, and fresh solution poured into the spray bottle. Always label spray bottles with the name of the contents. Never add fresh solution to remaining old solution.

**Source:** Ord. No. 1696, 2012.