

CHAPTER 18
LICENSURE AND REGULATION OF BODY
PIERCING AND TATTOOING

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18.01 AUTHORITY AND PURPOSE. This Ordinance is adopted pursuant to that authority provided by Wis. Stats. §§ 463.10, 463.12, and 463.16; and by Wis. Admin. Code ch. SPS 221. The purpose of this Ordinance is to protect and improve the public health of the community by proper licensure and regulation of body piercing and tattooing establishments and to authorize the Sheboygan County Health and Human Services Department, by its Division of Public Health ("Division of Public Health"), to act as an agent for the State of Wisconsin's Department of Safety and Professional Services for the purposes set forth herein.

18.02 APPLICABILITY. This Ordinance shall apply to all persons engaged in body piercing or tattooing and all body piercing and tattooing establishments within Sheboygan County, whether of a temporary or permanent nature.

18.03 DEFINITIONS. All definitions as set forth in Wis. Stats. ch. 463 and Wis. Admin. Code § SPS 221.03 and such other provisions adopted in conformity therewith, are incorporated in this Ordinance by reference and they shall be construed, read, and interpreted as if fully set forth herein until amended and then shall apply as amended.

18.04 LICENSES.

(1) Generally.

(a) Any person, partnership, or corporation desiring to secure a tattoo establishment, body piercing establishment, combination tattoo/body piercing establishment, tattooist and/or body piercer license shall make application to the Division of Public Health.

(b) The application shall be on a form provided by the Division of Public Health and shall include:

The name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required.

- (c) Failure or refusal to complete the application and provide truthful responses to the application questions shall be grounds for a denial of the license.
- (d) Application for a license shall be accompanied by payment of the application fee determined by the Division of Public Health.
- (e) Within thirty (30) days of receiving a completed application for a license, the Division of Public Health shall act on the application. If an application for a license is denied, the Division of Public Health shall give the applicant reasons, in writing, for the denial and provide information on how the applicant may appeal that decision.
- (f) A license will not be granted to an operator of a new establishment or to a new operator of an existing establishment without a pre-inspection. A pre-inspection fee will be assessed for each establishment according to the fee determined by the Division of Public Health.
- (g) The operator of a tattoo or body piercing establishment shall promptly notify the Division of Public Health of an intention to cease operations and shall supply the Division of Public Health with the name and mailing address of the new operator. A license is not transferrable. A new operator must submit an application for a new license. No license shall be issued to or used by any person acting as an agent for or in the employment of another.

(2) Establishment License.

- (a) No person may operate a body piercing or tattooing establishment or any combination thereof unless that person has obtained a license for the establishment from the Division of Public Health.
- (b) No person shall intentionally engage in the practice of implanting, branding, or scarification within Sheboygan County unless performed pursuant to procedures or orders delegated by a licensed physician.
- (c) A license issued under this Chapter shall expire or terminate on June 30 of each year and shall be renewed annually thereafter, except that licenses initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year.
- (d) The application for renewal shall be filed with the Division of Public Health on or before June 30 together with the payment of the required fee. The fee for said license shall be determined by the Health and Human Services Board and shall be on file with the Division of Public Health

(3) Application for Practitioner License.

- (a) No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer, or designate him or herself as a body piercer unless the person has obtained a license from the Department of Safety and Professional Services.
- (b) No person shall engage in the practice of tattooing and/or body piercing except in an establishment licensed under this chapter.

- (c) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this Ordinance are met by the applicant.
- (d) A person applying for a practitioner's license must meet the requirements set out in Sections 18.07(1)(a) and (b).

(4) Suspension or Revocation of License. The Division of Public Health may suspend or revoke any license issued pursuant to this Ordinance for violations of Ordinances or laws regulating activity or for other good cause.

(5) Emergency Powers of Division of Public Health. Whenever the Division of Public Health has reason or probable cause to believe that the premises or methods of operation of a body piercing and/or tattoo establishment create an immediate danger to public health, the Division of Public Health may issue a temporary order prohibiting continued operation of the premises or any part thereof. The Division of Public Health may suspend a license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.

(6) Appeals. Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this Ordinance may appeal any such order to the Health and Human Services Board within thirty (30) days of denial, suspension, or revocation. The Health and Human Services Board shall provide the appellant an opportunity for hearing on the matter and may either suspend or continue any such order pending determination of the appeal. The Board may affirm, modify, or set aside the order of the Division of Public Health. The Board shall make and keep a record of all proceedings relating to any such appeal. The record and actions of the Board shall be subject to review by certiorari by a court of record.

18.05 LIMITATIONS.

(1) Patron's consent. A body piercer or tattooist may not body pierce or tattoo a patron without first obtaining the signed, informed consent of the person on a form approved by the Division of Public Health.

(2) Minors.

- (a) No person under the age of sixteen (16) years of age may be body pierced.
- (b) No person age sixteen (16) or seventeen (17) 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.
- (c) No person under eighteen (18) years of age may be tattooed except by a physician in the scope of the physician's professional practice as permitted under Wis. Stat. § 948.70(3).
- (d) A body piercing establishment shall post a notice in a conspicuous place in the establishment stating that it is illegal to body pierce a person under the age of eighteen (18) without the signed and informed consent of that person's parent or legal guardian.
- (e) A tattoo establishment shall post a sign in a conspicuous place in the establishment stating that no person under the age of eighteen (18) may be tattooed.

(3) Procedures prohibited. A body piercer or tattooist may not body pierce or tattoo a person who appears to be under the influence of alcohol or a mind-altering drug or a person who has evident skin lesions or skin infections in the area of the intended procedure.

18.06 RECORDS.

- (1) Every body piercer and tattooist shall keep a record of each patron which shall be retained for a minimum of two (2) years following the completion of the procedure.
- (2) The records shall include the patron's name, address, age, and consent form, the name of the practitioner who performs the procedure, and any adverse effects arising from the procedure which are known or made known to the practitioner.

18.07 HEALTH AND SANITARY REQUIREMENTS.

- (1) No tattooist or body piercer may work while under the influence of alcohol or mind-altering drug.
 - (a) No body piercer or tattooist with an exposed rash, skin lesion, or boil may engage in the practice of tattooing or body piercing.
- (2) Hygienic procedure requirements.
 - (a) Tattooists and body piercers shall maintain a high degree of personal cleanliness and shall conform to good hygiene practices during procedures.
 - (b) Tattooists and body piercers shall thoroughly wash their hands and the exposed portions of their arms with dispensed soap and tempered water before and after each tattoo or body piercing procedure and more often as necessary to keep them clean. When preparing the skin during a procedure, a tattooist or body piercer shall wear non-absorbent gloves which shall be disposed of after completing the procedure. If interrupted during a procedure, a tattooist or body piercer shall rewash his or her hands and put on new gloves if the interruption required the use of hands.
 - (c) Tattooists and body piercers shall dry their hands and arms with individual single-service towels.
 - (d) Tattooists shall use single-use plastic covers to cover spray bottles or other reusable accessories to minimize the possibility of transmitting body fluids or disease during application of tattoos to successive patrons.
 - (e) Disposable-type razors shall be single-use only and disposed of in accordance with Wis. Admin. Code ch. NR 526. Electric razors used for skin preparation prior to a procedure shall have screens cleaned and disinfected between patron use.

Body-piercing needles shall be disposable, sterile and for single-patron use only. Tattoo needles may be reused if cleaned, sterilized and stored in an approved manner between patrons. Body piercing jewelry shall be cleaned, individually packaged, and sterilized prior to use.

18.08 PHYSICAL FACILITIES.

- (1) Body piercing and tattoo application areas shall maintain a minimum illumination of fifty-(50-) foot candles.

- (2) Body piercing and tattoo areas shall be completely separated from any living quarters by floor-to-ceiling partitioning and solid doors which are kept closed during business hours. A direct outside entrance to the tattoo or body piercing establishment shall be provided.
- (3) All body piercing and tattoo establishments shall have a public toilet and hand-washing facility which is separated from any living areas.
- (4) Toilet room fixtures shall be kept clean and in good repair. An easily cleanable covered waste receptacle shall be provided in the toilet room.
- (5) At least one hand-washing facility shall be conveniently located in the body piercing or tattoo area in addition to the hand-washing facility provided in the toilet room.
- (6) Anti-bacterial soap in a dispenser and single-service towels for drying hands shall be provided at all hand-washing facilities.
- (7) Hot and cold potable water under pressure shall be available at all handwashing facilities except that tempered water rather than hot water may be provided.
- (8) Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels, gauze pads, and other similar items used in connection with services provided to a patron.
- (9) Infectious waste, including sharps' waste, shall be stored and disposed of in an approved manner consistent with Wis. Admin. Code ch. NR 526, sub ch. II.
- (10) Instruments, dyes, pigments, stencils, and other body piercing and tattoo equipment shall be stored in closed cabinets exclusively used for that purpose.

18.09 PRIVACY. A panel or other barrier of sufficient height and width to effectively separate a patron on whom a procedure is being performed from any observers or waiting patrons shall be in place or readily available at the patron's request.

18.10 RESTRICTIONS.

- (1) No smoking or consumption of food or drink is permitted in the area where a body piercing or tattoo procedure is performed, except that patrons may consume a non-alcoholic beverage during the procedure.
- (2) No animals, except for those that provide for services to persons with disabilities, are permitted in a body piercing or tattoo establishment.
- (3) All surfaces, counters and general-use equipment in the tattoo or body-piercing area shall be cleaned and disinfected before a patron is seated.
- (4) All inks and pigments shall be obtained from sources generally recognized as safe. Information indicating the sources of all inks and pigments shall be available to the department or agent upon request. Sterile single-use or sterile individual containers of pigment or ink shall be used for each patron. No pigment or ink in which needles were dipped may be used on another person. Pigment and ink cups shall be for single-patron use. All bulk materials used for the procedure shall be dispensed with single-use utensils. The remainder of dispensed portions shall be disposed of after application.
- (5) Needles, bars and tubes shall be constructed in a manner that permits easy cleaning and sterilizing.

- (6) Acetate tattoo stencils shall be single-use.

18.11 CLEANING.

- (1) After each use, body piercing and tattooing equipment shall be cleaned to remove blood and tissue residue before sterilization.
- (2) Reusable needles, tubes and body piercing equipment shall be placed in a covered stainless steel container of cleaning and disinfectant solution until they can be cleaned and sterilized.
- (3) All containers holding contaminated needles, tubes, reusable body piercing equipment, and container lids shall be cleaned and disinfected at least daily.
- (4) The tattoo machine shall be cleaned and disinfected before each use.
- (5) Gloved personnel shall clean needle tubes prior to sterilization by manually pre-cleaning the items with care to ensure removal of residue, thoroughly rinsing the items with warm water and draining the water, cleaning the items by soaking them in a protein-dissolving detergent-enzyme cleaner used according to manufacturer's instruction, cleaning the items further in an ultrasonic cleaning unit which operates at forty (40) to sixty (60) hertz and is used according to the manufacturer's instructions, and rinsing and drying all items.
- (6) Prior to autoclaving, all needles and tubes shall be packaged either individually or in quantities appropriate for individual procedures. Packages shall be identifiable and dated.

18.12 STERILIZATION.

- (1) Equipment requiring sterilization shall be pressure-sterilized at the establishment in an autoclave and in accordance with manufacturer's instructions.
- (2) Each batch of sterilized equipment shall be monitored for sterilization by use of heat-sensitive indicators capable of indicating approximate time and temperature achieved.
- (3) Autoclaves shall be spore-tested at least monthly. Spore kill test effectiveness shall be conducted by an independent laboratory.
- (4) Sterilized equipment shall be wrapped or covered and stored in a manner which will ensure that it will remain sterile until used.
- (5) Each tattoo or body piercing establishment shall maintain sterilization records, including spore tests for at least one (1) year from the date of the last entry, which shall include the following information:
 - (a) Date of sterilization;
 - (b) Name of person operating the equipment; and
 - (c) Result of heat-sensitive indicator.
- (6) Sterilized equipment shall be re-sterilized if the package is opened, damaged, or becomes wet.
- (7) All methods of sterilization other than autoclaving are prohibited.

18.13 PREPARATION BY PRACTITIONER. Before beginning a procedure, the tattooist or body piercer shall clean the skin area for the tattooing or piercing and prepare it with antiseptic. The solution shall be applied with cotton, gauze, or single-use toweling.

18.14 CARE INSTRUCTIONS FOR PATRON. After completing a procedure, the tattooist or body piercer shall provide the patron with oral and written instructions on the care of the tattoo or piercing.

18.15 INSPECTIONS.

- (1) The Division of Public Health will conduct at least one (1) complete inspection annually of every tattoo and body piercing establishment.
- (2) The Division of Public Health shall conduct a pre-licensing inspection for all new establishments and establishments having a change of operator prior to the new or changed operator opening the established business.
- (3) The Division of Public Health shall conduct an investigation when it receives information that a contagious disease or infection has resulted from a tattoo or body piercing procedure.
- (4) If an annual, pre-licensing, or complaint investigation indicates corrections that must be made to ensure compliance with this Ordinance, the Division of Public Health shall conduct a return visit as appropriate to ensure compliance with corrective measures.

18.16 ENFORCEMENT.

- (1) The Division of Public Health may enter any establishment required to be licensed in this Ordinance at all reasonable times to inspect the premises, view the practice (with patrons' permission), secure samples or specimens, examine and copy documents, obtain photographs, or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating the business or activity.
- (2) Whenever the Division of Public Health finds that any establishment, tattooist, or body piercer required to obtain a license under this Ordinance is not operating or equipped in any manner required by the Ordinance or other applicable laws or regulations, the Division of Public Health shall notify, in writing, the person operating the premises or performing the activity, specifying the requirements of the Ordinance or applicable law or regulations and requiring that such business or practitioner comply with said provisions. The Division of Public Health shall specify time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Division of Public Health.

18.17 PENALTIES. Any person who violates or refuses to comply with any provisions of this Ordinance shall be subject to a forfeiture of Two Hundred Fifty Dollars (\$250.00) for each offense and/or revocation or amendment of the applicable permit, plus applicable costs. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Sheboygan County Health and Human Services Department against continuing violations.

History: Ord. 5 (2024/25)