

Staff Report

Subject: Part II Chapter 38-Health and Sanitation, Section 38.1 and 38.2 Text Amendments
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Department: Development Services
Date: October 1, 2024
Item Description: Health and Sanitation, Tattoos and Body Piercing.

Summary Recommendation

The county is amending Part II Chapter 38-Health and Sanitation, Section 38.1 and 38.2. The state legislature passed an ordinance addressing all body art Chapter 511-3-8 on 10/06/2023. The Effingham County Department of Health wants to administer the state ordinance and associated fees.

Executive Summary/Background

Development Services is recommending the following changes:

- Eliminate Section 38.1 Tattoos
- Eliminate Section 38.2 Body Piercing
- Adopt the state statute 511-3-8 in the next public hearing

Alternatives

Approve an amendment to the Code of Ordinances **Part II Chapter 38-Health and Sanitation, Section 38.1 and 38.2.**

Deny an amendment to the Code of Ordinances **Part II Chapter 38-Health and Sanitation, Section 38.1 and 38.2**

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: N/A

- **Chapter 38 - HEALTH AND SANITATION** ^[1]

State Law reference— Health generally, O.C.G.A. § 31-1-1 et seq.

- **ARTICLE I. - IN GENERAL**

- **Sec. 38-1. - ~~Tattooing.~~**

~~(a) *Intent.* The board of commissioners finds that the process of tattooing involves the use of needles that can cause the spread of infectious disease, including, but not limited to, acquired immune deficiency syndrome, hepatitis, and other viral and bacterial infection. This section is intended to protect the public welfare against the spread of such disease and infection and is based upon the recommendation and findings of the county board of health.~~

~~(b) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Tattoo* means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin; provided, however, that the term "tattoo" shall not mean a mark placed upon the skin by a physician for medical identification purposes.~~

~~*Tattoo establishment* means any room or place where tattooing is practiced or performed or where the business of tattooing is conducted or any part thereof.~~

~~*Tattoo operator* means any person who controls, operates, conducts, or manages any tattoo establishment, whether actually performing the work of tattooing or not.~~

~~(c) *Prohibited conduct.* No person shall operate a tattoo establishment or engage in the practice or business of tattooing in the unincorporated area of Effingham County.~~

~~(Ord. of 7-20-99(1), §§ 1—3)~~

- ~~Sec. 38-2. - **Body piercing.**~~

~~(a) *Intent.* The board of commissioners finds that the process of body piercing involves the use of needles that can cause the spread of infectious disease, including, but not limited to, acquired immune deficiency syndrome, hepatitis,~~

~~and other viral and bacterial infection. This section is intended to protect the public welfare against the spread of such disease and infection and is based upon the recommendation and findings of the county board of health.~~

~~(b) *Jurisdiction.* This section shall be effective throughout the unincorporated area of Effingham County.~~

~~(c) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Pierce* means to use a needle or other sharp object to make a hole in the body for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.~~

~~*Piercing establishment* means any room or place where piercing is practiced or performed or where the business of piercing is conducted or any part thereof.~~

~~*Piercing operator* means any person who controls, operates, conducts, or manages any piercing establishment, whether actually performing the work of piercing or not.~~

~~(d) *Prohibited conduct.* No person shall operate a piercing establishment or engage in the practice or business of piercing unless the person has first secured a permit from the county.~~

~~No person shall operate a piercing establishment except in accordance with all rules and regulations adopted by the board of health.~~

~~No person shall pierce the body, with the exception of the ear lobes, of any person for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.~~

~~No person shall pierce the body of any person under the age of 18 except in the presence and with the permission of said person's parent or legal guardian. The parent or legal guardian must of sound mind and not under the influence of alcohol or other stimulants or depressants.~~

~~No person shall pierce the body of any person who is under the influence of alcohol or other stimulants or depressants, or any person of unsound mind.~~

~~(e) *Application.* Any person desiring to operate a piercing establishment shall make application for a permit on forms supplied by the county.~~

~~The minimum age of each applicant shall be 18 years of age.~~

~~An applicant for a permit shall present to the county a certificate from a medical doctor certifying that the applicant is not infected with a disease that can be communicated through blood, urine, saliva, or perspiration or through openings in the human skin. The applicant shall further certify that he or she has not been convicted of a felony or other crime punishable by a term of imprisonment greater than one year.~~

~~(f) *Approval of board of health.* A condition precedent to the issuance of a permit by the county shall be satisfactory proof that the piercing establishment has secured from the board of health a permit or license to operate the establishment.~~

~~(g) *Permit not transferable.* Every permit granted hereunder shall be issued in the name of the individual person applying therefor, shall contain the location of the piercing establishment where the applicant shall operate, and shall not be transferable as to person or location.~~

~~(h) *Records.* Permanent records for each customer or patron shall be maintained by the licensee or operator of the establishment. Such records shall include the name, address, and signature of the customer or patron and shall be maintained at the location for which the license has been issued. Records shall be maintained by the licensee for not less than two years and shall be available for examination by the board of health.~~

~~(i) *Inspections.* The board of health may conduct periodic inspections of any piercing establishment for the purpose of determining whether or not said establishment and the persons performing piercing therein are in compliance with this section and board of health rules and regulations.~~

~~(j) *Effect.* The permit granted hereunder shall be cumulative of any other required permits and licenses and shall confer upon its holder a privilege, not a right.~~

~~(k) *Suspension or revocation.* The board of commissioners may, after hearing, suspend or permanently revoke a permit or refuse to grant or renew a permit issued hereunder if it is determined that the holder of the permit has violated any of the provisions of this section. A permit shall be subject to revocation upon proof that the holder of such permit has become infected with a disease that can be communicated through blood, urine, saliva, or perspiration or through openings in the human skin.~~

(Ord. of 7-20-99(2), §§ 1—11)