

TATTOO/BODY PIERCING VENDOR MANUAL

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Dear Rally Exhibitor,

On behalf of the City of Sturgis I would like to thank you for choosing to be an exhibitor at the 2010 Sturgis Motorcycle Rally. We are proud to host one of the oldest and largest motorcycle events in the world and recognize that vendors contribute greatly to our success and we appreciate your interest in Sturgis.

While the Sturgis Motorcycle Rally offers an excellent business opportunity we know it is an incredible commitment on your end. We have compiled material from the City of Sturgis, Meade County and the State of South Dakota to help you navigate through the process and provide you with all the information necessary to vend at the 2010 Sturgis Motorcycle Rally.

I encourage you to read this material carefully and review the checklist provided to ensure that you will be prepared. City ordinances and state laws pertaining to the Sturgis Motorcycle Rally are also available for you to review. If you should have any further questions don't hesitate to contact the Rally Department. We are here to help.

NEW FOR 2010 ~ THINGS TO PAY ATTENTION TO!!

SD DEPT OF REVENUE SALES TAX LICENSE HOURS OF OPERATION:

August 4 th , 5 th & 6 th	Hours 9 am to 4 pm
August 7 th	Hours 9 am to 12 pm
August 8 th	CLOSED
August 9 th , 10 th , 12 th & 16 th	Hours 9 am to 3 pm
August 11 th , 14 th & 15 th	Hours 8 am to 5 pm
August 13	Hours 9am to 1 pm

CITY OF STURGIS FINANCE OFFICE ACCEPTED FORMS OF PAYMENT:

CASH--MONEY ORDERS--CASHIER'S CHECKS ARE ACCEPTED FORMS OF PAYMENT! THERE WILL BE AN ATM MACHINE AVAILABLE AT CITY HALL. CREDIT CARDS WILL NO LONGER BE ACCEPTED!! PERSONAL CHECKS WILL NOT BE ACCEPTED!! BUSINESS CHECKS NOT ACCEPTED AFTER 7-9-10!!

Starting August 4th, enter the Sherman Street side doors to obtain your licenses.

The Sturgis Motorcycle Rally will be celebrating its 70th Anniversary August 9th through the 15th in 2010. We invite you to be a part of the celebration!

Best Regards,

Brenda Vasknetz, Director
Sturgis Motorcycle Rally
605-720-0800 phone
605-720-0801 fax
info@sturgismotorcyclerally.com

TATTOO/BODY PIERCING CHECKLIST

This comprehensive checklist has been provided to help you comply with various ordinances and regulations. The checklist is organized to step you through the process you need to follow to obtain a vendor's license. While every attempt has been made to provide a complete list, vendors still bear full responsibility for compliance with any and all regulations.

Process	Where	Fees	References
<p><i>Step 1</i></p> <p>A permanent vending location (mobile vending is not allowed)</p>	<p>City property or Private Landowners</p>	<p>Varies</p>	<p>See <u>Vendor Property Rental Listing</u> under Vendor Information at www.sturgismotorcyclerrally.com</p>
<p><i>Step 2</i></p> <p>Obtain Temporary South Dakota Sales Tax License</p>	<p>South Dakota Department of Revenue</p>	<p>Bond of \$500.00 for businesses with poor reporting history ONLY.</p>	<p>www.state.sd.us/drr2/sturgis.index.html</p> <p>All South Dakota sales tax license holders must obtain a temporary sales tax license if vending in a location other than the permanent licensed location.</p>
<p><i>Step 3</i></p> <p>Apply for a health inspection from the South Dakota Department of Health</p>	<p>The Health Department will have a temporary office at the City Finance Office. Stop in to set up a time for inspection. Tattoo/piercing booth must be set up prior to inspection.</p>	<p>Inspection fee may be required</p>	<p>See <u>South Dakota Department of Health Tattoo and Body Piercing Standards & City Tattoo Ordinance</u> www.sturgismotorcyclerrally.com or call (605) 773-3737</p>
<p><i>Step 4</i></p> <p>Apply for City of Sturgis Vendors License After receiving your Temporary Sales Tax License (if vending within city limits)</p>	<p>See Vendor License Application Fee or call: City of Sturgis Finance Office (605) 347-4422 or Rally Department (605) 720-0800</p>	<p>\$600.00 per artist. Each tattoo/piercing artist must obtain a license. (Includes \$175.00 Sanitation Fee and \$425.00 Vendor Fee)</p>	<p>Available at www.sturgismotorcyclerrally.com or contact the Rally Department at (605) 720-0800</p>

OVERVIEW OF REQUIREMENTS

- ✓ Vendor Applications need to be filed with the City of Sturgis Finance Office, 1040 Second Street, Suite #103, Sturgis SD 57785. Application must be accompanied by the appropriate fee and a copy of your temporary South Dakota Sales Tax License.
- ✓ Pre-registration for a vendor application can be processed during the time period of April 1 – July 9, 2010. Or you may obtain your vendor's license upon arrival at the City of Sturgis Finance Office.
- ✓ The City of Sturgis Vendor License Fee must be paid by cash, cashiers check or money order. Do not send cash through the mail.
- ✓ South Dakota Department of Revenue will accept checks for the bond on the temporary sales tax license.
- ✓ Requests for advance sales tax licenses must be received by the South Dakota Department of Revenue no later than July 9, 2010. If a license application is received after this date, the sales tax license packet will not be mailed. However, the application will be processed and the vendor may pick up the license packet at the Revenue Office located at City Hall beginning August 4, 2010.
- ✓ Check with the South Dakota Division of Highway Patrol concerning requirements for commercial vehicle licensing. The phone number is 605-394-2286.
 - ✓ **You must pass your health inspection before you can obtain a City of Sturgis Vendors License.**

INSPECTION REQUIREMENTS

Inspection	Fees	Entity	Reference
Health	Inspection Fee may be required	State of South Dakota	See South Dakota Department of Health Tattoo and Piercing Standards
Temporary Structure	Included in Vendor License	City of Sturgis	See Temporary Structure Ordinance
City of Sturgis Vendors License	\$600.00	City of Sturgis	See Licensing of Transient Merchants Ordinance
South Dakota Temporary Sales Tax License	Bond for businesses with poor reporting history only	State of South Dakota	See South Dakota Department of Revenue Regulations
Electrical	Inspection Fee may be required	State of South Dakota	See South Dakota Electrical Commission Guide

NOTE: Your license(s) must be posted in a conspicuous spot so it can be easily seen by inspectors. The City of Sturgis Inspection Team will visit every vendor location within the city limits. They are required to physically see your license(s) and make certain all inspection requirements are adhered to.

GENERAL INFORMATION

*****NEW FOR 2010*****

1) Vendors must be properly licensed with the State of South Dakota and the City of Sturgis. Any person(s) caught vending without the appropriate vending permits will be subject to a **significant financial penalty**. All vendors must obtain the following permits within 48 hours of setting up their locations and before any sales can be made. Your license(s) must be posted in a conspicuous spot so it can be easily seen by inspectors. The City of Sturgis inspection team will visit every vendor location within the city limits. They are required to physically see your license(s) and make certain all inspection requirements are adhered to. *Reference City Ordinances & Regulations Section 31.02.03*

- 1) South Dakota Department of Revenue – Temporary Sales Tax License
- 1) City of Sturgis – 12 Day Temporary Vending Permit
- 2) South Dakota Department of Health – Temporary Health Certificate (if Required)

2) **ANY** vendor offering the following services shall have a pre-inspection performed by the inspectors and have passed said inspection prior to the issuance of any permit. *Reference city Ordinances & Regulations Section 31.02.03.*

- 1) Motorcycle/Car Wash
- 2) Oil Changes
- 3) Motorcycle/Auto Dyno Services

Other Important Items:

- 3) All vending stands, booths, canopies, etc. are required to be set five **(5) feet** away from all public alleys within the City of Sturgis. Vending in public Right of Ways is prohibited unless otherwise approved by the Sturgis City Council. The City Inspections Team will mark alley property lines in orange paint and it is the land owners responsibility to ensure the setbacks are met. Any tents, booths, canopies, etc. in violation will be required to be moved prior to being allowed to conduct business. If you are un-certain of your location call The City Inspections at (605) 347-4424.
- 4) All tarps, canopies, overhangs, etc. utilized for vending stands shall be flame retardant or flame resistant. No other items shall be used. Inspectors will be looking for a fire retardant tag sewn into the tarp.
- 5) No vending stands, booths, canopies, etc. shall be permitted in a **residential zoned district**. It is the property owner's responsibility to ensure their property is zoned correctly to allow for vending.
- 6) The City of Sturgis accepts no responsibility for any agreement made between the exhibitor and property owner from whom the vendor is renting space.
- 7) All Sales are subject to South Dakota sales tax. Sales tax within the City of Sturgis for temporary exhibitors is 7.5% for goods and services and 8.5% for food, beverage & lodging.
- 8) Open containers of malt beverages and/or liquor are illegal in public within the City of Sturgis and the State of South Dakota. Exception: establishments legally licensed for the sale and consumption of said beverage.
- 9) Parking in alleys, no parking zones, yellow zones and designated handicapped parking areas is illegal in the City of Sturgis. Public paid parking is available behind the Motorcycle Expo located on 4th/Kinship and Lazelle Streets. You are encouraged to park in this area and leave closer parking for your customers.
- 10) Indecent exposure as described in the State law and the City ordinances is illegal within the City of Sturgis.
- 11) The City provides street cleaning and garbage pickup throughout the rally. The dumpsters located in the alleys are for merchant use. Please place your garbage in these containers.

TO PRE-REGISTER, THIS FORM MUST BE COMPLETED IN ITS ENTIRETY AND ACCOMPANIED BY THE APPROPRIATE FEE AND A COPY OF YOUR TEMPORARY SOUTH DAKOTA SALES TAX LICENSE.

YOU CANNOT PRE-REGISTER IF YOU ARE A FOOD, TATTOO OR BODY PIERCING VENDOR DUE TO REQUIREMENT THAT YOU OBTAIN A HEALTH INSPECTION!!

**APPLICATION FOR 2010
STURGIS MOTORCYCLE RALLY VENDOR'S LICENSE**

CITY OF STURGIS
1040 Second Street, Suite #103
Sturgis, SD 57785
Phone (605) 347-4422

NAME OF APPLICANT _____
NAME OF BUSINESS _____
ADDRESS _____

PHONE NUMBER _____

SD STATE SALES TAX LICENSE NUMBER _____

APPLICATION FOR: _____ VENDOR LICENSE \$600.00
_____ FOOD VENDOR LICENSE \$600.00
_____ TATTOO LICENSE \$600.00
_____ BODY PIERCING LICENSE \$600.00

THE ABOVE \$600 FEE INCLUDES THE \$175.00 SANITATION ASSESSMENT

_____ SANITATION ASSESSMENT ONLY \$175.00
(NON-PROFIT AND DISPLAY EXHIBITORS ONLY)

FOR A PERIOD OF TWELVE (12) DAYS: BEGINNING _____
ENDING _____

PHYSICAL STREET ADDRESS OF VENDING LOCATION IN STURGIS:

CONTACT NAME AND PHONE NUMBER OF PROPERTY OWNER:

COMPLETE DESCRIPTION OF ALL GOODS AND/OR SERVICES: _____

I agree that any falsification, misstatements or omissions, including those related to location and goods to be sold shall result in immediate revocation of this license and forfeiture of the right to operate within the City limits of Sturgis. It is further understood that payment of applicable state and city sales tax is made a provision of this license. It is further understood that violation of state laws regarding the display or sale of pornographic materials will be grounds for immediate suspension of license and will be prosecuted to the full extent of the law.

AMOUNT RECEIVED _____ APPLICANT _____ DATE _____
() Cashier's Check or Money Order () Cash
() Business Check – accepted for preregistration only until 7-9-10

Cashier's Checks, Money Orders & Business Checks must be made payable to THE CITY OF STURGIS.

CREDIT CARDS WILL NO LONGER BE ACCEPTED!!

PERSONAL CHECKS WILL NOT BE ACCEPTED!! BUSINESS CHECKS NOT ACCEPTED AFTER 7-9-10!!

***PRE-REGISTRATION APPLICATIONS MUST BE RECEIVED BY JULY 9, 2010.
THE CITY WILL NOT PROCESS OR BE HELD RESPONSIBLE FOR APPLICATIONS
RECEIVED BY MAIL AFTER SAID DATE.**

**The Vendor's License can be obtained after July9, 2010 at the
City of Sturgis Finance Office in person only.**

**SOUTH DAKOTA
DEPARTMENT OF REVENUE**

**4447 S. CANYON ROAD, SUITE 6
RAPID CITY, SD 57702-1889**

<http://www.state.sd.us/revenue>

PHONE (605) 394-2332

FAX (605) 394-6076

**QUESTIONS AND ANSWERS FOR VENDORS
INCLUDES APPLICATION FOR THE SOUTH DAKOTA TEMPORARY
SALES TAX LICENSE**



SOUTH DAKOTA DEPARTMENT OF REVENUE

QUESTIONS & ANSWERS FOR STURGIS MOTORCYCLE RALLY EXHIBITORS

1. Do I need a sales tax license & how do I get one?

ALL concessionaires must obtain a temporary SD sales tax license for each business location, including Sturgis, Rapid City, Spearfish, Custer or any other cities in the Black Hills area. This also includes locations outside of city limits. Under no circumstances will any vendor be allowed to make any sales before being licensed.

To obtain the temporary license in advance of the rally contact the Rapid City office of the SD Department of Revenue at 605-394-2332. An application & information will also be available at <http://www.state.sd.us/drr> starting in April.

If you do not wish to obtain the license in advance you may contact The Department of Revenue at Sturgis City Hall, 1040 2nd Street, Suite103, beginning the week before the rally between the hours of 9:00 am and 3:00 pm.

2. If I have a permanent SD tax license can I just report and pay my taxes on my permanent return form?

No, if you are in a temporary location, even if you have a permanent SD license, you must obtain a temporary license and pay your taxes to the Department of Revenue at Sturgis City Hall during the rally.

3. If I just sell or display motorcycles or trailers do I need a sales tax license?

Yes, all vendors need to display a temporary license card whether they owe tax or not. Vendors selling or displaying motorcycles, trailers, or other vehicles also need to obtain a Temporary Motor Vehicle Dealer permit. Some restrictions apply and there is a fee for this permit. Please see the application and information on the following pages for Temporary Manufacturer, Customizer or Dealer Permit.

4. How much does a license cost?

There is no cost for a license, but concessionaires with poor reporting histories will be required to post a bond before being licensed to sell merchandise, food or services at the rally. Bond amounts are at least \$500.00 depending on the past history of the business. The department reserves the right to require a bond from any vendor.

5. Is the bond refundable?

Yes, once you have paid all of your taxes at the rally the bond is refunded as long as you return the bond receipt.

6. Can I just deduct the amount of tax owed from the bond?

No. You must pay your taxes according to the filing schedule. Only on your final day can you use the bond to make your payment.

7. When and where do I pay my taxes?

Taxes are to be paid directly to the Department of Revenue at Sturgis City Hall during the week of the rally. If you are located in Rapid City or any city in the Southern Black Hills other arrangements may be made by the Department to pay the taxes.

8. Can I just pay on my last day?

No, vendors are required to pay according to a schedule of collection days. If they leave early they are to pay their final taxes before they leave. The bond is not refunded until the final taxes are paid.

9. What is the tax rate?

Items or Services (not including food):

Sturgis, Deadwood, Lead, Spearfish, Custer, Hill City, Whitewood, Keystone: 7.5%, Food is 8.5%.

Rapid City: 7.5%, Food is 8.5%

Hot Springs: 7.5%, Food is 8.5%

Belle Fourche: 7.5%, Food is 8.5%

Newell: 7.5%, Food is 7.5%

If your business is located outside of city limits the rate is 5.5% for both food and general items and services.

10. Can I just get one license for all of my locations?

No, one license for EACH location is required. But only one bond will be required.

11. What kinds of records do I need to keep?

Inventory records, a daily cash sheet, cash register tapes, credit card receipts, bank deposit slips, purchase invoices, sales receipts and supplier lists. Revenue auditors may stop at your location to review your records.

SDCL 10-45-88 states that temporary vendors operating in South Dakota may be subjected to reviews without notice and shall have all records available at all times for review. The records that shall be available at all times include sales receipts, credit card receipts, cash register tapes, inventory sheets, and invoices from suppliers.

Failure to maintain records is a Class 1 misdemeanor and can result in the immediate revocation of the temporary license.

12. I am not selling anything, but am giving away free samples. Is this subject to sales tax?

Vendors should be aware of use tax that may be owed. A 6% use tax (4% outside of city limits) is applied to the purchase price of items such as catalogs, giveaways, and brochures that were purchased without sales tax. If sales tax has already been paid on these items, you will need to provide a copy of the invoice for documentation.

13. I am selling tobacco products. Do I need a special license?

If you plan on selling cigarettes or other tobacco products you should know that cigarettes must be purchased from a South Dakota distributor who must tax stamp each pack. It is illegal to sell cigarettes in SD that do not have the SD tax stamp. Sales tax is due on the selling price of cigarettes. Cigars and other tobacco products do not require the SD tax stamp, but if they are purchased from a non South Dakota distributor, you must pay the 35% tobacco products tax on the purchase price. Please contact the Department of Revenue Special Tax Division at 605-773-3311 for the proper form. Sales tax is due on the selling price of cigars and other tobacco products. If you will be giving away free tobacco products, you must pay the sales or use tax on the price of the product.

14. I have hired a professional promoter to help promote my business at the rally. Do I need a sales tax license?

Yes, all vendors need to display a temporary license card. In addition, the fee paid to the promoter for their service is subject to sales tax. If you are giving away promotional items, you will owe use tax on the purchase price of the promotional items. If sales tax has already been paid on these items, you will need to provide a copy of the invoice for documentation.

Instructions You must complete this application whether you are displaying items, taking donations, holding a raffle, giving items away or selling items or services. This application is for ALL Locations including Sturgis, Rapid City, Custer, Spearfish, Deadwood etc. Please mail this form to the address above.
For further assistance, visit us on the web at www.state.sd.us/drr or call 605-394-2332.

Business Information

Owner Name

Mailing Address

City, State, Zip Code

SSN/EIN	Business Phone
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Home Phone	Cell Phone
------------	------------

Email Address	Web Address
---------------	-------------

SD Sales Tax License Number (Write N/A if you do not have a permanent SD License)

BUSINESS NAME

Please print the address and city information for each business location: (You will need a license card for EACH location.)

Rally Location(s) of Business(es)	City

Date business will begin at the Rally:	Bond Amount*
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Will items be sold or displayed? (Circle one)

Type of items sold/displayed: (Please be specific) Sold Displayed

Signature Information

Owner/Officer Social Security Number:
(Owner must complete a Power of Attorney form if a representative/agent will be filing the tax returns.)

OWNER(S) SIGNATURE:	TITLE:
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***BOND:** If you conducted business at last year's Sturgis Rally, filed and paid your taxes on time, you do NOT need to post a bond. First year vendors do not need to post a bond. The department reserves the right to require a bond from any vendor. The minimum bond amount is \$500.00.

Advanced Registration Deadline: July 9, 2010

If the temporary sales tax application is received after July 9, 2010, the vendor license will not be mailed back to the vendor. However, the application will be processed and the license can be picked up at the Sturgis Revenue office starting August 4, 2010.

SALES TAX BOND CHART
A bond is a pre-payment of taxes

A bond is to be paid by **POOR REPORTING Concessionaires ONLY.**
The department reserves the right to require a bond for any vendor.

Bonds may be paid with a check, money order or cash.

<u>ITEM</u>	<u>BOND AMT</u>
Food	\$500
T-shirts	\$500
Leather	\$500
Motorcycle parts	\$500
Tattoo artist/piercing	\$500 per artist
Pinstriping/Airbrushing	\$500
Leather repair	\$500
Motorcycle repair/service	\$500
Clothing – other than t-shirts	\$500
Jewelry	\$500
Artwork	\$500
Sunglasses	\$500
Parking	\$500
Miscellaneous sales & service	\$500

Businesses located outside city limits:

Any items or services	\$500
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**Accounting or Reporting Firm Authorization Form/Responsible Party
Temporary Licensee**

South Dakota Department of Revenue
445 East Capitol Avenue • Pierre, South Dakota 57501-3100

*Please fill out this form if you have an agent or representative
prepare your tax applications and returns for you.*

Licensees are required to file returns/application and pay taxes/fees as they are owed. They are also required to accept and respond to various types of official communications with the Department of Revenue.

If a licensee prefers an agent or representative to fulfill these responsibilities, this authorization form must be completed. This is a privilege extended to the licensee which requires special handling by the Department, therefore, such action will not be considered unless this form is properly completed and placed on file with the Department. However, the completion of this form does not relieve the licensee of the legal obligations associated with a particular license. The licensee is ultimately responsible for the payment of the tax/fee as well as all acts and omissions of the stated Accounting or Reporting firm.

Power of Attorney

KNOW ALL MEN BY THE PRESENT, that the undersigned principal and licensee has made and appointed, and does hereby make and appoint (Firm's Name) _____

Or agents or employees, with the offices at (Mailing Address) _____

(Phone Number) _____ (E-mail) _____

to act as attorney-in-Fact for the undersigned, who makes this appointment either personally or in an authorized representative capacity on behalf of a principal partnership, corporation, or other entity; this power of attorney shall be limited to the following specific purposes involving the South Dakota license(s) indicated:

_____ To prepare, sign and file applications with the Department of Revenue.

_____ To prepare, sign and file with the Department of Revenue periodic tax returns or reports as required by South Dakota law.

The Power of Attorney shall be effective upon receipt thereof by the Department of Revenue and shall continue until cancelled by filing with the Department an instrument properly executed and reciting such cancellation; or

Sales Tax License(s) Tax License Number(s) if previously assigned (if applicable):

Agent or Representative:

Company Name _____

FEIN or SS# _____

Signature of Owner/Legal Rep. _____

Title _____

Address-Mailing _____

City/State _____

Phone Number _____

Principle and Licensee By:

Company Name _____

FEIN or SS# _____

Signature of Owner/Legal Rep. _____

Title _____

Address-Mailing _____

City/State _____

Phone Number _____

IN WITNESS WHEREOF, the undersigned has caused these present to be execute, for benefit of the principal name below.

State of _____)

:ss.

County of _____)

On this _____ day of _____, before the undersigned, a Notary of the Public for the State of _____ personally appeared _____ known to be the person whose name is subscribed to the within instrument, and acknowledge to me that ___he executed the same in capacity as shown.

IN WITNESS WHEREOF, I have set my hand and seal this _____ day of _____, this certificate above written.

Notary Public

CITY OF STURGIS
TITLE 11
HEALTH AND SANITATION

11.01.02: DEFINITIONS (Excerpts From)

BODY PIERCING: Placement of a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples, or parts thereof for decorative or other non-medical purpose by a person not directly under the supervision of a licensed physician.

BODY PIERCING AREA: Within a body piercing establishment, the immediate vicinity where body piercing is performed.

BODY PIERCING ARTIST: An adult (not a minor) who engages in the practice of body piercing.

BODY PIERCING ESTABLISHMENT: The building or structure where body piercing is practiced.

COMMUNICABLE DISEASE: A disease which is capable of being transmitted from person to person.

MINOR: A person who is under the age of eighteen (18) years.

PERMANENT BODY PIERCING ESTABLISHMENT: A building where body piercing is practiced on a year-round basis exceeding thirty (30) consecutive days in a calendar year.

SHARPS: Needles, punches, or any other single use item for piercing skin.

TEMPORARY BODY PIERCING ESTABLISHMENT: A building or structure where body piercing is practiced for not more than thirty (30) consecutive days in a calendar year.

CHAPTER 11.06
REGULATION OF TATTOO PARLORS

SECTIONS:

11.06.01: Vendor's License Required for Temporary Business

11.06.02: Cost of License

11.06.03: Classifications of Temporary Business

11.06.04: Adoption of State Statutes and Regulations

11.06.01: VENDOR'S LICENSE REQUIRED FOR TEMPORARY BUSINESS

No person shall operate or maintain a temporary place of business or tattoo parlor which performs tattooing on the human body in the City without having first applied for and received a vendor's license from the Finance Office. Any place of business that operates a tattoo parlor or any person who performs tattoos in a "temporary operation" only is considered a "temporary business".

The license issued by the Finance Office shall be for a period not to exceed twelve (12) days. The City Finance Office shall give the vendor's license to the City's designee who shall then go upon the premises of any person and/or business performing tattooing to insure that the provisions of this Chapter are being followed. If all applicable regulations are being followed, the City Health Officer shall then issue the vendor license to the person or business performing the tattooing.

11.06.02: COST OF LICENSE

The cost of the vendor's license shall be Six Hundred Dollars (\$600.00) per person performing tattooing services at each location. Said fee shall include all sanitation fees.

11.06.03: CLASSIFICATIONS OF TEMPORARY BUSINESS

There shall be two categories of temporary businesses. A Class A temporary business is one established for a period of three (3) days or less or does not operate during an event with duration of four (4) days or more. A Class B temporary business is one established for a period of four (4) days or more. A business operated more than six (6) months in one place by the same person shall be deemed a "permanent business", but one discontinued within six (6) months thereafter shall prima facie be presumed a temporary business and its operator a vendor.

11.06.04: ADOPTION OF STATE STATUTES AND REGULATIONS

The standards set forth in SDCL Chapter 34-17 and ARSD 44-12-01 shall constitute the standards for tattooing in the City.

CITY OF STURGIS
Chapter 11.07
REGULATION OF BODY PIERCING ESTABLISHMENTS

SECTIONS:

- 11.07.01: Permit Required
- 11.07.02: Restricted Activities
- 11.07.03: Consent and Statement Required
- 11.07.04: Restrictions Regarding Minors
- 11.07.05: Body Piercing Artist's Requirements for Facilities
- 11.07.06: Inspections
- 11.07.07: Required Equipment
- 11.07.08: Communicable Disease Reporting
- 11.07.09: Record of Patrons
- 11.07.10: Sterilization
- 11.07.11: Approved Methods for Immersion of Soiled Equipment
- 11.07.12: Approved Methods for Cleaning
- 11.07.13: Needle Construction
- 11.07.14: Snap Gun Piercing
- 11.07.15: Razor Requirements
- 11.07.16: Linen Cleaning and Storage
- 11.07.17: Hygienic Practice
- 11.07.18: Skin Preparation
- 11.07.19: Use of Styptics
- 11.07.20: Care of Pierced Area
- 11.07.21: Storage of Soiled Equipment
- 11.07.22: Disposal of Contaminated Products
- 11.07.23: License Required for Temporary Facilities
- 11.07.24: Application
- 11.07.25: Fee and Duration of License
- 11.07.26: Health Officer to Issue License
- 11.07.27: Assistance of Department of Health

11.07.01: PERMIT REQUIRED

No person shall operate or maintain a temporary or permanent place of business which performs body piercing on the human body in the City without first having applied for and received a permit therefore. In the case of a temporary place of business, a vendor's license shall also be obtained from the Finance Office. Any place of business that operates a body piercing establishment or a person who performs body piercing in a temporary operation only is considered a temporary business.

11.07.02: RESTRICTED ACTIVITIES

No body piercing artist may engage in the practice of body piercing while under the influence of alcohol or other mind-altering substances.

Any body piercing artist who knowingly has an infectious disease in a communicable state may not body pierce a patron. Infectious diseases include but are not limited to rashes, skin lesions, boils, and blood borne diseases such as viral hepatitis B and human immunodeficiency virus (HIV) infection.

Any body piercing artist may not body pierce a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.

No body piercing artist may body pierce a patron who is under the influence of alcohol or other mind-altering drugs.

11.07.03: CONSENT AND STATEMENT REQUIRED

Any body piercing artist may not body pierce a patron without first obtaining a signed consent from said patron. The consent shall include a statement by the patron that he or she is free from infectious or contagious disease in a communicable stage, including but not limited to rashes, skin lesions, boils and blood borne diseases such as viral hepatitis B and human immunodeficiency virus (HIV) infection.

11.07.04: RESTRICTIONS REGARDING MINORS

Minors are prohibited from participating in the practice of body piercing.

No body piercing artist shall pierce a minor unless the minor's parents have signed a consent form authorizing the body piercing.

Any body piercing artist shall conspicuously post a notice stating that it is illegal to body pierce any person under the age of eighteen (18) without the parent's written consent.

11.07.05: BODY PIERCING ARTIST'S REQUIREMENTS FOR FACILITIES

Any body piercing establishment shall be a minimum of sixty (60) square feet for one body piercing artist and an additional forty (40) square feet for each additional artist. A body piercing establishment shall be physically separated from other facilities used for practices other than body piercing or tattooing.

Floors and walls of the area shall be smooth, easily cleanable, nonabsorbent and in good repair. Ceilings above the body piercing area shall be smooth, easily cleanable and in good repair.

A minimum of thirty (30) foot-candles of light shall be provided for body piercing and a minimum of ten (10) foot-candles for general lighting.

An easily accessible hand washing facility supplied with warm, potable running water shall be provided in or directly adjacent to the body piercing area. Each hand washing facility shall be provided with liquid soap and single use paper towels.

Toilet facilities shall be available for employee and patron use.

Tables, chairs and other general use equipment shall be constructed of plastic, metal with enamel or porcelain costing or stainless steel. General use equipment shall be maintained in an easily cleanable condition.

Covered waste containers with single use plastic liners shall be provided.

Animals other than guide dogs are prohibited in body piercing establishments.

Smoking, eating and drinking shall be prohibited within ten (10) feet of the body piercing area. Except for beauty salons, body piercing establishments shall not be used for activities which are not directly associated with the practice of body piercing or tattooing.

Any body piercing establishment shall be maintained in a clean, sanitary, vermin-free condition and in good repair.

Any body piercing artist shall wear clean, laundered clothing and shall bathe daily.

11.07.06: INSPECTIONS

Any body piercing establishment shall be inspected at least annually by a designated health authority to determine compliance with this Chapter.

11.07.07: REQUIRED EQUIPMENT

Any body piercing artist shall have the following minimum equipment:

- A. One gallon each of germicidal soap, isopropyl alcohol and distilled water for prepping skin;
- B. Three Hundred (300) disposable latex or vinyl gloves;
- C. Access to the applicable sterilization and sanitization measures in this Chapter;
- D. Closed dustproof containers for the exclusive storage of instruments;
- E. Gauze and bandages; and
- F. Any other equipment required for compliance with any Section of this Chapter.

11.07.08: COMMUNICABLE DISEASE REPORTING

Any body piercing artist shall immediately report to the South Dakota Department of Health any known or suspected communicable disease.

11.07.09: RECORD OF PATRONS

Any body piercing artist shall keep a record of each patron. Said record shall include the name, address and age of each patron and shall have attached thereto the consent form with medical inquiry and the locations and descriptions of the body piercings. Said record shall be available for inspection and kept for a period of at least two (2) years.

11.07.10: STERILIZATION

All piercing equipment including but not limited to forceps, needles, snap gun and punches, shall be sterilized by using the method of steam pressure sterilization with at least fifteen (15) pounds of pressure per square inch for at least thirty (30) minutes at a temperature of two hundred fifty (250) degrees Fahrenheit. Said temperature requirement shall be certified by a chemical indicator attached to the autoclave bag, which turns color when the appropriate temperature has been reached.

Any body piercing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested and passed on a monthly basis. Dry heat is not an acceptable method of sterilization for the purposes of this Chapter. (Check 44:12:01:10)

All sterile equipment and supplies shall be stored in a closed dustproof container in such a manner as to prevent being contaminated. Forceps and other equipment shall be packaged prior to autoclaving either individually or in quantities for individual body piercing.

Packages containing equipment which has been autoclaved shall be dated with an expiration date. The expiration date shall not exceed thirty (30) days from the date autoclaved. Sterile equipment shall not be used after the expiration date without being resterilized.

Any surface, counter and/or general use equipment in the body piercing area shall be cleaned and sanitized before a patron is seated.

11.07.11: APPROVED METHODS FOR IMMERSION OF SOILED EQUIPMENT

The following methods are approved for immersion of soiled equipment such as instruments and straightedge razors prior to cleaning and sterilization:

- A. Immersion in Glutaraldehyde 2% solution mixed according to manufacturer's instructions. Minimum contact time shall be ten (10) minutes. Thorough rinsing of equipment is required after use. Gloves shall be worn as solution may cause chemical burns on the skin.
- B. Immersion in a 500 ppm solution of chlorine. This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to two (2) teaspoon bleach per quart of water. A minimum contact time of ten (10) minutes is required to be effective. This solution shall be mixed fresh daily and may corrode metal instruments.

- C. Immersion in a solution of 70% isopropyl alcohol for a minimum of ten (10) minutes. Said solution is flammable, and shall be used and stored in a cool, well-ventilated area.
- D. Immersion in a Phenolic germicidal detergent solution for a minimum of ten (10) minutes. Said solution shall be mixed according to manufacturer's instructions.
- E. Immersion in an Iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time shall be ten (10) minutes. Said solution may stain instruments.

After immersion in any of the above solutions, instruments, needles, tubes, razors or similar equipment shall be thoroughly cleaned, rinsed with warm water, dried thoroughly and individually packaged for sterilization as described in this Chapter.

11.07.12: APPROVED METHODS FOR CLEANING

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls and chairs:

- A. Application of any EPS approved Quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilutions shall be according to manufacturer's instructions.
- B. Application of Phenolic germicidal detergent solution mixed according to manufacturer's instructions. Care shall be taken, as solution may cause skin irritation.
- C. Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to ½ teaspoon bleach per quart of water. A minimum contact time of ten (10) minutes is required to be effective. This solution shall be mixed fresh daily.

If spray bottles are used for application of these solutions, the following procedure shall be followed: each time the bottle needs refilling, any remaining old solution shall be discarded, the bottle rinsed and fresh solution poured into the spray bottle. Fresh solution shall never be added to remaining old solution.

11.07.13: NEEDLE CONSTRUCTION

Any needles shall be either stainless steel or nickel plated carbon steel. Needles shall be a single serve item and shall be destroyed after one use. Rusty or faulty needles shall not be used for body piercing.

11.07.14: SNAP GUN PIERCING

Snap gun piercing is restricted to the non-cartilaginous lobule portion of the ear. The gun shall be disinfected after each use with Glutaraldehyde 2% solution as noted in Section 11.07.11 or a disinfectant that will kill HIV and hepatitis virus, including but not limited to the following:

Let's Touch:	Benzyl-p-chlorophenol - 5.25% Phenyl phenol - 1% Inert ingredients - 93.75%
Ultracare:	Alkyl dimethyl benzyl ammonium chloride – 2.25% Alkyl ammonium chloride – 2.25% Inert ingredients – 95.5%
Barbicide Plus:	Sodium ortho benzyl para chlorphenate – 4% Sodium ortho phenzyl phenol – 2.85% Sodium para teriarzy aurylphenace – 2.49% Inert ingredients – 90.29%

11.07.15: RAZOR REQUIREMENTS

Razors shall be disposable, single-use only. Single-use razors shall be used for one patron only and shall be discarded thereafter.

11.07.16: LINEN CLEANING AND STORAGE

Cloth towels, robes and similar items used in conjunction with body piercing shall be laundered in a washing machine with hot water, laundry detergent and chlorine bleach between uses. A closed, dustproof container shall be provided for the storage of clean towels and linen. A hamper or similar receptacle shall be provided for the storage of oiled towels and linen.

11.07.17: HYGIENIC PRACTICE

Each body piercing artist shall use antiseptic techniques at all time in the practice of body piercing. A body piercing artist shall scrub his hands with liquid soap and water thoroughly before beginning preparation to body pierce. Hands shall be dried with individual single use towels. At all times when preparing the skin while performing the actual body piercing, the body piercing artist shall wear latex or vinyl gloves, which shall be discarded upon completion of the body piercing.

11.07.18: SKIN PREPARATION

The skin area to be body pierced shall be shaved if needed and shall be washed with tincture of green soap or a similar antiseptic soap and water, rinsed, dried, then washed with 70% isopropyl alcohol. A single use gauze pad or tissue shall be used for washing the skin. Any single use product shall be discarded as it is used and becomes contaminated.

11.07.19: USE OF STYPTICS

Styptics, if used to arrest bleeding, shall be used only in liquid or powder form and shall be applied with cotton swabs or gauze which shall be immediately discarded.

11.07.20: CARE OF PIERCED AREA

Any body piercing artist shall provide complete instructions as to the care of the pierced area to each person to whom he or she provides piercing services.

11.07.21: STORAGE OF SOILED EQUIPMENT

Upon completion of body piercing, a body piercing artist shall immerse the equipment in an effective sanitizing solution, as identified in Section 11.07.11 until said equipment can be cleaned and sterilized.

11.07.22: DISPOSAL OF CONTAMINATED PRODUCTS

Gauze, cotton swabs or other single use products which are contaminated with body fluids shall be sealed. When needles or other multiple use products used in conjunction with the practice of body piercing are disposed of, they shall be securely sealed. Any Sharp's container for used needles or other contaminated sharps shall be stored or disposed of separately from other waste material.

11.07.23: LICENSE REQUIRED FOR TEMPORARY FACILITIES

Any person intending to operate a temporary body piercing establishment within the City for more than four (4) consecutive days in any twelve (12) day time span shall be required to purchase a vendor's license for each structure, stand, location or place for each artist performing body piercing. Said vendor's license shall be obtained from the Finance Office by following the applicable provisions of Title 3 Chapter 3.01.

An artist may apply for both body piercing and tattooing under the same licensure fee as long as the provisions under each respective ordinance are met.

11.07.24: HEALTH OFFICER TO ISSUE LICENSE

Upon completion of the application process set forth above, the Finance Officer shall give the vendor's license to the State Health Officer or his designee, who shall go upon the premises of any person performing body piercing to insure that the provisions of this Chapter are being followed. If the business is in compliance with all City Ordinances and State and Municipal regulations, the City Health Officer or his designee shall then issue the vendor's license to the person performing body piercing services at each location.

11.07.25: ASSISTANCE OF DEPARTMENT OF HEALTH

The City may enlist the assistance of the South Dakota Department of Health to ensure that all provisions of this Chapter are being followed.

APPENDIX A

The following methods are approved for immersion of soiled equipment such as instruments and straightedge razors prior to cleaning and sterilization:

1. Immersion in Glutaraldehyde 2% solution mixed according to manufacturer's instructions. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.
2. Immersion in a 500-ppm solution of chlorine. (This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 2 tsp. bleach per quart of water.) A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.
3. Immersion in a solution of 70% isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in cool, well-ventilated area.
4. Immersion in a Phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to manufacturer's instructions.
5. Immersion in an Iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.

NOTE: After immersion in any of these solutions, instruments, needles, tubes, razors, or similar equipment, must be thoroughly cleaned, rinsed with warm water, dried thoroughly, and individually packaged for sterilization as described in Section 11-06-05, 3a.

APPENDIX B

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, and chairs:

1. Application of any EPA approved Quaternary ammonium germicidal detergent solution. (Benzalkonium chloride is not acceptable.) Dilutions must be according to manufacturer's instructions.
2. Application of Phenolic germicidal detergent solution mixed according to manufacturer's instructions. (May cause skin irritation.)
3. Application of 100-ppm solution of chlorine. (This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 1/2 tsp. bleach per quart of water.) A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily.

NOTE: If using spray bottles for application of these solutions, the following procedure must be followed: Each time the bottle needs refilling, any remaining old solution must be discarded, the bottle rinsed, and fresh solution poured into the spray bottle. (Never add fresh solution to remaining old solution.)

**STATE OF SOUTH DAKOTA
ARTICLE 44:12
TATTOOING AND BODY PIERCING**

Chapter	
44:12:01	Minimum sanitation standards for tattooing.
44:12:02	Minimum sanitation standards for body piercing.
Appendix A	Sanitizing solutions.
Appendix B	Environmental cleaning solutions.

**CHAPTER 44:12:01
MINIMUM SANITATION STANDARDS FOR TATTOOING**

Section	
44:12:01:01	Definitions.
44:12:01:02	Applicability.
44:12:01:03	Tattoo establishments -- General provisions.
44:12:01:04	Tattoo establishments -- Handwashing facility required.
44:12:01:05	Tattoo establishments -- Toilet facilities.
44:12:01:06	Tattoo establishments -- General use equipment.
44:12:01:07	Tattoo establishments -- Animals prohibited -- Restricted activities.
44:12:01:08	Tattoo establishments -- Maintenance.
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44:12:01:12	Tattoo artist -- Restricted activities.
44:12:01:13	Tattoo artist -- Patrons restricted -- Notice posted.
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44:12:01:23	Linen cleaning and storage.
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44:12:01:31	Use of styptics.
44:12:01:32	Use of antibacterial ointment required -- Care instructions.
44:12:01:33	Storage of soiled equipment.
44:12:01:34	Disposal of contaminated products.

44:12:01:35 Inspection fees.

44:12:01:01. Definitions. The terms used in this chapter mean:

- (1) "Communicable disease," a disease which is capable of being transmitted from person to person;
- (2) "Department," the state Department of Health;
- (3) "Minor," a person who is under the age of 18 years;
- (4) "Patron," a person who receives a tattoo;
- (5) "Permanent tattoo establishment," a building where tattooing is practiced on a year-round basis;
- (6) "Tattoo artist," a person engaged in the practice of tattooing;
- (7) "Tattoo establishment," the building or structure where tattooing is practiced;
- (8) "Tattooing," to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs;
- (9) "Tattooing area," within a tattoo establishment, the immediate vicinity where tattooing is performed;
- (10) "Temporary tattoo establishment," a building or structure where tattooing is practiced for not more than 30 days.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:02. Applicability. The standards in this article apply to both temporary and permanent tattoo establishments.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:03. Tattoo establishments -- General provisions. A tattoo establishment must be a minimum of 60 square feet for one tattoo artist and 40 square feet for each additional artist. A tattoo establishment must be physically separated from facilities used for practices other than tattooing. Floors and walls of the tattooing area must be smooth, easily cleanable, nonabsorbent, and in good repair. Ceilings above the tattooing area must be smooth, easily cleanable, and in good repair. A minimum of 30 foot-candles of light must be provided for applying the tattoo and a minimum of 10 foot-candles for general lighting.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:04. Tattoo establishments -- Handwashing facility required. An easily accessible handwashing facility supplied with warm, potable, running water must be provided in or directly adjacent to the tattooing area. Each handwashing facility must be provided with liquid soap and single-use paper towels.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:05. Tattoo establishments -- Toilet facilities. Toilet facilities must be available for employee or patron use.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:06. Tattoo establishments -- General-use equipment. Tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General-use equipment must be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners must be provided.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:07. Tattoo establishments -- Animals prohibited -- Restricted activities. Animals other than guide dogs are prohibited in tattoo establishments. Smoking, eating, and drinking are prohibited within 10 feet of the tattooing area. Tattoo establishments may not be used for activities which are not directly associated with the practice of tattooing.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:08. Tattoo establishments -- Maintenance. A tattoo establishment must be maintained in a clean, sanitary, vermin-free condition and in good repair.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:09. Tattoo establishments -- Inspection. A tattoo establishment must be inspected at least annually to determine compliance with this chapter.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:10. Required equipment for tattoo establishments. A tattoo establishment must be equipped with a steam pressure autoclave capable of producing 15 pounds of pressure per square inch for at least 35 minutes at a temperature of 250 degrees Fahrenheit.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:11. Required equipment for tattoo artists. A tattoo artist must have the following minimum equipment:

- (1) Twenty-five liner tubes of whatever style and design preferred in sealed sterile envelopes;
- (2) Twenty-five shader tubes of whatever style and design preferred in sealed sterile envelopes;
- (3) Fifty needle bar setups with needles attached in sealed sterile envelopes;
- (4) Five hundred disposable pigment containers;
- (5) Three hundred disposable latex or vinyl examination gloves;
- (6) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
- (7) Access to the applicable sterilization and sanitization measures in this chapter;
- (8) Closed dustproof containers for the exclusive storage of instruments, dyes, pigments, stencils, and other equipment;
- (9) Gauze and bandages.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:12. Tattoo artist -- Restricted activities. A tattoo artist may not engage in the practice of tattooing while under the influence of alcohol or other mind-altering drugs. Minors are prohibited from the practice of tattooing. A tattoo artist who knowingly has an infectious disease in a communicable stage may not tattoo a patron. Infectious diseases include rashes, skin lesions, boils, and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist shall wear clean, laundered clothing and shall bathe daily.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:13. Tattoo artist -- Patrons restricted -- Notice posted. A tattoo artist may not tattoo a patron without first obtaining a signed consent. The consent must include a statement by the patron that the patron is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils, and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist may not tattoo a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.

Minors may not be tattooed unless the minor's parents have signed a consent form authorizing the tattoo. No tattoo artist may tattoo a patron who is under the influence of alcohol or other mind-altering drugs.

A tattoo artist shall conspicuously post a notice stating that it is illegal to tattoo any person under the age of 18 without the parents' signed consent.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Tattooing minor without parental consent as misdemeanor, SDCL 26-10-19

44:12:01:14. Communicable disease reporting. A tattoo artist shall immediately report to the department any known or suspected communicable disease associated with the practice of tattooing.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Mandatory communicable disease reports from physicians, laboratories and institutions -- State tuberculosis register -- Surveillance and control -- Adoption of rules, SDCL 34-22-12.

44:12:01:15. Record of patrons. A tattoo artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, and the locations and description of tattoos. This record must be available for inspection and kept for a period of at least two years.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:16. Sterilization methods. Equipment requiring sterilization must be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 30 minutes at a temperature of 250 degrees Fahrenheit in an autoclave. This must be certified by a chemical indicator which is attached to the autoclave bag and turns color when the required temperature has been reached. A tattoo establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. Dry heat is not an acceptable method of sterilization for the purpose of this article.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:17. Sterile equipment -- Packaging and storage. All sterile equipment and supplies must be stored in a closed dustproof container in such a manner as to prevent being contaminated. All needles and tubes must be packaged prior to autoclaving either individually or in quantities for individual tattoos. Autoclave packages must be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment which has been autoclaved must be dated with an expiration date. The expiration date may not exceed 30 days from the date autoclaved. Sterile equipment may not be used after the expiration date without being resterilized. A tattoo machine must be stored in a manner that will prevent contamination.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:18. Needle construction -- Sterilization required. All needles must be either stainless steel or nickel-plated carbon steel. Needles may be soldered to stainless steel bars using a silver-bearing solder. Lead-bearing solder may not be used in this process. Needles are a single-service item and must be thoroughly cleaned and sterilized between patrons. Rusty or faulty needles may not be used for tattooing.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:19. Tube construction -- Sterilization required. All tubes, including the grips on the tube, must be either stainless steel, nickel-plated carbon steel, or Lexan. The grips may also be constructed of anodized aluminum. Lead-bearing solder may not be used in the construction of the tubes. Tubes must be thoroughly cleaned and sterilized between patrons.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:20. Tattoo machine sanitization. The open end of the tattoo machine must be cleaned and sanitized with an approved sanitizer before each use. See Appendix B at the end of this article for a listing of approved sanitizing solutions.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:21. Razor requirements. Razors must be disposable single-use-only. Single-use razors may be used for one patron only and must then be discarded.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:22. General-use equipment -- Sanitization required. All surfaces, counters, and general-use equipment in the tattooing area must be cleaned and sanitized before a patron is seated. See Appendix B at the end of this article for a listing of approved sanitizing solutions.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:23. Linen cleaning and storage. Cloth towels, robes, and similar items used in conjunction with tattooing must be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed dustproof container must be provided for the storage of clean towels and linen. A hamper or similar receptacle must be provided for the storage of soiled towels and linen.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:24. Hygienic practices -- Gloves required. A tattoo artist shall use antiseptic techniques at all times in the practice of tattooing. A tattoo artist shall scrub hands with liquid soap and water thoroughly before beginning preparation to tattoo. Hands must be dried with individual single-use towels. At all times when preparing the skin and while applying the actual tattoo, the tattoo artist must wear latex or vinyl examination gloves, which must be discarded upon completion

of the tattoo. A tattoo artist must discard the gloves the artist is wearing, rewash hands, and put on new gloves after an interruption in the tattoo process which requires use of the artist's hands.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:25. Skin preparation. The skin area to be tattooed must be shaved if needed and must be washed with germicidal soap and water, rinsed, dried, and washed again with 70 percent isopropyl alcohol. A single-use gauze pad or tissue may be used for washing the skin. All single-use products used must be discarded after they are used.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:26. Pigment requirements. All pigments must be nontoxic and antiseptic. All pigments which are in a dry form must be suspended in a solution of isopropyl alcohol, distilled water, or witch hazel with only nontoxic and antiseptic additives. Pigments must be dispensed from a main plastic container with a sealable top which allows a single-service portion of the pigment to be dispensed into a single-use container. All pigment dispensed and the material into which it has been dispensed must be immediately discarded upon completion of the tattoo.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:27. Design layout. The methods in this section are approved for the design layout of the tattoo on the skin. In the first method, the tattoo artist sketches the design directly onto the skin with nontoxic ink to serve as a guideline for the actual tattoo. In the second method, the tattoo artist makes a stencil using nontoxic ink on tracing paper and transfers the design to the skin by spraying germicidal soap and distilled water directly onto the area to be tattooed and laying the stencil over the sprayed area.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:28. Tattoo application. Before placing the tattoo design on the patron's skin, the tattooist must apply a thin coating of a petroleum jelly or antibacterial ointment over the area to be tattooed. This must be applied with cotton swabs, gauze, or wooden tongue depressors which must immediately be discarded. This application may not be directly spread with an ungloved hand.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:29. Changing pigments. When changing pigments, a tattoo artist may use a solution of germicidal soap and water or an ultrasonic cleaner to rinse the needle and tube if the

needle and tube are used on the same patron. Ultrasonic cleaner solutions and solution containers and covers must be discarded between patrons.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:30. Washing of excess pigment. Washing of excess pigment from the skin during the tattoo process must be done with single-use gauze pads or tissue with a solution of germicidal soap and distilled water.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:31. Use of styptics. Styptics, if used to arrest bleeding, may be used only in liquid or powder form and must be applied with cotton swabs or gauze which is immediately discarded.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:32. Use of antibacterial ointment required -- Care instructions. Upon completion of the tattoo, a tattoo artist must apply an antibacterial ointment to the tattoo with a single-use cotton swab, gauze pad, or wooden tongue depressor which is immediately discarded. After application of the antibacterial ointment, the tattoo artist must apply a sterile bandage. The tattoo artist must provide written instructions regarding the proper care and precautions for a new tattoo to each patron. Care instructions must include the following minimum recommendations:

- (1) Remove the bandage after 24 hours;
- (2) Wash tattoo gently with mild soap and water and pat dry;
- (3) Apply an antibacterial ointment at least twice daily;
- (4) Avoid exposing the tattoo to direct sunlight for 2 weeks;
- (5) Avoid swimming or soaking of the tattoo until healed;
- (6) Avoid scratching or picking of the tattoo;
- (7) If redness or swelling develops, contact your doctor.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:33. Storage of soiled equipment. Upon completion of a tattoo, a tattoo artist must immerse needles and tubes used for the tattoo in an effective sanitizing solution, as identified in Appendix A at the end of this article, until they can be cleaned and sterilized.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:34. Disposal of contaminated products. Gauze, cotton swabs, or other single use products which are contaminated with body fluids must be disposed of in impervious double

plastic bags which are securely sealed. When needles, tubes, or other multiple use products used in conjunction with the practice of tattooing are disposed of, they must be sterilized and placed in an impervious rigid container which is securely sealed.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:35. Inspection fees. Municipalities which request that the department conduct inspections of tattoo establishments shall remit \$75 to the department for each inspection conducted. If the department conducts multiple inspections during a special event, the fee is \$25 for each inspection conducted.

Source: 19 SDR 64, effective November 3, 1992.

General Authority: SDCL 34-1-16.1, 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-16.1, 34-1-17(8).

**STATE OF SOUTH DAKOTA
CHAPTER 44:12:02**

MINIMUM SANITATION STANDARDS FOR BODY PIERCING

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44:12:02:31	Disposal of contaminated products.
44:12:02:32	Inspection fees.

44:12:02:01. Definitions. The terms used in this chapter mean:

(1) "Body piercing," the placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples, or parts thereof, for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11; the site or location, on the patron, of the body piercing;

(2) "Body piercing area," within a body piercing establishment, the immediate vicinity where body piercing is performed;

- (3) "Body piercing artist," a person engaged in the practice of body piercing;
- (4) "Body piercing establishment," the building or structure where body piercing is practiced;
- (5) "Communicable disease," a disease which is capable of being transmitted from person to person;
- (6) "Department," the State Department of Health;
- (7) "Patron," a person who receives a body piercing;
- (8) "Permanent body piercing establishment," a building where body piercing is practiced on a year-round basis;
- (9) "Temporary body piercing establishment," a building or structure where body piercing is practiced for not more than 30 consecutive days.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:02. Applicability. The standards in this article apply to both temporary and permanent body piercing establishments.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:03. General provisions. A body piercing establishment must be a minimum of 60 square feet for one body piercing artist plus 40 square feet for each additional artist. A body piercing establishment must be physically separated from facilities used for practices other than body piercing or tattooing. Floors and walls of the body piercing area must be smooth, easily cleanable, nonabsorbent, and in good repair. Ceilings above the body piercing area must be smooth, easily cleanable, and in good repair. A minimum of 30 foot-candles of light must be provided for administering the body piercing and a minimum of 10 foot-candles for general lighting.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:04. Handwashing facilities. An easily accessible handwashing facility supplied with warm, potable, running water must be provided in or immediately adjacent to the body piercing area. Each handwashing facility must be provided with liquid soap and single-use paper towels.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:05. Toilet facilities. Toilet facilities must be available for employee or patron use.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:06. General-use equipment. Tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General-use equipment must be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners must be provided.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:07. Animals prohibited -- Restricted activities. Animals other than service animals are prohibited in body piercing establishments. Smoking, eating, and drinking are prohibited within 10 feet of the body piercing area. A body piercing artist may not engage in the practice of body piercing while under the influence of alcohol or other mind-altering drugs. Body piercing establishments may not be used for activities which are not directly associated with the practice of body piercing or tattooing.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:08. Maintenance of establishment. A body piercing establishment must be maintained in good repair and be clean, sanitary, and vermin-free.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:09. Inspection. A body piercing establishment must be inspected at least annually to determine compliance with this chapter.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:10. Record of patrons. A body piercing artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, and the locations and description of body piercing. This record must be available for inspection and kept for at least two years.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:11. Required equipment. A body piercing artist must have the following minimum equipment:

- (1) Twenty-five disposable single-use needles of each size used;
- (2) Twenty-five forceps;
- (3) Two hundred cotton swabs in sealed containers;
- (4) Two hundred disposable cups;
- (5) Three hundred disposable latex or vinyl examination gloves;

- (6) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
- (7) Access to the applicable sterilization and sanitization measures as required in this chapter;
- (8) Closed dustproof containers for the exclusive storage of instruments and other equipment;
- (9) Sealed gauze and bandages.

Single-use products may be used only once and must then be discarded.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:12. Control of infectious disease. A body piercing artist who knowingly has an infectious disease in a communicable stage must take precautions to prevent disease transmission to the patron. Infectious diseases include rashes, skin lesions, boils, and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection. A body piercing artist shall wear clean, laundered clothing and shall wear a clean outer garment or cover-up during the body piercing.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:13. Consent of patron required. A body piercing artist may not pierce the body of a patron without first obtaining a signed consent. The consent must include a statement by the patron that the patron is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils, and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection. A body piercing artist may not pierce the body of a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable state. The consent form shall request information about medical problems that can cause the patron difficulty afterwards, e.g., diabetes, allergic reaction to certain metals or medications, hemophilia, blood clotting problems, or use of anticoagulation medications which may cause bleeding problems.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:14. Communicable disease reporting. A body piercing artist shall immediately report to the department any known or suspected communicable disease associated with the practice of body piercing. A body piercing artist shall consult with the artist's medical provider or the department for medical management of any needle-stick injuries. The toll free number for the reporting of communicable diseases is 1-800-592-1861.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Mandatory communicable disease reporting from physicians, laboratories and institutions -- State tuberculosis register -- Surveillance and control -- Adoption of rules, SDCL 34-22-12.

44:12:02:15. Equipment requiring sterilization. Any body piercing equipment, such as forceps, insertion tapers, or needle holders, that is used by more than one patron must be sterilized after each use.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:16. Needle construction -- Sterilization required. All needles must be either stainless steel or nickel-plated carbon steel. Needles must be individually packaged and autoclaved before use. Needles are single-use items and once used must be disposed of.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:17. Sterilization methods. Equipment requiring sterilization must be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 30 minutes at a temperature of 250 degrees Fahrenheit in an autoclave. This must be certified by a chemical indicator which is attached to the autoclave bag and turns color when the required temperature has been reached. The owner or operator of the body piercing establishment shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. These lab result slips must be kept for at least one year. Dry heat is not an acceptable method of sterilization for the purpose of this chapter.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:18. Sterile equipment -- Packaging and storage. All sterile equipment and supplies must be stored in a closed dustproof container in a manner that prevents contamination. All needles and jewelry must be individually packaged before autoclaving. Autoclave packages must be constructed so that contents are visible without opening the package. Autoclave packages containing equipment which has been autoclaved must be marked with an expiration date. The expiration date may not exceed 30 days from the date autoclaved. Sterile equipment may not be used after the expiration date without being resterilized. Commercially available individually packaged autoclaved equipment may be used within the manufacturer's expiration date.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:19. Razor requirements. A razor may be used for one patron only and must then be discarded.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:20. General-use equipment -- Sanitization required. All surfaces, counters, and general-use equipment in the body piercing area must be cleaned and sanitized before a patron is seated. To ensure a sterile operating field, a sterile disposable paper sheet or drape must be used. Drapes must be moisture resistant. The top surface of the drape is considered a sterile area and edges are not. Only sterile items may be placed on the sterile field. See Appendix B at the end of this article for a list of approved environmental cleaning solutions.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:21. Linen cleaning and storage. Cloth towels, robes, and similar items used in conjunction with body piercing must be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed, dustproof container must be provided for the storage of clean towels and linen. A hamper or similar container must be provided for the storage of soiled towels and linen.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:22. Hygienic practices -- Gloves required. A body piercing artist must use antiseptic techniques at all times during the practice of body piercing. A body piercing artist shall thoroughly scrub the hands with liquid soap and water before beginning preparation for body piercing. Hands must be dried with individual single-use towels or a commercial hand blow dryer. At all times when preparing the skin and while conducting the actual body piercing, the body piercing artist must wear latex or vinyl examination gloves which must be discarded upon completion of the body piercing. An interruption in the body piercing process which requires the use of the body piercing artist's hands requires the body piercing artist to remove the gloves, rewash the hands, and put on new gloves.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:23. Skin preparation. The skin area to be body pierced must be shaved, if needed, and must be washed with germicidal soap and water, rinsed, and dried. A single-use gauze pad or tissue may be used for washing the skin. Before body piercing the patron's skin, the body piercing artist must apply 70 percent isopropyl alcohol to the area to be pierced. This must be applied with cotton swabs or gauze. The cotton swabs or gauze may not be reused.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Care instructions for oral piercing, § 44:12:02:27.

44:12:02:24. Use of styptics. Styptics, if used to arrest bleeding, may be used only in liquid or powder form and must be applied with single use cotton swabs or gauze.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Care instructions for oral piercing, § 44:12:02:27.

44:12:02:25. Jewelry preparation. Jewelry or an insertion taper that has been autoclaved and never worn must be placed in a medical antibacterial prep soak for ten minutes and dried thoroughly before insertion. Jewelry previously worn by the patron must be soaked in a medical antibacterial prep soak for ten minutes in a separate container that is disposed of or sterilized immediately after the service. Jewelry worn by a person other than the patron must be cleaned and autoclaved before insertion.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:26. Care instructions for body piercing. Upon completion of the body piercing, a body piercing artist must apply an antibacterial cleaner to the body piercing with a single-use cotton swab or gauze pad. The body piercing artist must provide each new patron written instructions regarding the proper care and precautions for a body piercing. Care instructions must include the following minimum recommendations:

- (1) Wash the body piercing gently with mild soap and water and pat dry;
- (2) Apply an antibacterial cleaner at least twice daily;
- (3) Avoid swimming or soaking of the body piercing until healed;
- (4) Avoid scratching, picking, or touching of the body piercing;
- (5) If redness or swelling develops, contact your doctor.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Care instructions for oral piercing, § 44:12:02:27.

44:12:02:27. Care instructions for oral piercing. The patron of oral piercing must rinse the mouth with an antibacterial mouthwash containing no sugar or alcohol or with a hydrogen peroxide solution before the procedure. The body piercing artist must provide written instructions regarding the proper care and precautions for a new oral body piercing to each patron. Care instructions must include the following minimum recommendations:

- (1) Rinse the mouth twice a day with a antibacterial mouthwash containing no sugar or alcohol. The mouthwash may be diluted up to 75 percent to reduce irritation. Continue rinsing for the duration of the healing process;
- (2) Avoid placing anything other than food in the mouth, including cigarettes, fingers, and gum;
- (3) Eat and drink only for nutritional needs until healed;

(4) If excessive swelling or pain develops, contact your doctor.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:28. Ear piercing. If ear piercing is conducted using individually packaged sterilized studs that are inserted using a commercial ear piercing gun and no other form of body piercing is provided, the body piercing artist is required only to notify in writing the municipality in which the ear piercing is conducted. If the ear piercing gun is reused, it must be cleaned between patrons with one of the products from Appendix A at the end of this article.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:29. Use of ear piercing gun. An ear piercing gun may only be used to apply studs in a patron's ears, following manufacturer's instructions. The use of an ear piercing gun to apply a stud or any other jewelry to other areas of the body is prohibited.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:30. Storage of soiled equipment. Upon completion of a body piercing, a body piercing artist must immerse any reusable equipment in a sanitizing solution, as identified in Appendix A at the end of this article, until it can be cleaned and sterilized.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:31. Disposal of contaminated products. Gauze, cotton swabs, or other single-use products which are contaminated with body fluids must be disposed of in impervious double plastic bags which are securely sealed. The trash container used to hold these bags must be constructed of a durable, nonabsorbent, easily cleanable material and be provided with a tight-fitting lid. When needles or multiple use products used in conjunction with the practice of body piercing are disposed of, they must be autoclaved and placed in an impervious rigid container which is securely sealed.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Disposal of medical wastes, ch 74:35:01.

44:12:02:32. Inspection fees. Municipalities which request the department to conduct inspections of body piercing establishments shall remit \$100 to the department for each inspection conducted. If the department conducts multiple inspections during a special event, the fee is \$50 for each inspection conducted.

Source: 22 SDR 16, effective August 14, 1995.

General Authority: SDCL 34-1-16.1, 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-16.1, 34-1-17(8).

DEPARTMENT OF HEALTH

APPENDIX A
TO
ARTICLE 44:12

SANITIZING SOLUTIONS

SEE: §§ 44:12:01:33, 44:12:02:28, and 44:12:02:30

Source: 19 SDR 64, effective November 3, 1992; 22 SDR 16, effective August 14, 1995.

**APPENDIX A
TO
ARTICLE 44:12**

The following methods are approved for immersion of soiled equipment, such as instruments, needles, and tubes prior to cleaning and sterilization:

(1) Immersion in glutaraldehyde 2% solution mixed according to manufacturer's instruction. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.

(2) Immersion in a 500 ppm solution of chlorine. This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 2 teaspoons bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.

(3) Immersion in a solution of 70% isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in a cool, well-ventilated area.

(4) Immersion in a phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to the manufacturer's instruction.

(5) Immersion in an iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.

NOTE: After immersion in any of these solutions, instruments, needles, tubes, or similar equipment must be thoroughly cleaned, rinsed with warm water, dried thoroughly, and individually packaged for sterilization as described in § 44:12:02:18.

DEPARTMENT OF HEALTH

APPENDIX B
TO
ARTICLE 44:12

ENVIRONMENTAL CLEANING SOLUTIONS

SEE: §§ 44:12:01:20, 44:12:01:22, and 44:12:02:20

Source: 19 SDR 64, effective November 3, 1992; 22 SDR 16, effective August 14, 1995.

**APPENDIX B
TO
ARTICLE 44:12**

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, chairs, and the open end of tattoo machines:

(1) Application of a quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilutions must be according to the manufacturer's instructions.

(2) Application of phenolic germicidal detergent solution mixed according to the manufacturer's instruction. May cause skin irritation.

(3) Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 1/2 teaspoon bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily.

NOTE: If using spray bottles for application of these solutions, the following procedure must be followed: Each time the bottle needs refilling, any remaining old solution must be discarded, the bottle rinsed, and fresh solution poured into the spray bottle. Always label spray bottles with the name of the contents. Never add fresh solution to remaining old solution.

Division of Highway Patrol

Department of Commerce and Regulation

SOUTH DAKOTA HIGHWAY PATROL

1301 E. CATRON BOULEVARD (& HIGHWAY 79)

RAPID CITY SD 57785

PHONE (605) 394-2286 • FAX (605) 394-5483

Subject: Commercial Licensing Requirements

Temporary commercial licenses are available and valid for any 30-day period and may be purchased for up to twelve months. The fees are determined according to gross vehicle weight. A fee schedule and a temporary permit application are included on the following pages. Single trip permits are available at a cost of \$15.00 per single trip.

The temporary commercial license may be purchased from a County Treasurer's Office or at a Port of Entry. Single trip permits are available from the permit center, South Dakota Highway Patrol and the Ports of Entry.

Operators of vehicles doing business in South Dakota are subject to the requirements for commercial licensing. The proper South Dakota commercial vehicle license can be purchased through the International Registration Plan (IRP), whether it be an annual commercial license, temporary commercial license or a single trip permit.

An intrastate operation is the movement from one point within the state to another point within the same state. This would also include any service where the operator travels into South Dakota to perform a service or to sell a product, such as a vendor at the Sturgis Motorcycle Rally.

The only exception to commercial registration is dependent upon the weight of the actual business property being transported. We have extended the same weight exemption granted to a South Dakota commercial carrier to nonresident operators. This allows a registered vehicle an exemption from commercial licensing when transporting less than five hundred (500) pounds of business property or equipment.

All vendors operating in South Dakota will be subject to inspection for compliance. Non-compliance may result in enforcement action.

South Dakota

30 Day Commercial License Fee Schedule

4,000 Pounds	2 Ton	\$ 9.00
6,000 Pounds	3 Ton	\$ 11.00
8,000 Pounds	4 Ton	\$ 13.00
10,000 Pounds	5 Ton	\$ 15.00
12,000 Pounds	6 Ton	\$ 18.00
14,000 Pounds	7 Ton	\$ 21.00
16,000 Pounds	8 Ton	\$ 24.00
18,000 Pounds	9 Ton	\$ 27.00
20,000 Pounds	10 Ton	\$ 30.00
22,000 Pounds	11 Ton	\$ 37.00
24,000 Pounds	12 Ton	\$ 44.00
26,000 Pounds	13 Ton	\$ 51.00
28,000 Pounds	14 Ton	\$ 58.00
30,000 Pounds	15 Ton	\$ 63.00
32,000 Pounds	16 Ton	\$ 72.00
34,000 Pounds	17 Ton	\$ 79.00
36,000 Pounds	18 Ton	\$ 86.00
38,000 Pounds	19 Ton	\$ 93.00
40,000 Pounds	20 Ton	\$100.00
42,000 Pounds	21 Ton	\$107.00
44,000 Pounds	22 Ton	\$114.00
46,000 Pounds	23 Ton	\$121.00
48,000 Pounds	24 Ton	\$128.00
50,000 Pounds	25 Ton	\$135.00
52,000 Pounds	26 Ton	\$142.00
54,000 Pounds	27 Ton	\$149.00
56,000 Pounds	28 Ton	\$156.00
58,000 Pounds	29 Ton	\$163.00
60,000 Pounds	30 Ton	\$170.00
62,000 Pounds	31 Ton	\$177.00
64,000 Pounds	32 Ton	\$184.00
66,000 Pounds	33 Ton	\$191.00
68,000 Pounds	34 Ton	\$198.00
70,000 Pounds	35 Ton	\$205.00
72,000 Pounds	36 Ton	\$212.00
74,000 Pounds	37 Ton	\$219.00
76,000 Pounds	38 Ton	\$226.00
78,000 Pounds	39 Ton	\$233.00
80,000 Pounds	40 Ton	\$240.00



DIVISION OF HIGHWAY PATROL
DISTRICT 4 - ZONE 4 - TILFORD PORT OF ENTRY
PO BOX 905 STURGIS, SD 57785
PHONE:(605-347-2671) LOCATED ON I90
FAX:(605-347-0072) EAST BOUND
MILE POST 39

FAX REQUEST FORMS FOR PERMITS

We accept Visa, MasterCard, American Express and Discover

1. Name of Carrier / Person : _____
2. Address of Carrier / Person : _____
3. USDOT# : _____ FEIN : _____
4. Carrier / Person Phone Number: _____
5. Carrier / Person Insurance information:
Name of Insurance company: _____
Address : _____
Effective Date: _____ Expiration Date: _____
Amount : _____ Policy Number : _____
6. Point of Origin : _____ Destination : _____
7. Cargo : _____
8. Routes traveled in South Dakota : _____
9. Vehicle Information
AppORTioned weight for South Dakota: _____ IFTA Fuel permit? _____
Form RS-3 / Single State Registration ? _____ is SD listed ? _____
10. Truck / Tractor Make : _____ State : _____ License Plate : _____ V.I.N. : _____
11. Trailer #1 Make : _____ State : _____ License Plate : _____ V.I.N. : _____
12. Trailer #2 Make : _____ State : _____ License Plate : _____ V.I.N. : _____
13. Type of Permit/s Requested : _____
14. Oversize / Overweight Information
Overwidth: __ft. __in. Over length: __ft. __in. Over height: __ft. __in.
Overweight: INCLUDE AXLE WEIGHTS, BRIDGE MEASUREMENTS, TIRE SIZES, NUMBER OF AXLES
IF ANY AXLES DO NOT HAVE DUAL TIRES & LOCATIONS, DIAGRAM OF VEHICLE,
IF ANY AXLE GROUP IS OVER 8 FT. WIDE

15. Credit Card Number: _____ Expiration Date: _____
16. Phone Number of card holder: _____
17. Call back phone number: _____ Person to contact: _____
18. Fax Number: _____
19. Effective Date of Permit: _____

DIRECTORY

City of Sturgis

For overall Rally inquiries contact:

City of Sturgis Rally Department
Brenda Vasknetz
1040 2nd St., Ste #201
Sturgis, SD 57785
Phone: 605.720.0800
Fax: 605.720.0801
Email: info@sturgismotorcyclerrally.com

For Vendor License Applications contact:

City of Sturgis Finance Office
Fay Bueno
1040 Second Street, Suite #103
Sturgis, SD 57785
Phone: 605.347.4422
Fax: 605.347.4861
E-mail: fayb@sturgisgov.com

For Temporary Structures, City Ordinances and Inspections contact:

City of Sturgis Inspection Department
Rick Bush and Scott Rovere
1040 Second Street, Suite #102
Sturgis, SD 57785
Phone: 605.347.4424
Fax: 605.347.4861
E-mail: inspect@rushmore.com

For Garbage/Sanitation and Streets contact:

City of Sturgis Sanitation Department
Randy Nohava
1057 Dudley Street
Sturgis, SD 57785
Phone: 605.347.3916
Fax: 605.347.3516
E-mail: pkinner@rushmore.com

For Fire Codes contact:

City of Sturgis Fire Department
Ron Koan
1901 Ball Park Rd.
Sturgis, SD 57785
Phone: 605.347.5801
Fax: 605.347.2558
E-mail: sfchief@rushmore.com

For City Law Enforcement Regulations contact:

City of Sturgis Police Department
Jim Bush
1400 Main Street
Sturgis, SD 57785
Phone: 605.347.5070
Fax: 605.347.6828
E-mail: jimbush@sturgispolice.com

State of South Dakota

For South Dakota sales tax information contact:

State of South Dakota Department of Revenue
4447 South Canyon Road, Suite #6
Rapid City, SD 57702
Phone: 605.394.2332
Website: www.state.sd.us/revenue/sturgis

For South Dakota tattoo and body piercing regulations contact:

State of South Dakota Health Department
Waylon Anderson
725 N. LaCrosse
Rapid City, SD 57701
Phone: 605.394.2370
or
Bonnie Jameson
415 E. 4th Street
Pierre, SD 57501
Phone: 605.773.3364

For South Dakota Temporary Food Regulations contact:

**Clark Hepper
600 E. Capitol
Pierre, SD 57501
Phone: 605.773.4945**

For South Dakota Commercial Motor Vehicle Regulations contact:

**South Dakota Highway Patrol
1301 E. Catron Boulevard (& Highway 79)
Rapid City, SD 57785
Phone: 605.394.2286
or
Tilford Port of Entry
PO Box 905
Sturgis, SD 57785
Phone: 605.347.2671**

Meade County

For Meade County Law Enforcement Regulations contact:

**Meade County Sheriff's Office
1400 Main Street
Sturgis, SD 57785
Phone: 605.347.2681**

For Meade County Vendor Licensing contact:

**Meade County Auditors Office
1425 Sherman Street
Sturgis, SD 57785
Phone: 605.347.2360**