

Ordinance No. 23-2025

Ordinance taking action on Chapter 26 - Business Regulations, Article IX – Body Art; amending in its entirety; and providing for codification

WHEREAS, the Health District is the Regulatory Authority for the City of Wichita Falls; and,

WHEREAS, the Health District recommends revision of the existing Body Art Ordinance to promote and protect the health and safety of all citizens; and,

WHEREAS, the City Council of the City of Wichita Falls desires to adopt an ordinance that promotes and protects the health and safety of all citizens in the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. Chapter 26 - Business Regulations, Article IX – Body Art of the Code of Ordinances of the City of Wichita Falls is hereby amended in its entirety to read as follows:

Sec. 26-801. - General provisions.

- (a) The purpose of these rules is to protect the health of the public by establishing standards for the prevention of disease that may be associated with body art procedures. These rules shall be interpreted and applied to protect the public health.
- (b) The city adopts by reference the provisions of the current rules or the rules as amended by the State Board of Health found in 25 Texas Administrative Code, §§ 229.401—229.413.
- (c) No person may cause, suffer, or allow the operation, management, or maintenance of a tattoo and certain body piercing studio and temporary location without a license issued in accordance with these sections.
- (d) All tattoo and certain body piercing studios and temporary locations shall comply with the minimum standards specified in these sections in addition to the existing standards contained in the Tattoo and Certain Body Piercing Studio Act and the Health and Safety Code, Chapter 431, the Texas Food, Drug, and Cosmetic Act, relating to drugs, devices, and cosmetics, including adulteration and misbranding.

Sec. 26-802. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Body art means the practice of physical body adornment, including but not limited to body piercing, tattooing, and cosmetic tattooing. Body art does not include branding and scarification or practices that are considered medical procedures by a state medical board, such as implants under the skin.

Body art establishment means any place or premise where body art, whether or not for profit, is performed.

Director of Health means the director of the Wichita Falls-Wichita County Public Health District or their authorized representative.

Health District means the Wichita Falls-Wichita County Public Health District or its authorized representatives having jurisdiction to promulgate, monitor, administer, and enforce these regulations.

Licensee means a person who holds a license issued under this article.

Operator means any person who controls, operates, manages, conducts, performs, or practices body art activities.

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Sec. 26-803. – Exemptions.

This article does not apply to:

- 1) A medical facility licensed under other law or procedures performed in that facility;
- 2) An office or clinic of a person licensed by the Texas State Board of Medical Examiners or procedures performed in that office or clinic;
- 3) A person who performs only ear piercing; or
- 4) A facility in which only ear piercing is performed.

Sec. 26-804. – Establishment permit.

- (a) No person may operate a body art establishment unless they have received a body art establishment permit from the State.
- (b) State permits shall be prominently displayed in the body art establishment and shall not be defaced or altered in any manner.
- (c) The holder of a State body art establishment permit shall only permit the performance of body art in the establishment by operators who have complied with the bloodborne pathogen training requirements.
- (d) The holder of a State body art establishment permit shall only permit the performance of body art in the establishment by operators who hold a current, valid operator's license from the Health District

""""""""**Sec. 26-805. Operator License.**

- (a) It shall be unlawful for a person to practice body art procedures without first obtaining an operator's license from the Health District. The available licenses are as follows:
 - 1) Tattoo Operator
 - 2) Body Piercing Operator
 - 3) Micropigmentation Operator
- (b) Prior to the issuance of an operator's license, applicants must:
 - 1) Submit an application,
 - 2) Provide a valid certificate of training from an approved bloodborne pathogen training program,
 - 3) Provide proof of completed Hepatitis B vaccination series, a statement that the operator declines the Hepatitis B vaccination series, a statement that antibody testing has revealed that the employee is immune to Hepatitis B, or a signed physician's statement specifying that the Hepatitis B vaccination series is contraindicated for medical reasons.
 - 4) Pass an exam approved or given by the Health District. Applicants who have prior licensure from another jurisdiction may request reciprocity from the Director of Health.
- (c) Operators' licenses shall be valid from the date of issuance and shall expire annually at the anniversary of the date of issuance unless revoked sooner by the Health District.

Sec. 26-806. - Temporary performance of body art.

- (a) The Health District may grant a temporary body art license to a person rather than requiring that person to obtain a body art operator license under the following circumstances:
 - 1) The applicant for a temporary body art license has been qualified by another jurisdiction to perform body art, and that the requirements to be so qualified by that jurisdiction are commensurate with those for a body art operator license under this article;
 - 2) The applicant for a temporary body art license is sponsored by a body art operator licensed under this article;
 - 3) The applicant will be performing body art only at a permitted body art establishment or permitted temporary body art establishment;
 - 4) The temporary body art license shall be good for a period of no longer than 14 days; and

- 5) The Director of Health is satisfied that the circumstances under which the applicant for a temporary body art license will perform body art conform to the requirements of this article and state law.
- (b) In determining whether the issuance of a temporary body art license is appropriate, the public health and safety shall be the primary concern of the Health District. Nothing in this section shall be construed as requiring the Director of Health to issue a temporary body art license.
- (c) Any person making application for a temporary body art license shall provide any and all such information as the Health District may deem necessary to assist in the determination of whether the issuance of the license is appropriate.

Sec. 26-807. - Enforcement.

- (a) Complaint investigations may be conducted as often as necessary during a body art establishment's normal working hours or by appointment at non-working hours throughout the year to ensure compliance with this article.
- (b) It shall be a class C misdemeanor punishable by a fine not to exceed \$2,000.00 for any violation of or failure to perform any duty required by this article.
- (c) If any person is found guilty of having violated any provision of this chapter, any license held by such person may be suspended or revoked as provided in this chapter.
- (d) It is unlawful for any person to interfere with the department or its agents in the performance of its duties.
- (e) If, during the course of a complaint investigation, the operation of the body art establishment constitutes an imminent hazard to public health, the Health District may offer the owner or manager of the body art establishment the choice to voluntarily close. Voluntary closure must last until the imminent hazard has been resolved, and a facility may not reopen until cleared by the Health District.

(f) License Suspension

- 1) The Health District may, without warning, notice, or hearing, suspend any body art operator license if the operator constitutes an imminent hazard to public health. Suspension is effective upon service of the written notice required by this subdivision. The Health District may end the suspension at any time if the reason for suspension no longer exists.
- 2) Whenever a license is suspended, the licensee shall be notified in writing that the license is, upon service of the notice, immediately suspended. An opportunity for a hearing will be provided if the licensee files a written request with the Director of Health within ten days of receipt of written notice of suspension. Whenever a license is suspended and a request for a

hearing is made, the licensee shall be afforded a hearing within ten days of the receipt by the regulatory authority of a request for a hearing. If no written request for a hearing is filed within ten days, the suspension is sustained. The Health District may end the suspension at any time if reasons for suspension no longer exist.

(g) License Revocation

- 1) The Health District may, after providing an opportunity for a hearing, revoke a body art operator's license for serious or repeated violations of any of the requirements of this ordinance or for interference with the Health District in the performance of its duties. Prior to revocation, the Health District shall notify the licensee, in writing, of the reason for which the license is subject to revocation. The license shall be revoked at the end of ten days following service of such notice unless the licensee files a written request for a hearing with the Director of Health within such ten-day period. If no request for a hearing is filed within the ten-day period, the revocation of the license becomes final.
- 2) A license holder is not eligible to reapply for an operator's license for 60 days following the revocation of a license.

(h) Nothing in this article shall be construed to require an operator to perform any body art procedure upon a client.

Sec. 26-808. – Service of Notice; Conduct of Hearings

- (a) A notice as required in this ordinance is properly served when it is delivered to the operator or when it is sent by registered or certified mail, return receipt requested, to the last known address of the operator.
- (b) A copy of the notice shall be filed in the records of the Health District. The Health District shall conduct the hearings provided for in this ordinance at a time and place designated by the Director of Health. Based upon the recorded evidence of such hearing, the Director of Health shall make final findings and shall sustain, modify, or rescind any notice or order considered in the hearing. The Health District shall furnish a written report of the hearing decision to the holder of the license.

Secs. 26-809—26-839. - Reserved.

2. This ordinance modifying Chapter 26, Article IX, including enforcement sections, shall go into effect on July 07, 2025.

PASSED AND APPROVED this the 3rd day of June, 2025.



MAYOR

ATTEST:

Marie Babthorpe
City Clerk