

ORDINANCE NUMBER 5

AN ORDINANCE RELATED TO MANDATORY BLOODBORNE PATHOGEN EDUCATION CERTIFICATION IN LINCOLN TRAIL DISTRICT HEALTH DEPARTMENT, KENTUCKY

WHEREAS, it is the duty of the Lincoln Trail District Health Department, pursuant to KRS Chapter 211, to establish policies, plans and programs to safeguard the health of the citizens of the Lincoln Trail District, KY and

WHEREAS, it is the duty of the Lincoln Trail District Health Department, pursuant to KRS Chapter 211, 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 sickness or an illness.

NOW, THEREFORE, pursuant to the authority granted to the Lincoln Trail District Health Department under the provisions of KRS Chapter 212 et seq., be it ordained by the Lincoln Trail District Board of Health as follows:

LINCOLN TRAIL DISTRICT HEALTH DEPARTMENT ORDINANCE PERTAINING TO BLOODBORNE PATHOGEN EDUCATION CERTIFICATION

Section 1

Definitions

For the purpose of this ordinance:

1. "BBPEC" means a bloodborne pathogen education course which has been approved by LTDHD and which meets Occupational Safety and Health Administration standards 29 CFR 1910.103 as adopted by 803 KAR 2:320.
2. "LTDHD" means the Lincoln Trail District Health Department Public Health Director or his/her designee having jurisdiction over tattoo/body piercing.
3. "Tattoo Artist" means the individual registered by LTDHD, and associated with a permitted establishment, to engage in the art of tattooing.
4. "Body Piercer" means the individual registered by LTDHD, and associated with a permitted establishment, to engage in the art of body piercing.
5. "Tattoo/Body Piercing Studio" means a certified facility which has received a permit from LTDHD to perform tattooing/body piercing.

6. "Education Certificate" means a certificate issued to a participant upon successful completion of a BBPEC, which verifies that the participant has achieved a passing score on an examination which has been designed to measure the understanding and application of the precautions, risks, and types of infectious diseases contracted through exposure to infectious material, the proper safeguards to prevent exposure, and proper methods of handling other potentially infectious materials.
7. Bloodborne pathogen(s)" 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

a. Bloodborne Pathogen Education Certification Required

Upon adoption of this ordinance no individual shall engage in the act of tattooing and/or body piercing or be registered by LTDHD as a Tattoo Artist/Body Piercer unless that person holds a Education Certificate, Individuals who are already in possession of a valid Tattoo Artist/Body Piercer registration from LTDHD, at the time of the approval of this ordinance, shall complete a BBPEC and provide LTDHD with a copy of the Education Certificate within an allotted time period set forth in section 7. No Tattoo/Body Piercing Studio shall allow an individual to engage in the art of tattooing/body piercing without an Education Certificate. All facilities applying for permit as a Tattoo/ Body Piercing Studio shall provide proof of an Education Certificate for all Tattoo Artists/Body Piercer.

b. Compliance Required for Certification

It shall be the responsibility of the Tattoo Artist/Body Piercer to ensure compliance with the provisions of this ordinance. Tattoo/Body Piercing Studios failing to verify conformance to the provisions of this ordinance shall be issued by the department, a written notice or order of noncompliance (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.

c. Application for Registration

All individuals seeking registration as a Tattoo Artist/Body Piercer by LTDHD shall make application for registration to the LTDHD Individuals shall obtain Education Certification by completing a BBPEC, such as 1hr. training administered by LTDHD or other recognized course with LTDHD approval such as American Red Cross.

Section 3

Renewal of Education Certificate

A holder of a Education Certificate shall renew his/her Education Certificate biannually.

Section 4

Proof of Certification

Each registered Tattoo Artist/Body Piercer shall make his/her Education Certificate available for inspection by LTDHD upon request. It shall be the responsibility of the Tattoo/Body Piercing Studio to ensure copies of the Education Certificates for all the Tattoo Artists/Body Piercers are obtained and displayed in the Tattoo/Body Piercing Studio.

Section 5

Certificate Not Transferable

An Education Certificate is not transferable from one person to another.

Section 6

Rules for Administration and Enforcement

- a. LTDHD or its designee is responsible for the enforcement of this ordinance.
- b. Any person or establishment issued a notice or order of noncompliance by LTDHD will be afforded an opportunity for a conference, if a written request for such is filed with the LTDHD within ten (10) working days of their receiving the official notice or order. The conference provided for in this ordinance shall be conducted by the department at a time and place designated by the LTDHD.
- c. Pursuant to KRS 212.230(f) the LTDHD Board of Health shall hear and decide appeals from rulings, decisions, and actions of the local health department or health officers, where the aggrieved party makes a written request to the Lincoln Trail District Health Department Board of Health within thirty (30) days after the ruling, decision, or action complained of.

Section 7

Exemptions

Those individuals who currently hold a Tattoo Artist/Body Piercing registration shall be provided a timeframe of 90 days from first official notification from LTDHD to complete a BBPEC to obtain an Education Certificate.

Section 8

Penalties

Any Tattoo Artist/ Body Piercer or Tattoo/Body Piercing Studio found to be in violation shall be ordered to comply with this ordinance. If the Tattoo Artist/ Body Piercer does not comply with the notice or order of noncompliance from the LTDHD Board of Health, then pursuant to KRS 212.715 and KRS 212.990(2), the Tattoo Artist/Body Piercer and/or Tattoo/Body Piercing Studio shall be subject to a fine of not less than ten (\$10.00) nor more than one hundred (\$100.00) dollars for each day of non-compliance

Section 9

Effective Date

THE ORDINANCE SHALL BECOME EFFECTIVE UPON PASSAGE AND PUBLICATION.

GIVEN FIRST READING AND ORDERED PUBLISHED BY THE **Lincoln Trail District Health Department Board of Health** ON THIS 26th DAY OF FEBRUARY, 2015.

EFFECTIVE DATE: October 16, 2015

Lincoln Trail District Health Department Board of Health

BY: Karen Blaiklock, Chairman

Karen Blaiklock