

LOCAL LAW NO. "I" FOR 2024

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING
CHAPTER 265 OF THE ALBANY COUNTY CODE TO UPDATE THE TATTOO
CODE PROVISIONS**

Introduced: 6/10/24

By Fein, R. Joyce and Efekoro:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Amending § 265-3, Tattoo and/or body piercing artist certification.

§ 265-3 (E) - The applicant must be 18 years of age and shall be required to demonstrate, by examination, knowledge of the provisions of this chapter, including those relating to aseptic technique designed to prevent the spread of infection and contagious disease by tattooing or body piercing practices.

§ 265-3 (G) - A tattoo and/or body piercing artist certification shall expire on July 31 of each year, renewable annually in July for the period next commencing August 1.

Section 2. Amending § 265-4, Shop certificate of sanitation.

§ 265-4 (C) - The shop certificate of sanitation shall expire on July 31 of each year, renewable annually in July for the period next commencing August 1.

Section 3. Amending § 265-6, Work room.

§ 265-6 (A) - Each tattoo and/or body piercing shop shall have a work room separate and apart from a waiting room or any room or rooms used as such. [The work room shall not be used as a corridor for access to other rooms.] Patrons or customers shall be tattooed and/or body pierced only in said work room.

§ 265-6 (B) - The work room shall be equipped with hot and cold running water and necessary sinks and basins, or if sinks are unavailable, FDA approved antiseptic rub also known as waterless surgical scrub. For permanent tattoo and/or body piercing shops, self-dispensing waterless scrub stations with motion detection or foot pedal activation shall be required if sinks are unavailable.

Section 4. Amending § 265-7, Recordkeeping and information requirements.

§ 265-7 (A) - The records shall be maintained, whether by electronic means or by traditional methods such as ink or indelible pencil, in a dedicated electronic database

or bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by the Health Officer and shall be preserved for at least three years from the date of the last entry therein. The signature of the patron shall be in the bound book record.

Section 5. Amending § 265-8, Operating standards; consent.

§ 265-8 (A) - Written consent for [tattooing or] body piercing of minors, when legally permissible, shall be obtained from at least one parent or legal guardian. The writing shall be notarized and filed in person at the tattoo and/or body piercing shop. Proof of age shall be determined upon presentation of two forms of valid identification. Valid identification shall include: a picture driver's license, picture sheriff's identification or birth certificate.

Section 6. Amending § 265-9, Operating procedures and restrictions.

§ 265-9 (A) - There shall be printed [or mimeographed] instructions, as approved by the Department, given to each patron or customer on the care of the skin after tattooing or body piercing as a precaution to prevent infection.

§ 265-9 (F) - Before working on each patron, the fingernails of the tattoo and/or body piercing artist shall be cleaned with an individual nail file and the hands thoroughly disinfected by scrubbing the hands with a brush, soap, and washing with warm water or using a FDA approved antiseptic rub also known as waterless surgical scrub. Hands that are visibly soiled should be washed prior to the application of a waterless scrub. Subsequent hand washing should be done by washing with warm water and soap using a hand brush, or by utilizing a FDA-approved antiseptic rub, also known as a waterless surgical scrub.

§ 265-9 (I) - Following the cleaning and shaving of the patron's skin, the hands of the tattoo and/or body piercing artist shall again be disinfected as described by Subsection F of this section. Disposable gloves shall then be worn by the tattoo and/or body piercing artist.

Section 7. Severability.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 8. SEQRA Compliance.

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 9. Effective Date.

This local law shall take effect immediately following its filing with the Office of the Secretary of State.

Referred to Law and Health Committees – 6/10/24

Favorable Recommendation Law Committee – 8/28/24

Favorable Recommendation Health Committee – 8/29/24