

CHAPTER 45

TATTOOING AND BODY PIERCING

45.01 AUTHORIZATION.

- (A) Pursuant to Wisconsin Statute § 463.16 in the administration and enforcement of Wisconsin Statute §§ 463.10 and 463.12, the Wisconsin Department of Safety and Professional Services (“Department”) may enter into a written agreement with a local health department with a jurisdictional area that has a population greater than 5,000, which designates the local health department as the Department’s agent in issuing licenses to and making investigations or inspections of tattooists, tattoo establishments, body piercers, and body-piercing establishments. If the Department designates a local health department as its agent, the Department shall reimburse the local health department furnishing the service at the rate of 80% of the net license fee per license per year issued in the jurisdictional area.
- (B) Pursuant to Wisconsin Statute § 463.16(4), a local health department designated as an agent of the Department shall establish and collect the license fee for each tattooist or tattoo establishment and for each body piercer or body-piercing establishment. The local health department may establish separate fees for pre-inspections of new tattoo or body-piercing establishments, for pre-inspections of existing establishments for which a person intends to be the new operator or for the issuance of duplicate licenses. No fee may exceed the local health department’s reasonable costs of issuing licenses to, making investigations and inspections of, and providing education, training and technical assistance to the tattooists and tattoo establishments or body piercers and body-piercing establishments, plus the state fee established under Wisconsin Statute § 463.16(9).
- (C) The St. Croix County Department of Health and Human Services (DHHS) is hereby authorized to act as an agent of the Department within St. Croix County, except in cities and villages that have a health department designated as an agent of the Department, for purposes of issuing licenses to and making investigations or inspections of tattooists, tattoo establishments, body piercers, and body-piercing establishments. DHHS shall enter into a written agreement with the Department to act as an agent, pursuant to Wisconsin Statute Chapter 463.

45.02 DEFINITIONS.

The definitions set forth in Wisconsin Statute Chapter 463 and Wisconsin Administrative Code Chapter SPS 221 are adopted by reference into this ordinance.

45.03 REGULATIONS.

- (A) DHHS, as agent for the Department, may conduct inspections of tattooing establishments, body-piercing establishments, and combined tattooing and body-piercing establishments within St. Croix County in accordance with Wisconsin Statute Chapter 463 and Wisconsin Administrative Code Chapter SPS 221.
- (B) Pursuant to Wis. Stat. § 463.16(6), DHHS may adopt regulations regarding the operator and premises for which DHHS is the designated agent. All regulations adopted by DHHS can only be stricter than, and not in conflict with, the regulations set forth in Wisconsin Statute Chapter 463 and Wisconsin Administrative Code Chapter SPS 221.
- (C) In addition to the regulations set forth in Wisconsin Statute Chapter 463 and Wisconsin Administrative Code Chapter SPS 221, DHHS adopts the following regulations related to tattooists, tattoo establishments, body piercers, and body-piercing establishments, known collectively as “body art establishments”:
 - (1) Body art establishments shall ensure that in addition to the requirements of Wis. Adm. Code Ch. SPS § 221.04(2)(b), no person may tattoo or body pierce another person in their establishment unless they have attended blood-borne pathogen training at a minimum of every 24 months. Proof of completion of blood-borne pathogen training shall be posted in the body art establishment.
 - (2) Body art establishments shall have an Exposure Control Plan, which includes the establishments:
 - a. Procedures for setting up, tearing down, and disinfecting body art workstations;
 - b. Procedures for preparing the body art site;
 - c. Procedures used for safe handling of sharps waste;
 - d. Procedures to protect the practitioner and patron from bodily fluids;
 - e. Procedures in the case that a practitioner or patron is exposed to bodily fluids; and
 - f. Information on the benefits of Hepatitis B vaccination.
 - (3) The Exposure Control Plan shall be kept in the body art establishment and shall be available to DHHS and verified during an inspection. At a minimum, the Exposure Control Plan will be reviewed annually by the operator and all persons working in the body art establishment.
 - (4) Body art establishments shall abide by the following regarding the care of any body art procedure, which includes a tattoo and/or body piercing:
 - a. Patrons shall receive written after-care instructions that include the following information:
 - i. Proper cleansing of the body art site.

- ii. Recommendations to consult a health care provider for any of the following:
 - 1. Unexpected redness, tenderness, or swelling at the site of the body art procedure.
 - 2. Any rash.
 - 3. Unexpected drainage at or from the site of the body art procedure.
 - 4. A fever within 24 to 48 hours of the body art procedure.
- iii. The name, address, and phone number of the establishment.

45.04 FEES.

Annual license fees, pre-inspection fees, and other fees authorized by law shall be established by DHHS. Pursuant to Wis. Stat. § 463.16(4), the fees shall cover the reasonable costs of issuing licenses to, making investigations and inspections of, and providing education, training and technical assistance to the tattooists and tattoo establishments or body piercers and body-piercing establishments, plus the state fee. A written schedule of fees shall be created by DHHS identifying the types of facilities regulated and the annual license fee, pre-inspection fee, and any other fee for each type of establishment.

45.05 ENFORCEMENT.

- (A) If upon inspection of an establishment, DHHS finds that the establishment is not designed, constructed, equipped or operated as required by law or as required by this ordinance, DHHS shall issue a written order to correct the violation. The order shall specify the correction needed for compliance and the time period within which the correction should be made.
- (B) If the order to correct a violation is not carried out by the expiration of the time period stated in the order, or any extension of time granted, DHHS may suspend or revoke the license to operate the establishment.
- (C) If a license is suspended or revoked, an establishment may request a review of the suspension or revocation to the St. Croix County Public Health Officer. The request for review must be filed within fifteen days of the suspension or revocation.
- (D) After the Public Health Officer receives the request for review, he/she shall investigate and gather information from the establishment. The Public Health Officer shall affirm, reverse, or modify the initial determination. The decision shall be mailed to the establishment.
- (E) If the establishment wishes to appeal the Public Health Officer's decision, an appeal may be filed with Health and Human Services Board within thirty (30) days of the notice of the Public Health Officer's decision. An administrative hearing on the appeal shall be held before the Health and Human Services Board.

45.06 PENALTIES.

In addition to orders to correct violations, DHHS may institute any action or proceeding against violators of this chapter as provided by law, including issuing citations pursuant to Chapter 1 of the St. Croix County Code of Ordinances or commencing a lawsuit.

45.06 SEVERABILITY.

If any provision of this ordinance is held to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provision or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

45.07 AMENDMENTS.

Any future amendments, revisions, or modifications of Wisconsin Statute Chapter 463 or Wisconsin Administrative Code Chapter SPS 221, or any other statutes referred to in this ordinance are intended to be made part of this ordinance as such amendments, revisions, or modifications are made to said statutes.

45.08 EFFECTIVE DATE.

This ordinance shall be effective the day after its publication.

Ordinance No. 613 (2002) – March, 2002

Repealed and Recreated: Ordinance No. 854 (2017) – May, 2017