

ALASKA LEGISLATURE

2075

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

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1 in a shop approved by the board or receiving training from a practitioner of
 2 tattooing and permanent cosmetic coloring or body piercing shall obtain a student
 3 permit. A student permit to practice barbering or hairdressing is valid for two years.
 4 A student permit to practice esthetics, tattooing and permanent cosmetic coloring,
 5 or body piercing is valid for one year. A student permit may not be renewed, but,
 6 upon application, the board may issue a new permit to the same person or extend an
 7 expired permit to the date of the next scheduled examination. Credit earned under an
 8 expired student permit may be transferred to a new permit as determined by the board.

9 * Sec. 19. AS 08.13.185(a) is amended to read:

10 (a) The Department of Community and Economic Development shall set fees
 11 under AS 08.01.065 for initial licenses, endorsements, and renewals for the following:

- 12 (1) schools;
- 13 (2) school owners;
- 14 (3) instructor;
- 15 (4) shop owner;
- 16 (5) practitioner of barbering;
- 17 (6) practitioner of hairdressing;
- 18 (7) practitioner of manicuring;
- 19 (8) practitioner of esthetics;
- 20 (9) endorsement for advanced manicurist;
- 21 (10) practitioner of tattooing and permanent cosmetic coloring;
- 22 (11) practitioner of body piercing;
- 23 (12) temporary shop license;
- 24 (13) temporary permit;
- 25 (14) [(11)] temporary license;
- 26 (15) [(12)] student permit.

27 * Sec. 20. AS 08.13.190(a) is amended to read:

28 (a) A person who practices barbering, hairdressing, [OR] esthetics, tattooing
 29 and permanent cosmetic coloring, or body piercing, or operates a shop, or operates
 30 a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering,
 31 hairdressing, or esthetics, without a license, temporary permit, temporary license, or

1 student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d)
2 is guilty of a class B misdemeanor.

3 * Sec. 21. AS 08.13 is amended by adding a new section to article 2 to read:

4 **Sec. 08.13.195. Civil penalty.** (a) In addition to any other provision of law,
5 if a person violates AS 08.13.070 or 08.13.217, the board may enter an order levying
6 a civil penalty.

7 (b) A civil penalty levied under this section may not exceed \$5,000 for each
8 offense. In levying a civil penalty, the board shall set the amount of the penalty
9 imposed under this section after taking into account appropriate factors, including the
10 seriousness of the violation, the economic benefit resulting from the violation, the
11 history of violations, and other matters the board considers appropriate.

12 (c) Before issuing an order under this section, the board shall provide the
13 person written notice and the opportunity to request, within 30 days of issuance of
14 notice by the board, a hearing on the record.

15 (d) In connection with proceedings under (a) and (b) of this section, the board
16 may issue subpoenas to compel the attendance and testimony of witnesses and the
17 disclosure of evidence, and may request the attorney general to bring an action to
18 enforce a subpoena.

19 (e) A person aggrieved by the levy of a civil penalty under this section may
20 file an appeal with the superior court for judicial review of the penalty under
21 AS 44.62.560.

22 (f) If a person fails to pay a civil penalty within 30 days after entry of an order
23 under (a) of this section, or if the order is stayed pending an appeal, within 10 days
24 after the court enters a final judgment in favor of the board of an order appealed under
25 (e) of this section, the board shall notify the attorney general. The attorney general
26 may commence a civil action to recover the amount of the penalty.

27 (g) An action to enforce an order under this section may be combined with an
28 action for an injunction under AS 08.01.087.

29 * Sec. 22. AS 08.13.210 is amended to read:

30 **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary
31 conditions in shops and schools of barbering, hairdressing, manicuring, [AND]

1 esthetics, tattooing and permanent cosmetic coloring, and body piercing shall be
2 supervised by the Department of Environmental Conservation.

3 * **Sec. 23.** AS 08.13.210 is amended by adding a new subsection to read:

4 (b) The Department of Environmental Conservation shall conduct an annual
5 inspection of each shop licensed for the practice of tattooing and permanent cosmetic
6 coloring or for the practice of body piercing to ensure that the shop meets the
7 department's standards of cleanliness and sanitation established under AS 44.46.020.
8 If the Department of Environmental Conservation determines that the shop is not in
9 compliance with a regulation of the department, the department shall report the
10 violation to the board and take appropriate action under its own regulations.

11 * **Sec. 24.** AS 08.13 is amended by adding new sections to read:

12 **Sec. 08.13.215. Notification requirements for tattooing and permanent**
13 **cosmetic coloring and for body piercing.** (a) Before performing a tattooing and
14 permanent cosmetic coloring procedure or a body piercing procedure on a client, a
15 practitioner shall give written educational information, approved by the board, to the
16 client.

17 (b) After completing a tattooing and permanent cosmetic coloring procedure
18 or a body piercing procedure on a client, the practitioner shall give written aftercare
19 instructions, approved by the board, to the client. The written instructions

20 (1) must include advice to the client to consult a physician at the first
21 sign of infection;

22 (2) must contain the name, address, and telephone number of the shop
23 where the procedure was performed;

24 (3) shall be signed and dated by the client and the practitioner; the
25 practitioner shall keep the original and provide a copy to the client.

26 (c) The owner of a shop for tattooing and permanent cosmetic coloring or for
27 body piercing shall prominently display

28 (1) a copy of the statement provided by the board under
29 AS 08.13.030(b) that advises the public of the health risks and possible consequences
30 of tattooing and permanent cosmetic coloring or body piercing, as applicable;

31 (2) the names, addresses, and telephone numbers of the division of

1 occupational licensing, Department of Community and Economic Development, and
 2 the Department of Environmental Conservation and a description of how a complaint
 3 about the shop or a practitioner in the shop may be filed with either entity or with the
 4 board.

5 **Sec. 08.13.217. Tattooing and permanent cosmetic coloring or body**
 6 **piercing on a minor.** (a) A person may not practice tattooing and permanent
 7 cosmetic coloring on a minor.

8 (b) A person may not practice body piercing on a minor without prior written
 9 permission from the minor's parent or legal guardian and the presence of the parent
 10 or legal guardian during the body piercing procedure. The person who performs the
 11 body piercing shall keep a copy of the written permission on file for at least three
 12 years.

13 (c) A person who with criminal negligence violates this section is guilty of a
 14 class B misdemeanor. In this subsection, "criminal negligence" has the meaning given
 15 in AS 11.81.900.

16 * **Sec. 25.** AS 08.13.220(6) is amended to read:

17 (6) "instructor" means a person who teaches barbering, hairdressing,
 18 manicuring, or esthetics in a school or who supervises an apprentice in barbering,
 19 hairdressing, or esthetics;

20 * **Sec. 26.** AS 08.13.220(8) is amended to read:

21 (8) "practitioner" means a person licensed to practice barbering,
 22 hairdressing, manicuring, [OR] esthetics, tattooing and permanent cosmetic coloring,
 23 or body piercing under this chapter;

24 * **Sec. 27.** AS 08.13.220(10) is amended to read:

25 (10) "shop" is an establishment operated for the purpose of engaging
 26 in barbering, hairdressing, manicuring, [OR] esthetics, tattooing and permanent
 27 cosmetic coloring, or body piercing.

28 * **Sec. 28.** AS 08.13.220 is amended by adding new paragraphs to read:

29 (11) "body piercing" means puncturing the body of a person by aid of
 30 needles or other instruments designed to be used to puncture the body for the purpose
 31 of inserting jewelry or other objects in or through the human body, except that, for

1 purposes of this chapter, "body piercing" does not include puncturing the external part
2 of the human ear;

3 (12) "tattooing and permanent cosmetic coloring" means the process by
4 which the skin of a live human being is marked or colored by insertion of nontoxic
5 dyes or pigments into or under the subcutaneous portion of the skin so as to form
6 indelible marks, figures, or decorative designs for nonmedical purposes.

7 * Sec. 29. AS 44.46.020 is amended to read:

8 **Sec. 44.46.020. Duties of department.** The Department of Environmental
9 Conservation shall

10 (1) have primary responsibility for coordination and development of
11 policies, programs, and planning related to the environment of the state and of the
12 various regions of the state;

13 (2) have primary responsibility for the adoption and enforcement of
14 regulations setting standards for the prevention and abatement of all water, land,
15 subsurface land, and air pollution, and other sources or potential sources of pollution
16 of the environment, including by way of example only, petroleum and natural gas
17 pipelines;

18 (3) promote and develop programs for the protection and control of the
19 environment of the state;

20 (4) take actions that are necessary and proper to further the policy
21 declared in AS 46.03.010;

22 (5) adopt regulations for

23 (A) the prevention and control of public health nuisances;

24 (B) the regulation of sanitation and sanitary practices in the
25 interest of public health;

26 (C) standards of cleanliness and sanitation in connection with
27 the construction, operation, and maintenance of a camp, cannery, food handling
28 establishment, food manufacturing plant, mattress manufacturing establishment,
29 industrial plant, school, barbershop, hairdressing, manicuring, [OR] esthetics,
30 tattooing and permanent cosmetic coloring, body piercing, or ear piercing
31 establishment, soft drink establishment, beer and wine dispensaries, and for

CORRECTION

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Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

1 purposes of this chapter, "body piercing" does not include puncturing the external part
2 of the human ear;

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16 of the environment, including by way of example only, petroleum and natural gas
17 pipelines;

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19 environment of the state;

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21 declared in AS 46.03.010;

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25 interest of public health;

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27 the construction, operation, and maintenance of a camp, cannery, food handling
28 establishment, food manufacturing plant, mattress manufacturing establishment,
29 industrial plant, school, barbershop, hairdressing, manicuring, [OR] esthetics,
30 tattooing and permanent cosmetic coloring, body piercing, or ear piercing
31 establishment, soft drink establishment, beer and wine dispensaries, and for

1 other similar establishments in which lack of sanitation may create a condition
2 that causes disease;

3 (D) the regulation of quality and purity of commercially
4 compressed air sold for human respiration.

5 * Sec. 30. AS 44.46.020 is amended by adding a new subsection to read:

6 (b) The department's regulations for tattooing and permanent cosmetic coloring
7 shops and for body piercing shops must include requirements that

8 (1) the shop be equipped with appropriate sterilizing equipment, with
9 availability of hot and cold running water, and with an appropriate waste receptacle;

10 (2) the owner of the shop is responsible for ensuring that case history
11 cards are kept for each client for a period of three years after the client's most recent
12 tattooing and permanent cosmetic coloring or body piercing;

13 (3) a practitioner in the shop may use only instruments for tattooing
14 and permanent cosmetic coloring or body piercing that have been sterilized in
15 accordance with methods approved by the department.

16 * Sec. 31. The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 TRANSITIONAL LICENSES. (a) Notwithstanding AS 08.13, as amended by this
19 Act, the Board of Barbers and Hairdressers shall issue a license to practice tattooing and
20 permanent cosmetic coloring or to practice body piercing to a person who

21 (1) submits to the board by July 1, 2001, the proper application and fees;

22 (2) provides to the board satisfactory evidence that the person is 18 years of
23 age or older and has been practicing tattooing and permanent cosmetic coloring or body
24 piercing for a fee for at least 12 of the 24 consecutive months immediately preceding the
25 person's application date; and

26 (3) demonstrates to the board adequate safety, sanitation, sterilization, and
27 aseptic techniques and knowledge of infection control practices and requirements.

28 (b) In this section,

29 (1) "body piercing" means puncturing the body of a person for a fee by aid of
30 needles or other instruments designed to be used to puncture the body for the purpose of
31 inserting jewelry or other objects in or through the human body, except that, for purposes of

1 this section, "body piercing" does not include puncturing the external part of the human ear;
 2 (2) "tattooing and permanent cosmetic coloring" means the process by which,
 3 for a fee, the skin of a live human being is marked or colored by insertion of nontoxic dyes
 4 or pigments into or under the subcutaneous portion of the skin so as to form indelible marks,
 5 figures, or decorative designs for nonmedical purposes.

6 * Sec. 32. The uncodified law of the State of Alaska is amended by adding a new section
 7 to read:

8 TRANSITIONAL BOARD MEMBER. Notwithstanding AS 08.13.010, as amended
 9 by sec. 3 of this Act, the initial member of the Board of Barbers and Hairdressers who is
 10 appointed to fill the seat designated for a person licensed to practice tattooing and permanent
 11 cosmetic coloring or body piercing need not be licensed to practice tattooing and permanent
 12 cosmetic coloring or body piercing until July 1, 2002.

13 * Sec. 33. The uncodified law of the State of Alaska is amended by adding a new section
 14 to read:

15 REGULATIONS. The Board of Barbers and Hairdressers and the Department of
 16 Environmental Conservation shall begin the process of developing regulations to implement
 17 this Act. A regulation developed under this section takes effect under AS 44.62 but not before
 18 the effective date of the law that is implemented by the regulation.

19 * Sec. 34. Except as provided in secs. 35 and 36 of this Act, this Act takes effect
 20 immediately under AS 01.10.070(c).

21 * Sec. 35. (a) AS 08.13.070, as amended by sec. 5 of this Act, AS 08.13.180, as amended
 22 by sec. 18 of this Act, AS 08.13.190(a), as amended by sec. 20 of this Act, AS 08.13.215,
 23 enacted by sec. 24 of this Act, and AS 44.46.020, as amended by secs. 29 and 30 of this Act,
 24 take effect July 1, 2002.

25 (b) The following provision also takes effect July 1, 2002: AS 08.13.195, enacted by
 26 sec. 21 of this Act, to the extent that AS 08.13.195 covers violations relating to tattooing and
 27 permanent cosmetic coloring and body piercing other than violations of AS 08.13.217.

28 * Sec. 36. The following provisions take effect September 1, 2000:

29 (1) AS 08.13.217, enacted by sec. 24 of this Act;

30 (2) AS 08.13.195, enacted by sec. 21 of this Act, to the extent that
 31 AS 08.13.195 covers violations of AS 08.13.217.

ALASKA STATE LEGISLATURE

Senate Rules Committee

Senate Judiciary Committee

Department of Law
Budget Subcommittee



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While in Anchorage
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SENATE MINORITY LEADER
JOHNNY ELLIS

CS SB 34 (Finance): Body Piercing and Tattooing Licensure Sponsor Statement

SB 34 seeks to increase the safety and health standards of professional tattoo artists and body piercists by licensing them through the Department of Commerce and Economic Development's Division of Occupational Licensing. The Division regulates entry into professions and enforces performance standards to ensure Alaska consumers receive safe, competent services. All costs associated with licensing the artists and inspecting sanitary conditions of tattoo and body piercing shops will be covered through license and examination fees paid by the industry.

Body art is a small-but-growing industry that is not currently licensed in the State of Alaska. Business owners agree that there should be regulation for the industry to guarantee its legitimacy. The goal of SB 34 is to educate the public on the dangers of illegal, fly-by-night tattoo and body-piercing while creating a safety standard to ensure public health and public confidence in the legitimate industry. The Senate Finance Committee amended the bill to increase safety for minors. Alaska tattoo and body piercing industry standards dictate no person under 18 can receive a tattoo and youth from 15 to 18 years wanting their body pierced (excluding ears) must have the presence of a parent or legal guardian. Senate Bill 34 reflects those standards.

SB 34 was prompted by an Anchorage tattoo business owner and a constituent, who relayed stories of her twin daughters receiving body piercings from an operator with no regard for health standards. The Alaska Hepatitis C Coalition has endorsed the legislation due to potential risks of acquiring infection from blood-borne and other pathogens during unsafe tattoo and body piercing procedures.

Alaska is one of the last states to regulate body piercing and tattooing for health and public safety.

Anchorage Daily News

Senate reins in tattooing Body piercing also faces restrictions

By PAUL QUERRY
The Associated Press

JUNEAU — Temporary tattoos blossomed Tuesday in the Senate as lawmakers approved a bill regulating tattooing and body piercing.

Senate Minority Leader Johnny Ellis said he introduced the bill at the behest of tattoo and body-piercing shops that want to improve their profession's safety standards.

"The bad operators are really giving a black eye to the legitimate operators," said Ellis, D-Anchorage. "There's a lot of rogue activity going on."

Ellis said about 10 established shops around the state compete with independent operators who frequent events like outdoor music festivals and sometimes operate in unsanitary conditions.

Sloppy health and safety practices can cause painful infection or even spread deadly diseases like AIDS and hepatitis. The bill would give the state authority to regulate and inspect tattoo and body-piercing shops.

People who practice either occupation would be licensed and required to inform customers about the dangers of blood-borne diseases. Tattooing and body



The bad operators are really giving a black eye to the legitimate operators.

— Johnny Ellis, D-Anchorage

TATTOOS: Senate approves bill to regulate shops

Continued from Page B.1

The bill also would outlaw tattooing anyone under 18. Minors between 15 and 18 could be pierced only with written consent of a parent present during the procedure. The bill

does not cover ear piercing. Several members of the Senate wore temporary tattoos in honor of Ellis' bill, one of only a handful of measures sponsored by minority Democrats that are likely to pass the Republican-controlled

Senate this year.

Sen. Lyda Green sported a fire-breathing dragon on her cheek but refused to support the bill, saying it would give a handful of shops too much voice on a board that represents hundreds of barbers and

hairdressers.

"In talking to some of my friends who have beauty shops, they are not at all happy with this change," said Green, R-Mat-Su.

The bill passed 15-4 and will move to the House.

Alaska Hepatitis C Coalition



5350 Little Tree Street
Anchorage, AK 99507
(907) 563-7675

Senator Johnny Ellis
State Capitol, Room 9
Juneau, AK 99801-1182

February 22, 2000

Dear Senator Ellis:

The Alaska Hepatitis C Coalition supports the passage of Senate Bill 34 "An Act relating to tattooing and body piercing". We believe that unregulated tattooing and body piercing poses a significant risk to the public's health.

The Centers for Disease Control and Prevention (CDC) states in the October 16, 1998 Morbidity and Mortality Weekly Report (MMWR) issue entitled *Recommendations for Prevention and Control of Hepatitis C Virus (HCV) Infection and HCV-Related Chronic Disease* :

Persons who are considering tattooing or body piercing should be informed of potential risks of acquiring infection with blood-borne and other pathogens through these procedures. These procedures might be a source of infection if equipment is not sterile or if the artist or the piercer does not follow other proper infection-control procedures (e.g., washing hands, using latex gloves, and cleaning and disinfecting surfaces).

Senate Bill 34 will provide for primary preventative measures against the spread of HCV by decreasing the likelihood of an individual being exposed through tattooing or body piercing by licensing of the artist or piercer and schools where the craft is taught as well as the inspection of shops to ensure that proper techniques are followed.

It is conservatively estimated that 11,000 Alaskans are infected with HCV. It is not know how many of those individuals became exposed to the virus through contaminated equipment used in tattooing or body piercing, however several of our members believe that this was the source of their infection. With the increasing popularity of tattooing and body piercing it is even more important to provide some over into these practices. Those of us who are living with HCV and we are sure that those who struggle with other diseases caused by blood-borne pathogens (e.g. HIV or Hepatitis B) will join us in our wist. No other Alaskan need join our ranks. Senate Bill 34 will provide some protection and we strongly encourage that it be passed into Alaska State Statue.

Sincerely,

Kendall Thomas, MS
President

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

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April 15, 1999

The Honorable Johnny Ellis
Alaska State Legislature
State Capitol (MS) 3100
Juneau, AK 99801-1182

Dear Senator Ellis,

The Board of Barbers and Hairdressers met on March 22, 1999. During this meeting the board reviewed and discussed Senate Bill 34.

The board voted to support in principal Senate Bill 34 relating to tattooing and body piercing, and to work the legislature to implement licensure of these professions.

Sincerely,



Catherine Reardon
Director

CR/ce

Monica Morterud
Testimony on SB 34: Tattoos and body piercing
March 21, 2000

My Name is Monica Morterud and I live here in Anchorage and I am the mother of the twins that were violated by this man. I am a life long Alaskan. I very grateful that something has come about my having a fit over nothing being able to be done about this gentlemen hanging out outside a skateboard park and soliciting kids to get body piercing. My personal experience with being able to do nothing was very frustrating. One lady said that I might have been able to sue this gentleman, but this gentleman had nothing he was just a predator. He was not a body piercer. I don't know how to explain except for both daughters received infections. The one that was pierced in the genital area, this man also got her high on cocaine and alcohol. She also stepped on a needle on the floor. The needle had been used. Both girls have been screened for Hepatitis A, C and Aids. It came up negative. I am very grateful for that.

My only thing with this bill is that on page 8 and page 10 where it talks about puncturing external parts of the human ear for a fee. In the shops my experience with the shops here in town as well as in beauty shops even: I have a crooked hole in one of my ears as we speak. This women took my child at eighteen months old into a beauty shop, they pierced her ears and one of them is crooked. When I say crooked it is placed right next to her head, the baby moved. The beauty shop did nothing to even ask if this woman was the mother. I've had Afterthoughts give one daughter five holes in her ear: one in the very top. At that time she was 15.

And I don't think that I'm the only person around that's had this problem with their teenagers lately. Although it seems like I've had quite a bit of experience in this area. I don't understand why these people are not taking care to make sure that these things are clean. As the first lady spoke of, they are poking things through their body's with blood contamination. We've spoken of Hepatitis C; we've spoken of aids. But we have not spoken of Hepatitis A that is so apparent in the villages up here. I've worked with the dental labs and you have to have everything clean, you cannot touch these things that have been in the mouths of several people from the villages because of hepatitis A. And that is about it for me are there any questions.

Senator Leman: Monica we've talked about the requirement for parental permission for children under 18. Would you support that for any body piercing or tattooing that there be requirement that at least one parent gives permission.

Monica: I would appreciate that

Senator Leman: Giving permission to the body piercer to have done what he did to your daughters?

Monica: I would appreciate the chance to be able to say yes or no.

ALASKA STATE LEGISLATURE

Senate Rules Committee

Senate Judiciary Committee

Department of Law
Budget Subcommittee



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SENATE MINORITY LEADER
JOHNNY ELLIS

CS SB 34 (Finance): Body Piercing and Tattooing Licensure Sponsor Statement

SB 34 seeks to increase the safety and health standards of professional tattoo artists and body piercists by licensing them through the Department of Commerce and Economic Development's Division of Occupational Licensing. The Division regulates entry into professions and enforces performance standards to ensure Alaska consumers receive safe, competent services. All costs associated with licensing the artists and inspecting sanitary conditions of tattoo and body piercing shops will be covered through license and examination fees paid by the industry.

Body art is a small-but-growing industry that is not currently licensed in the State of Alaska. Business owners agree that there should be regulation for the industry to guarantee its legitimacy. The goal of SB 34 is to educate the public on the dangers of illegal, fly-by-night tattoo and body-piercing while creating a safety standard to ensure public health and public confidence in the legitimate industry. The Senate Finance Committee amended the bill to increase safety for minors. Alaska tattoo and body piercing industry standards dictate no person under 18 can receive a tattoo and youth from 15 to 18 years wanting their body pierced (excluding ears) must have the presence of a parent or legal guardian. Senate Bill 34 reflects those standards.

SB 34 was prompted by an Anchorage tattoo business owner and a constituent, who relayed stories of her twin daughters receiving body piercings from an operator with no regard for health standards. The Alaska Hepatitis C Coalition has endorsed the legislation due to potential risks of acquiring infection from blood-borne and other pathogens during unsafe tattoo and body piercing procedures.

Alaska is one of the last states to regulate body piercing and tattooing for health and public safety.

Anchorage Press - March, 2000



Closing a ragged hole

Bills would regulate piercing, tattooing

BY RACHEL MCLELLAN

Hands trembling inside a Fourth Avenue state shop, the body piercer worked a dull needle through his 15-year-old customer's nasal. He told her she had tough skin. "I was bleeding and I wasn't supposed to," she recalled two years later. "It got infected really quick."

It wasn't as though the piercer didn't know his stuff, she says; it was just the booze and drugs. "He woke up in the morning and drank and he did cocaine." He also used a pressure cooker to sterilize needles, which isn't the brightest idea.

That same day, he pierced the hood of her ditzier. When he was done, she jumped down from the table; her foot landed on something sharp. "He had to put me down on the couch and pull out the needle," she recalls. She says she would have rather gone to a legitimate body piercer — one who was sober, and had a conventional sterilizer — but they won't pierce anyone under 13 without a parent present. She didn't want to wait three years.

The same man pierced her twin sister Marcia's nipples and tongue on the kitchen counter of a friend's apartment the day before. That time, he boiled the needles first. Marcia's boyfriend traded a stereo system for her three piercings and one for him.

Her mother found out about Marcia's pierced tongue first. They were eating together at Wendy's and her swollen tongue was making the task difficult, not to mention the lip it gave her. A few days later she told her mom about her nipple piercings. Monica, the twins' mother, a local small-business owner who prefers not to give her last name, took this in stride. "I didn't tweak; I didn't do the dying-cockroach scene after the one daughter was pierced."

When Monica discovered the same man had pierced her other daughter's genitals, however, she called the Anchorage Police Department. The police told her there was nothing they could do. Like many states, Alaska does not regulate body piercing. Neither does Anchorage.

"I was appalled," Monica says.

Now an outraged mother, she first called the state health department, who confirmed the absence of state or local laws governing body piercing. Then she phoned state representative Eric Croft and asked him to do something.

Croft did. Last year, he and state senator Johnny Ellis introduced companion bills that, if passed, will amend Alaska's laws governing barbering, hairdressing and cosmetology to include body piercing and tattooing.

While the proposed law sets no minimum age for getting an eyebrow ring or a more exotic pierce such as a Prince Albert, it would require needle-wielders to work in licensed shops with sterilizing equipment, subject to state inspections. The current law, passed in 1982, long before body piercing became

popular, requires sterilization procedures for tattooing alone.

Sam Shepard, Croft's legislative aid, says the bills are intended to protect piercers and tattooists who take care in their work while weeding out "those who are just trying to make an extra buck with a needle and alcohol." Under the new law, tattooists and piercers who have been licensed by another state would be immediately granted a license in Alaska so long as they pay a credential-investigation fee and meet this state's minimal requirements: an apprenticeship of 75 hours and demonstration of safety and sterilization techniques to the Board of Barbers and Hairdressers.

Monica eventually took her daughters to Jason Thomas, a trained piercer who works for Body Piercing Unlimited on C St. "They were horrible," he says of the first man's handiwork. The piercings were placed incorrectly and the jewelry was too thin, which could have led to ripping. And, Thomas adds, it's unethical to pierce the genitals of a juvenile: "In my mind it's just yucky."

Thomas agrees there should be a law to ensure that body piercers are trained and safe, and says he has no problem with the state's Board of Barbers and Hairdressers regulating his industry, so long as it's represented on the board. The bills would add a person licensed to practice tattooing or body piercing to the board, which currently consists of two licensed barbers, two licensed hairdressers and one member of the public.

Thomas has just one problem with the proposed law: it doesn't apply to ear piercing. Blood, sometimes barely visible, leaks onto an ear-piercing gun, he says. If the gun isn't sterilized, it could become a vector for disease. "Those poor kids that are using those guns; they don't know what they're doing," he says. "They've been told they're safe, but they're dealing with blood, and they have no training. I have to bite my tongue every time I'm walking through the mall and I see [parents] having their baby's ears done."

Luann Oviatt, who performs ear piercings at Piercing Pagoda in the 5th Avenue Mall, says in her three years with the company she's never seen a client bleed. Oviatt says Piercing Pagoda employees wear gloves and clean their gun afterward with a solution of benzalkonium chloride (which Thomas says is inadequate). "I don't know how much more safe you could be," she says.

Afterthoughts, an accessory store just a few steps from Piercing Pagoda, follows many of the same procedures. A sign on the store's periphery announces, "Free Ear Piercing and Cartilage Piercing. One is never enough." A store employee says they don't clean their gun after each use, however — just periodically, to keep it "looking good."

Croft agrees that there's some risk in ear piercing. But, he says, "We want to do this without government intruding too much. (Ear piercing has) gotten to be so common and they have it at the mall... licensing every single one of those would frankly be a big pain in the ass."

Croft and Ellis' bill could help thwart hepatitis. A spokesman for the Center for Disease Control in Atlanta says that it's possible to spread hepatitis B and C through piercing. The CDC estimates one in 55 people has hepatitis C. They list prevention methods on their website. "Consider the health risks if you are thinking about getting a tattoo or body piercing," it says. "You can get infected if the tools that are used have someone else's blood on them," or "the artist or piercer doesn't follow good health practices, such as washing hands and using disposable gloves."

Croft's bill has been stuck in committee since last January. He says he's begun to hound the chairman to get it moved. Members of Anchorage's Hepatitis C Support Group, in addition to some local tattooists and piercers, have mounted a letter-writing campaign to get action, and Croft says several members of the legislative committee reviewing his proposed law have called it "a fair and simple bill."

Ellis' office asked Larry Allen, who runs Anchorage Tattoo on Benson Boulevard, for his input before the bills were drafted. Allen says he can't believe tattooists and piercers in Alaska aren't required to be licensed. He sends his employees to Hawaii to be tested on tattoo safety by the Hawaii Department of Health.

Croft and Ellis are on the right track, Allen says, but he disagrees with their proposed law on several points: "If you took this proposal to any other state and told them the hairdressers and barbers were going to regulate, they'd laugh you out."

Allen thinks the state's Department of Health should regulate tattooing, as it does in Hawaii. "There, inspectors come in and culture everything," he says. "They'll pull your license if you give someone underage a tattoo. This is serious shit."

Monica had her twin daughters tested for hepatitis C and HIV. The results came back negative. Both girls removed all their piercings and the man who pierced them has long since left the Fourth Avenue shop. The twin with the botched distal hood piercing says her encounter will not deter her from getting pierced in the future by someone with steady hands and a cleaner floor. She'd like to get a tattoo, too, but adds, "I'm to the point where I'm going to wait to be 13." *

contact Rachel McLellan at:
calendar@anchoragepress.com

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

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E-mail address:
License@commerce.state.ak.us

April 15, 1999

The Honorable Johnny Ellis
Alaska State Legislature
State Capitol (MS) 3100
Juneau, AK 99801-1182

Dear Senator Ellis,

The Board of Barbers and Hairdressers met on March 22, 1999. During this meeting the board reviewed and discussed Senate Bill 34.

The board voted to support in principal Senate Bill 34 relating to tattooing and body piercing, and to work the legislature to implement licensure of these professions.

Sincerely,



Catherine Reardon
Director

CR/cc

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Alaska Hepatitis C Coalition

5350 Little Tree Street
Anchorage, AK 99507
(907) 563-7675Norm Rokeberg, Chair
House Labor and Commerce Committee
State Capitol
Juneau, AK 99801

April 8, 2000

Dear Representative Rokeberg:

The Alaska Hepatitis C Coalition thanks you for hearing Senate Bill 34 "An Act relating to tattooing and body piercing". We would like to stress to you how important it is that the bill is passed through your committee. We believe that unregulated tattooing and body piercing poses a significant risk to the public's health.

Senate Bill 34 will provide for primary preventative measures against the spread of HCV by decreasing the likelihood of an individual being exposed through tattooing or body piercing by licensing of the artist or piercer and schools where the craft is taught as well as the inspection of shops to ensure that proper techniques are followed.

It is conservatively estimated that 11,000 Alaskans are infected with HCV. It is not known how many of those individuals became exposed to the virus through contaminated equipment used in tattooing or body piercing, however several of our members believe that this was the source of their infection. With the increasing popularity of tattooing and body piercing it is even more important to provide some oversight into these practices. Those of us who are living with HCV and we are sure that those who struggle with other diseases caused by blood-borne pathogens (e.g. HIV or Hepatitis B) will join us in our wish that no other Alaskan need join our ranks. Senate Bill 34 will provide some protection and we strongly encourage that it be passed into Alaska State Statute.

Sincerely,

Kendall Thomas, MS
Presidentcc: Tom Brice Sharon Cisna
 Andrew Halcro John Harris
 Jerry Sanders



Permanent Makeup, Tattooing and the Truth

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"Who'd have guessed it?" exclaim many of the thousands of women who have had their eyebrows, eyeliner or other permanent makeup done in the past 15 years. "Who would have ever thought I would have a tattoo! This is the best thing I have ever done for myself. I wish someone would have thought of this sooner!"

Thanks to the art of tattooing, many woman in all stages of life and even some men are having their eyebrows, eyeliner and lips colored permanently, and loving it!

The earliest evidence of tattooing dates back to the ice age. While some cosmetic tattooing was done thousands of years ago, it really came into its own as an industry in the late 1970's. At that time, various tattoo artists around the country began offering permanent makeup/cosmetic tattooing and reconstructive pigmentation. In the 1980's aestheticians, electrologists, nurses, and cosmetologists became interested in performing these procedures. Training programs were established throughout the country and the industry has grown rapidly since then.

Tattooing, whether it be for decorating the body or applying permanent cosmetics, should be considered thoughtfully before going ahead with the permanent color work.

How safe is cosmetic tattooing? Very safe, according to the Center for Disease Control as there has not been any incidence of HIV attributable to tattooing nor has there been any increase of Hepatitis B in the last 10 years. When the tattoo or permanent cosmetic work is done under proper conditions, there is no opportunity for disease transmission. If the technician is using an autoclave on their instruments, not reusing needles and has a clean, sanitary environment, the chances of developing any type of communicable disease are remote if not impossible.

The media opened up the chances of allergic reactions. The chances of developing an allergic reaction to pigments are extremely remote. Less than .1% in over 100,000 estimated permanent cosmetic procedures performed nationwide over the last 10 years resulted in an allergic reaction, according to Micropigmentation, State of the Art", by Charles S. Zwerling, M.D.

As is true on many issues in this industry, the question of MRI safety has also been incorrectly reported. According to Dr. Frank Shellock of Tower Imaging in Los Angeles, CA, a top expert in MRI safety, only a handful of people have reported minor problems around the eye area and no problems around the lip or brow area. In those rare instances when redness and edema in the eye area occurred, it did not cause any permanent damage. Test studies have confirmed that the "iron" particles in pigment are too microscopic to react as true metal pieces but rather are more accurately compared with "metals" which already exist microscopically in the body.

Choosing the right technician for you is the most important decision to make when deciding to have a procedure done. Your first concern should be to find someone who follows proper sterilization procedures and works in a clean environment. Next decide by appearance and conversation if this is a person you can work with. Do pictures of their work make you feel comfortable with them? Done properly, permanent make up should look as natural and sometimes better than makeup. Today, hundreds of thousands of women have chosen to have permanent make up procedures done. Many, many times women have exclaimed, "This is the best thing I have ever done for myself!"

So many people have done permanent make up you can often ask doctors and salons and even friends to find a good technician near you. If not, call the Society of Permanent Cosmetic Professionals. They are large not-for profit society dedicated to safety, ethics and education in the industry. They can give you more information about what to look for in a technician and be able to tell you who is a member of the society in your area.

By *Cheri Durbin*

For a listing of member technicians in your area, see our [online listings](#) or [Contact Us](#)

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The SPCP is a Technician oriented organization for permanent cosmetic, micropigmentation, permanent makeup, cosmetic tattoo, and traditional tattoo technicians.

Last modified: August 05, 1999



State Specific Legislation


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Laws & Regulations by State

For

Permanent Cosmetics (TATTOOING)

Note: The SPCP is not responsible for informing the public about the laws governing permanent cosmetics and strongly urges inquiring parties to examine the actual statutes of the state(s) in question.

STATE	REGULATIONS	SPECIFICS
Alabama	Regulated State	Licensing and Facility Inspection Under Department of Health Services HB 324 (1/98)
Alaska	Proposed Legislation	AS 11.81.900, HB 54, SB 34 (4/23/99)
Arizona	Age Regulation only - currently being revised	HB 2666-441-H (Revising Title 32)
Arkansas	Regulated State	Regulated separately for body tattooing
California	Regulated State	AB 186 requires registration with county health dept and facility inspection. Complete regulations going through legal channels before Public Hearing.
Colorado	Regulated State	Licensing with the State Board of Cosmetology
Connecticut	Regulated State	Allowed under general supervision of MD, DDS or DC. PA 94-105, SHB 5388
Delaware	Regulated State	Tattooing of minors prohibited.
Florida	Regulated State	Allowed under general endorsement of MD, DDS or DC. 877.04 (1998)

Georgia	Regulated by County	Fulton County (Atlanta) prohibits tattooing with 1" of eye
Hawaii	Regulated State	Requires exam, license & registration. Pending Amendment of Chapter 17-HB 713
Idaho	Regulated State	Facility inspection required. Amending definitions (3/99)
Illinois	Regulated State	
Indiana	Regulated State	Senate Enrolled Act 13
Iowa	Regulated State	Regulated by the State Department of Health
Kansas	Regulated State	Requires 1250 hr internship with tattoo artist. Exempt if licensed electrologist or working under direct supervision of MD or DDS. Statute 65-1940-46
Kentucky	Regulated State	Tattooing of minors prohibited
Louisiana	Regulated State	Licensed, monitored by the State Department of Health
Maine	Regulated State	Regulated separately from body tattooing
Maryland	Regulated State	State Board of Cosmetology - Requires 350 hrs of training.
Massachusetts	Prohibited- Pending Legislation	House #441 proposes authorizing DPH to establish procedures for the regulation of tattooing (1/6/99)
Michigan	Regulated State	State Department of Health requires facility license.
Minnesota	Regulated State	Tattooing of minors prohibited
Mississippi	Regulated State	State Department of Health requires registration and license.
Missouri	Regulated State	HB 343 - License required.
Montana	Regulated State	Regulated by the State Board of Health

Nebraska	Unregulated State	
Nevada	Regulated by County	Clark County (Las Vegas) regulated by Health Department
New Jersey	Pending Legislation for State Regulations	New Jersey State Sanitary Code, Chapter 8 NJAC 8:27-1-11.5
New Mexico	Unregulated State	
New Hampshire	Regulated State	Current regulations for tattooing - Permanent Cosmetics not defined.
New York	Pending Legislation for State Regulations	State Regulations have been proposed. Some locales restricted.
North Carolina	Regulated State	Requires annual permit, tattoo removal prohibited - HB 203. Some local prohibition (Wake Co.)
North Dakota	Unregulated State	
Ohio	Regulated State	Requires training by state approved trainers registered with State Board of Health OR apprenticeship program. Prohibits removal.
Oklahoma	Prohibited - Pending Legislation	Currently SB 116, HB 665 allow only by medical practitioners in course of practice.
Oregon	Regulated State	Requires 368 hrs. Training at state approved school, written exam. DDS authorized to give anesthesia injections for lip procedures.
Pennsylvania	Pending Legislation	Pending HB 332 proposes licensing through the State Board of Medicine.
Rhode Island	Prohibited	Tattooing of face, feet or hands prohibited
South Carolina	Prohibited	Allowed only by MD in course of practice
South Dakota	Regulated State	

Tennessee	Regulated State	Requires 1 yr. Apprenticeship with tattoo artist that has been licensed with the state for min. 3 yrs., registration with local health dept., inspection, and permit. Tattoo removal prohibited.
Texas	Regulated State	Sterilization Standards under the Health Department. SB 1812
Utah	Regulated by County Local Ordinances only	
Vermont	Pending Legislation	Bill 532, Title 26 VSA 04102 proposes registration requirements.
Virginia	Regulated State	Tattooing of minors prohibited.
Washington	Local Ordinances in effect. Pending Statewide Legislation	Local ordinances in Seattle & Tacoma.
West Virginia	Regulated by Locale	Registration and Region Certificate required by Board of Health.
Wisconsin	Regulated State	Regulated by the State Department of Health.
Wyoming	Regulated State	

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Last modified: March 29, 2000

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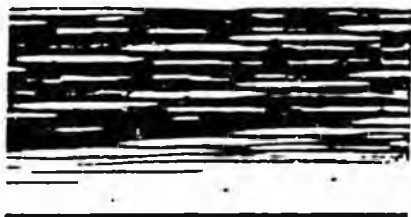
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NEWSLETTER

CONTACT



Q.: Does it hurt?

A:
 Yes, of course they hurt! It's a needle going in and out of your skin at 3 trillion miles per hour! Unless you are a complete freak of nature or have the skin of a Wild Boar, It's gonna hurt. Basically it depends on the place where you get it. Everybody is sensitive on different places on his body. Some people say it hurts most on the chest others say it's worse on the back. It is never so bad that you can't stand it, you will never exactly know, unless you make that experience on your own.

Q.: How long does it take to heal?

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A:

The amount of healing time required will vary from person to person depending on their health as well as the type and location of the tattoo, usually 7 - 10 days.

Most commonly, you will need to take care of your new tattoo for the first two weeks, applying products that fasten the healing process such as "neosporin", but consult your ARTIST, he will know what's best to use!

Q.: Can I get old work covered or reworked?

A:

Sure!

Every tattoo, old or not, can be covered with something else.

The only problem is to cover a tattoo that is already really dark, because the artist can't use a darker color to go over it.

You can take a look on a few cover- ups, they are usually executed in such a manner that you would never know that there was another tattoo underneath it!

Q.: What about sterilization?

A:

Sterilization is the most important thing in a tattoo studio. There are a lot of tattoo studios that might look a bit filthy from the outside, but don't worry.

If they are an official studio, they have to be as clean and careful about sterilization as a doctor, a dentist or a hospital. They have to use the same kind of equipment they use, for sterilizing.

Q.: Can I get any diseases from a tattoo? Is it safe?

A:

There are blood borne diseases such as HIV, hepatitis and syphilis that are life

threatening and can be spread without adequate precautions. Getting a tattoo CAN BE COMPLETELY SAFE as thousands of people have tattoos applied each year. Professional tattoo studios have been in the forefront in implementing proper sterilization techniques for years, long before it was fashionable, as it has become recently.

The guidelines are standards in medicine and should be upheld by all professional personal service personal such as doctors, dentists, hospitals and tattoo artists.

Q.: Can I bring my own design?

A:

Yes, you can. Almost every motive is possible but it will be converted into a tattoo design because some styles of artwork do not go well as a tattoo.

Make sure the artist draws the motive again before he puts it on your skin so you know what it look like as a tattoo.

Q.: How old must I be to get a tattoo?

A:

You MUST be 18 years of age and able to prove it. No body (especially the state of New York) cares if you are ALMOST 18, or if your parents are with you to give you permission. The artist can go to jail and the shop can be shut down if they tattoo a minor. So if you aren't 18 don't waste their time, just wait till you are 18 and then come in.

Q.: Is it permanent? What about the colors?

A:

Yes it is, but every tattoo will age. It depends on your skin, the placement, how often it is exposed to the sun, and how you take care of it in the healing process and so on. If you have it once you will have it for your entire life.

Unwanted or older bad looking tattoos can be covered with a new one or be removed with a laser, but bare in mind, removing hurts more than doing the tattoo itself!

Q.: Will my tattoo get infected?

A:

If you don't keep it clean while it is healing, your tattoo can get infected, just like any open wound. A tattoo consists of depositing pigment beneath the surface of the skin through a series of minute puncture wounds. Any time the skin is perforated, there is the risk of an infection from microbes. We recommend the use of an anti-bacterial soap, when cleaning a healing tattoo.

Q.: How are the tattoos priced?

A:

It depends on a number of things:

Where do you want to have it, the size, is it color, or just black and white? Each artist does it his own way. They decide on a price by evaluating the size, coloring and placement on the body.

Q.: How long should I wait, till I can start shaving my legs, after getting a tattoo?

A:

You will have to quit shaving your legs in the area you have tattooed until the peeling is done. This shouldn't take more than a couple weeks. The first few times you shave after it has peeled you should probably be real careful.

Q.: Should I get a tattoo in the first place?

A:

Your reading this may mean you're already interested in getting a tattoo, or may know someone who is. Well, here are the bare facts: In a survey of 163 tattooed men and women, a third of them had regretted their tattoos! If you get one, most likely you will have it all your life

Q.: Are the needles used for piercing sterilized also? What about the body jewelry?

A:
YES. Piercing needles are brand new and autoclaved also. So is the body jewelry used in a new piercing.
Once a needle is used, it is disposed of in a "sharps" container which is collected by a medical waste handling service, once the container is filled.

Q.: Are the needles used for tattoos always the same?

A:
NO!!! A artist will never use a needle twice.
Used needles are broken and discarded.

Q.: Is there blood involved in the tattooing process?

A:
Yes there is! The artist will put a needle several times in your skin for quite a while.
It's not like you're bleeding as if he cuts you in your veins there's just a little bit of blood coming out of the wound.

Q.: What does it feel like?

A:
Nobody can tell you what it feels like. It hurts that's for sure, you have to experience it for yourself.

Q.: How do I become a tattoo artist?

A:
Tattooing is traditionally an apprentice based art. Apprenticeships last approximately three years before they are considered professional artists. You are making permanent, often visible changes to another human being and if proper procedure isn't followed, could be jeopardizing that client's health and emotional well-being. By taking advantage of the knowledge of experienced, professional artists, you will avoid many costly mistakes. First, you should put together a portfolio, anything reflecting your skills with composition, color and line work. Then visit local studios, and talk to the shopowners. Apprenticeships can cost you money and you may have to sign a contract regarding your future business practices. This is not unusual. Just as in any other profession, you need to pay for schooling.

Monica Morterud
Testimony on SB 34: Tattoos and body piercing (Senate Finance)
March 21, 2000

My Name is Monica Morterud and I live here in Anchorage and I am the mother of the twins that were violated by this man. I am a life long Alaskan. I very grateful that something has come about my having a fit over nothing being able to be done about this gentlemen hanging out outside a skateboard park and soliciting kids to get body piercing. My personal experience with being able to do nothing was very frustrating. One lady said that I might have been able to sue this gentleman, but this gentleman had nothing he was just a predator. He was not a body piercer. I don't know how to explain except for both daughters received infections. The one that was pierced in the genital area, this man also got her high on cocaine and alcohol. She also stepped on a needle on the floor. The needle had been used. Both girls have been screened for Hepatitis A, C and Aids. It came up negative. I am very grateful for that.

My only thing with this bill is that on page 8 and page 10 where it talks about puncturing external parts of the human ear for a fee. In the shops my experience with the shops here in town as well as in beauty shops even: I have a crooked hole in one of my ears as we speak. This women took my child at eighteen months old into a beauty shop, they pierced her ears and one of them is crooked. When I say crooked it is placed right next to her head, the baby moved. The beauty shop did nothing to even ask if this woman was the mother. I've had Afterthoughts give one daughter five holes in her ear: one in the very top. At that time she was 15.

And I don't think that I'm the only person around that's had this problem with their teenagers lately. Although it seems like I've had quite a bit of experience in this area. I don't understand why these people are not taking care to make sure that these things are clean. As the first lady spoke of, they are poking things through their body's with blood contamination. We've spoken of Hepatitis C; we've spoken of aids. But we have not spoken of Hepatitis A that is so apparent in the villages up here. I've worked with the dental labs and you have to have everything clean, you cannot touch these things that have been in the mouths of several people from the villages because of hepatitis A. And that is about it for me are there any questions.

Senator Leman: Monica we've talked about the requirement for parental permission for children under 18. Would you support that for any body piercing or tattooing that there be requirement that at least one parent gives permission.

Monica: I would appreciate that

Senator Leman: Giving permission to the body piercer to have done what he did to your daughters?

Monica: I would appreciate the chance to be able to say yes or no.

FISCAL NOTE

Bill Version: HCS CSSB 34 (L&C)
(H) Publish Date: 4/14/00

STATE OF ALASKA 2000 LEGISLATIVE SESSION

Revision Date/ 4/13/2000 correction Dept. Affected Community & Econ. Dev.
 Title An Act relating to tattooing and body piercing.... BRU Occupational Licensing
 Component Occupational Licensing

Sponsor Senator Ellis
 Requester House Labor and Commerce Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	7.7	7.7	7.7	7.7	7.7	7.7
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	7.1	4.1	4.1	4.1	4.1	4.1
Supplies	1.2	1.2	1.2	1.2	1.2	1.2
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	17.0	14.0	14.0	14.0	14.0	14.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	31.0	0.0	28.0	0.0	28.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	17.0	14.0	14.0	14.0	14.0	14.0
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	17.0	14.0	14.0	14.0	14.0	14.0

Estimate of any current year (FY00) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 HCS CSSB 34 (L&C) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 4/13/2000 2:38 PM
 Approved by Commissioner Deborah B. Sedwick Date 4/13/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HCS CSSB 34 (L&C)

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR HCS CSSB 34 (L&C)

PERSONAL SERVICES

\$7.7

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1. Funds totaling \$2.6 would be given to the Department of Environmental Conversation.

TRAVEL

\$1.0

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

CONTRACTUAL SERVICES

\$7.1

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$1.1 would be given to the Department of Environmental Conversation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

SUPPLIES

\$1.2

To fund daily operating supplies of the program. A total of \$0.2 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

TOTAL:

\$17.0

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

FISCAL NOTE

Bill Version: HCS CSSB 34 (L&C)

(H) Publish Date: 4/14/00

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____ Dept. Affected Environmental Conservation
 Title Relating to tattooing and body piercing BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Sen. Ellis
 Requester House Labor and Commerce Committee Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	2.6	2.6	2.6	2.6	2.6	2.6
Travel						
Contractual	3.1					
Supplies	0.2					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	5.9	2.6	2.6	2.6	2.6	2.6
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	5.9	2.6	2.6	2.6	2.6	2.6

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.9	2.6	2.6	2.6	2.6	2.6
TOTAL	5.9	2.6	2.6	2.6	2.6	2.6

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations to include permanent cosmetic coloring, body and ear piercing as well as requiring annual inspections of tattooing, body piercing and permanent cosmetic tattooing facilities under AS 08.13.210 (b). Funds for body piercing and tattooing would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee. General funds will be required for the development of ear piercing regulations.

Prepared by: Janice Adair, Director
 Division Environmental Health
 Approved by Commissioner _____
 Agency Department of Environmental Conservation

Phone 269-7644
 Date/Time 4/13/00 1:36 PM
 Date _____

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FISCAL NOTE No. 2

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Version: CS3B34 (FIN)
 (S) Publish Date: 4-3-00

Revision Date/Time (Note if correction) 03/31/00 Dept. Affected Community & Econ. Dev.
 Title An Act relating to tattooing and body piercing.... BRU Occupational Licensing
 Component Occupational Licensing
 Sponsor Senator Ellis
 Requester Senate Finance Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	5.1	5.1	5.1	5.1	5.1	5.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	8.5	5.5	5.5	5.5	5.5	5.5
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	16.1	13.1	13.1	13.1	13.1	13.1

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	29.2	0.0	26.2	0.0	26.2	0.0
-------------------------------	-------------	------------	-------------	------------	-------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	16.1	13.1	13.1	13.1	13.1	13.1
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	16.1	13.1	13.1	13.1	13.1	13.1

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CS3B 34 (FIN) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 3/31/2000 11:43 AM
 Approved by Commissioner Deborah B. Sedwick Date 3/31/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)
Revised: 3/31/00 #3

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 34 (FIN)

PERSONAL SERVICES \$5.1

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1.

TRAVEL \$1.0

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

CONTRACTUAL SERVICES \$8.5

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$2.5 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

SUPPLIES \$1.5

To fund daily operating supplies of the program. A total of \$0.5 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

TOTAL: **\$15.1**

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 2
 Bill Version: CSSB 34 (FIN)
 (S) Publish Date: 4-3-00

Revision Date/Time (Note if correction) 4/3/00 Dept. Affected Environmental Conservation
 Title Relating to tattooing and body piercing BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Sen. Ellis
 Requester Senate Finance Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	1.1	1.1	1.1	1.1	1.1	1.1
Travel						
Contractual	1.5					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.1	1.1	1.1	1.1	1.1	1.1
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	3.1	1.1	1.1	1.1	1.1	1.1

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.1	1.1	1.1	1.1	1.1	1.1
TOTAL	3.1	1.1	1.1	1.1	1.1	1.1

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations as well as adding the costs of annual inspections of Body Piercing and/or Tattooing facilities as required under AS 08.13.210 (b). Funds would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee.

Prepared by: Janice Adair, Director Phone 269-7644
 Division Environmental Health, Date/Time 4/3/00 9:59 AM
 Approved by Commissioner [Signature] Date 4-3-00
 Agency Department of Environmental Conservation

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FISCAL NOTE

Bills Version: HCS CSSB 34 (L&C)
 (H) Publish Date: 4/14/00

**STATE OF ALASKA
 2000 LEGISLATIVE SESSION**

Revision Date/14/13/2000 correction Dept. Affected Community & Econ. Dev.
 Title An Act relating to tattooing and body piercing.... BRU Occupational Licensing
 Component Occupational Licensing
 Sponsor Senator Ellis
 Requester House Labor and Commerce Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	7.7	7.7	7.7	7.7	7.7	7.7
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	7.1	4.1	4.1	4.1	4.1	4.1
Supplies	1.2	1.2	1.2	1.2	1.2	1.2
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	17.0	14.0	14.0	14.0	14.0	14.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	31.0	0.0	28.0	0.0	28.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	17.0	14.0	14.0	14.0	14.0	14.0
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	17.0	14.0	14.0	14.0	14.0	14.0

Estimate of any current year (FY00) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HCS CSSB 34 (L&C) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 4/13/2000 2:38 PM
 Approved by Commissioner Deborah B. Sedwick Date 4/13/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HCS CSSB 34 (L&C)

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR HCS CSSB 34 (L&C)

PERSONAL SERVICES \$7.7

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1. Funds totaling \$2.6 would be given to the Department of Environmental Conservation.

TRAVEL \$1.0

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

CONTRACTUAL SERVICES \$7.1

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$1.1 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

SUPPLIES \$1.2

To fund daily operating supplies of the program. A total of \$0.2 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

TOTAL: **\$17.0**

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

FISCAL NOTE

Bill Version: HCS CSSB 34 (L&C)
 (H) Publish Date: 4/14/00

**STATE OF ALASKA
 2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____ Dept. Affected Environmental Conservation
 Title Relating to tattooing and body piercing BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Sen. Ellis
 Requester House Labor and Commerce Committee Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	2.6	2.6	2.6	2.6	2.6	2.6
Travel						
Contractual	3.1					
Supplies	0.2					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	5.9	2.6	2.6	2.6	2.6	2.6

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	5.9	2.6	2.6	2.6	2.6	2.6
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.9	2.6	2.6	2.6	2.6	2.6
TOTAL	5.9	2.6	2.6	2.6	2.6	2.6

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations to include permanent cosmetic coloring, body and ear piercing as well as requiring annual inspections of tattooing, body piercing and permanent cosmetic tattooing facilities under AS 08.13.210 (b). Funds for body piercing and tattooing would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee. General funds will be required for the development of ear piercing regulations.

Prepared by: Janice Adair, Director
 Division: Environmental Health
 Approved by Commissioner _____
 Agency: Department of Environmental Conservation

Phone 269-7644
 Date/Time 4/13/00 1:36 PM
 Date _____

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FISCAL NOTE No. 3

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Version: CSSB 34 (FIN)

(S) Publish Date: 4-3-00

Revision Date/Time (Note if correction) 03/31/00 Dept. Affected Community & Econ. Dev.
 Title An Act relating to tattooing and body piercing... BRU Occupational Licensing
 Component Occupational Licensing
 Sponsor Senator Ellis
 Requester Senate Finance Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	5.1	5.1	5.1	5.1	5.1	5.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	8.5	5.5	5.5	5.5	5.5	5.5
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	16.1	13.1	13.1	13.1	13.1	13.1

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	29.2	0.0	29.2	0.0	26.2	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	16.1	13.1	13.1	13.1	13.1	13.1
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	16.1	13.1	13.1	13.1	13.1	13.1

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSB 34 (FIN) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 3/31/00 11:43 AM
 Approved by Commissioner Deborah B. Sedwick Date 3/31/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)
Revised: 3/31/00 #3

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 34 (FIN)

PERSONAL SERVICES **\$5.1**

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1.

TRAVEL **\$1.0**

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

CONTRACTUAL SERVICES **\$8.5**

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$2.5 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

SUPPLIES **\$1.5**

To fund daily operating supplies of the program. A total of \$0.5 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

TOTAL: **\$15.1**

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 2
Bill Version: CSSB 34 (FIN)
(S) Publish Date: 4-3-00

Revision Date/Time (Note if correction) 4/3/00 Dept. Affected Environmental Conservation
Title Relating to tattooing and body piercing BRU Environmental Health
Component Food Safety and Sanitation
Sponsor Sen. Ellis
Requester Senate Finance Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	1.1	1.1	1.1	1.1	1.1	1.1
Travel						
Contractual	1.5					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.1	1.1	1.1	1.1	1.1	1.1
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	3.1	1.1	1.1	1.1	1.1	1.1

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.1	1.1	1.1	1.1	1.1	1.1
TOTAL	3.1	1.1	1.1	1.1	1.1	1.1

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations as well as adding the costs of annual inspections of Body Piercing and/or Tattooing facilities as required under AS 08.13 210 (b). Funds would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee.

Prepared by: Janice Adair, Director Phone 269-7644
Division Environmental Health, Date/Time 4/3/00 9:59 AM
Approved by Commissioner [Signature] Date 4-3-00
Agency Department of Environmental Conservation

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SB

34

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/99

REPORTED OUT OF
SFC 3/31/00

FURTHER:

DATE TURNED
IN TO OFFICE: 3/31/00

Finance Committee considered SENATE BILL NO. 34

"An Act relating to tattooing and body piercing; and providing for an effective date."

and recommends:

- be replaced with _____ C *Fortcoming* _____ (Fin)
- adopt previous _____ C _____ ()
- attached amendment(s) *CS*
- adopt Letter of Intent by _____
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			
<i>[Signature]</i>		<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>			
Co-Chair: <i>[Signature]</i>		Co-Chair: _____			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: <i>[Signature]</i>	✓		

NEW FISCAL NOTE(S):

Department _____ Date _____ Zero _____ Fiscal _____

<i>Fortcoming</i>	
<i>Fiscal notes</i>	
<i>(2)</i>	

PREVIOUS FISCAL NOTE(S):*

Department _____ Date _____ Zero _____ Fiscal _____

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF
SFC 3/31/00

BILL NO. CSSB 34 (FIN)

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) 03/31/00 Dept. Affected Community & Econ. Dev.
 Title An Act relating to tattooing and body piercing... BRU Occupational Licensing
 Component Occupational Licensing
 Sponsor Senator Ellis
 Requester Senate Finance Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	5.1	5.1	5.1	5.1	5.1	5.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	8.5	5.5	5.5	5.5	5.5	5.5
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	16.1	13.1	13.1	13.1	13.1	13.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	29.2	0.0	26.2	0.0	26.2	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1002 GF Match						
1004 GF						
1005 GF/Program Receipts	16.1	13.1	13.1	13.1	13.1	13.1
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	16.1	13.1	13.1	13.1	13.1	13.1

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

CSSB 34 (FIN) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 3/31/00 11:43 AM
 Approved by Commissioner Deborah B. Sedwick Date 3/31/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)
Revised: 3/31/00

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 34 (FIN)

PERSONAL SERVICES **\$5.1**

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1.

TRAVEL **\$1.0**

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

CONTRACTUAL SERVICES **\$8.5**

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$2.5 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

SUPPLIES **\$1.5**

To fund daily operating supplies of the program. A total of \$0.5 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

TOTAL: **\$15.1**

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

FISCAL NOTE

REPORTED OUT OF
SFC 3/24/00

BILL NO. CSSB 34 (FIN)

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) 4/3/00 Dept. Affected Environmental Conservation
 Title Relating to tattooing and body piercing BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Sen. Ellis
 Requester Senate Finance Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	1.1	1.1	1.1	1.1	1.1	1.1
Travel						
Contractual	1.5					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.1	1.1	1.1	1.1	1.1	1.1

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	3.1	1.1	1.1	1.1	1.1	1.1
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.1	1.1	1.1	1.1	1.1	1.1
TOTAL	3.1	1.1	1.1	1.1	1.1	1.1

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations as well as adding the costs of annual inspections of Body Piercing and/or Tattooing facilities as required under AS 08.13.210 (b). Funds would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee.

Prepared by: Janice Adair, Director Phone 269-7644
 Division Environmental Health, Date/Time 4/3/00 9:59 AM
 Approved by Commissioner [Signature] Date 4-3-00
 Agency Department of Environmental Conservation

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CS FOR SENATE BILL NO. 34()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR ELLIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tattooing and body piercing; relating to fees charged by the
2 Board of Barbers and Hairdressers; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 08.01.065(c) is amended to read:

5 (c) Except as provided in (f) and (g) of this section, the department shall
6 establish fee levels under (a) of this section so that the total amount of fees collected
7 for an occupation approximately equals the actual regulatory costs for the occupation.
8 The department shall annually review each fee level to determine whether the
9 regulatory costs of each occupation are approximately equal to fee collections related
10 to that occupation. If the review indicates that an occupation's fee collections and
11 regulatory costs are not approximately equal, the department shall calculate fee
12 adjustments and adopt regulations under (a) of this section to implement the
13 adjustments. In January of each year, the department shall report on all fee levels and
14 revisions for the previous year under this subsection to the office of management and

1 budget. If a board regulates an occupation covered by this chapter, the department
2 shall consider the board's recommendations concerning the occupation's fee levels and
3 regulatory costs before revising fee schedules to comply with this subsection. In this
4 subsection, "regulatory costs" means costs of the department that are attributable to
5 regulation of an occupation plus

6 (1) all expenses of the board that regulates the occupation if the board
7 regulates only one occupation;

8 (2) the expenses of a board that are attributable to the occupation if the
9 board regulates more than one occupation.

10 * Sec. 2. AS 08.01.065 is amended by adding a new subsection to read:

11 (g) Notwithstanding (c) of this section, the department shall establish fee levels
12 under (a) of this section so that the total amount of fees collected by the Board of
13 Barbers and Hairdressers approximately equals the total regulatory costs of the
14 department and the board for all occupations regulated by the board. The department
15 shall set the fee levels for the issuance and renewal of a practitioner's license issued
16 under AS 08.13.100 so that the license and license renewal fees are the same for all
17 occupations regulated by the board.

18 * Sec. 3. AS 08.13.010 is amended to read:

19 Sec. 08.13.010. Creation and membership of board. (a) There is created
20 the Board of Barbers and Hairdressers consisting of five members appointed by the
21 governor. *JIK*

22 (b) The board consists of

23 (1) two persons licensed as barbers under this chapter;

24 (2) one person licensed to practice tattooing or body piercing under
25 this chapter;

26 (3) two persons licensed as hairdressers under this chapter, one of
27 whom is also licensed as an esthetician under this chapter; and

28 (4) [(3)] one public member.

29 * Sec. 4. AS 08.13.030(a) is amended to read:

30 (a) The board shall exercise general control over the vocations of barbering,
31 hairdressing, manicuring, [AND] esthetics, tattooing, and body piercing.

1 * Sec. 5. AS 08.13.030(c) is amended to read:

2 (c) The board may

3 (1) suspend or revoke a license or permit;

4 (2) on its own motion or upon receipt of a written complaint, conduct
5 hearings and request the Department of Community and Economic Development to
6 investigate the practices of a person, shop, establishment, or school involved in the
7 practice or teaching of barbering, hairdressing, manicuring, [OR] esthetics, tattooing,
8 or body piercing;

9 (3) adopt regulations or do any act necessary to carry out the provisions
10 of this chapter.

11 * Sec. 6. AS 08.13.070 is amended to read:

12 **Sec. 08.13.070. License required.** A person may not

13 (1) practice barbering, hairdressing, [OR] esthetics, tattooing, or body
14 piercing without a license, temporary permit, temporary license, or student permit
15 unless exempted under AS 08.13.160(d);

16 (2) practice barbering, hairdressing, or esthetics except in a shop or
17 school licensed under this chapter unless exempted under AS 08.13.160(d) or permitted
18 under AS 08.13.160(e);

19 (3) open or conduct a school of barbering, hairdressing, or esthetics
20 without a license;

21 (4) teach in a school of barbering, hairdressing, or esthetics, or
22 supervise an apprentice in barbering, hairdressing, or esthetics without an
23 instructor's license;

24 (5) operate a shop in violation of AS 08.13.120;

25 (6) permit an employee or other person being supervised who is not
26 exempted under AS 08.13.160(d) to practice barbering, hairdressing, [OR] esthetics,
27 tattooing, or body piercing without a license, temporary permit, temporary license,
28 or student permit;

29 (7) permit the use of the person's license, temporary permit, temporary
30 license, or student permit by another person;

31 (8) obtain or attempt to obtain a license, temporary permit, temporary

1 license, or student permit by fraudulent means.

2 * Sec. 7. AS 08.13.080 is amended by adding a new subsection to read:

3 (d) An applicant for a license to practice tattooing or body piercing shall

4 (1) satisfy the apprenticeship requirement of AS 08.13.082(d); and

5 (2) demonstrate to the board or the board's designee safety, sanitation,
6 and sterilization techniques that indicate that the applicant has adequate knowledge of
7 infection control practices and requirements relating to tattooing or body piercing, as
8 applicable.

9 * Sec. 8. AS 08.13.082 is amended by adding a new subsection to read:

10 (d) The period of apprenticeship required to qualify an applicant for a license
11 to practice either tattooing or body piercing is 75 hours. An apprenticeship under this
12 subsection must be served under a person who has a practitioner's license under this
13 chapter in the field in which the apprentice seeks training. The apprenticeship may not
14 be completed in less than six months from the date of its commencement and must be
15 completed in not more than one year from the date of its commencement. The
16 apprentice must be at least 18 years of age when the apprenticeship commences.

17 * Sec. 9. AS 08.13.100(a) is amended to read:

18 (a) The board shall authorize the issuance of a license for the practice of
19 barbering, hairdressing, or esthetics, or a combination thereof, to each qualified
20 applicant who has passed an examination under AS 08.13.090. The board shall
21 authorize the issuance of a license for the practice of tattooing or body piercing
22 to each applicant who has satisfied the requirements of AS 08.13.080(d).

23 * Sec. 10. AS 08.13.100(b) is amended to read:

24 (b) A practitioner license must state the areas of practice (barbering,
25 hairdressing, manicuring, esthetics, tattooing, body piercing, or any combination) that
26 the practitioner is qualified to perform.

27 * Sec. 11. AS 08.13.100(d) is amended to read:

28 (d) A person who holds [HOLDING] a current valid license from a board of
29 barbering, hairdressing, manicuring, or esthetics in another state or who is licensed by
30 another state to practice tattooing or body piercing is entitled to a license or
31 endorsement under this chapter without examination or a new period of

1 apprenticeship in this state. An application must include

2 (1) proof of a valid license issued by another licensing jurisdiction; and

3 (2) proof of completed training, testing, and working experience that

4 the board finds to meet the minimum requirements of the state.

5 * Sec. 12. AS 08.13.150 is amended to read:

6 **Sec. 08.13.150. Grounds for refusal, suspension, or revocation of a license**

7 **or permit.** The board may refuse, suspend, or revoke a license, student permit,

8 temporary license, or temporary permit for failure to comply with this chapter, with

9 a regulation adopted under this chapter, with a regulation adopted by the

10 Department of Environmental Conservation under AS 44.46.020, or with an order

11 of the board.

12 * Sec. 13. AS 08.13.160(d) is amended to read:

13 (d) The licensing and permit provisions of this chapter do not apply to

14 (1) a person practicing barbering, hairdressing, manicuring, or esthetics

15 in a community having a population of less than 1,000 people that is not within 25

16 miles of a community of more than 1,000 people and who uses only chemicals

17 available to the general public;

18 (2) the practice of manicuring by a student as part of instruction in a

19 12-hour course approved under AS 08.13.110(b);

20 (3) a shampoo person;

21 (4) a licensed health care professional;

22 (5) a person licensed by another licensing jurisdiction in a field of

23 practice licensed by this chapter while demonstrating techniques or products to persons

24 holding licenses or permits under this chapter;

25 (6) a person practicing tattooing or body piercing solely on the

26 person's own body.

27 * Sec. 14. AS 08.13.170 is amended to read:

28 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary

29 permit to an applicant for licensing who holds a license to practice barbering,

30 hairdressing, manicuring, esthetics, tattooing, or body piercing [AS A BARBER,

31 HAIRDRESSER, MANICURIST, OR ESTHETICIAN] in another state. The permit

1 is valid until the board either issues a permanent license or rejects the application. The
2 board shall act on an application within six months.

3 * Sec. 15. AS 08.13.180 is amended to read:

4 Sec. 08.13.180. **Student permits.** A person attending a licensed school of
5 barbering, hairdressing, or esthetics and a person apprenticed to a licensed instructor
6 in a shop approved by the board shall obtain a student permit. A person apprenticed
7 for tattooing or body piercing shall obtain a student permit. A student permit to
8 practice barbering or hairdressing is valid for two years. A student permit to practice
9 esthetics is valid for one year. A student permit to practice tattooing or body
10 piercing is valid for six months. A student permit may not be renewed, but, upon
11 application, the board may issue a new permit to the same person or extend an expired
12 permit to the date of the next scheduled examination. Credit earned under an expired
13 student permit may be transferred to a new permit as determined by the board.

14 * Sec. 16. AS 08.13.185(a) is amended to read:

15 (a) The Department of Community and Economic Development shall set fees
16 under AS 08.01.065 for initial licenses, endorsements, and renewals for the following:

- 17 (1) schools;
- 18 (2) school owners;
- 19 (3) instructor;
- 20 (4) shop owner;
- 21 (5) practitioner of barbering;
- 22 (6) practitioner of hairdressing;
- 23 (7) practitioner of manicuring;
- 24 (8) practitioner of esthetics;
- 25 (9) endorsement for advanced manicurist;
- 26 (10) practitioner of tattooing;
- 27 (11) practitioner of body piercing;
- 28 (12) temporary permit;
- 29 (13) [(11)] temporary license;
- 30 (14) [(12)] student permit.

31 * Sec. 17. AS 08.13.190(a) is amended to read:

1 (a) A person who practices barbering, hairdressing, [OR] esthetics, tattooing,
2 or body piercing, or operates a shop, or operates a school of barbering, hairdressing,
3 or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a
4 license, temporary permit, temporary license, or student permit and who is not exempt
5 under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

6 * Sec. 18. AS 08.13.210 is amended to read:

7 **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary
8 conditions in shops and schools of barbering, hairdressing, manicuring, and esthetics,
9 and in establishments used by practitioners of tattooing and body piercing, shall
10 be supervised by the Department of Environmental Conservation.

11 * Sec. 19. AS 08.13.210 is amended by adding a new subsection to read:

12 (b) The Department of Environmental Conservation may conduct an inspection
13 after a person is licensed to practice tattooing or body piercing to ensure that the
14 practitioner maintains competency in safety, sanitation, and sterilization techniques.
15 If the Department of Environmental Conservation determines that the practitioner has
16 violated a regulation of the board or the Department of Environmental Conservation
17 relating to safety, sanitation, or sterilization requirements, the department shall

18 (1) report the violation to the board;

19 (2) take appropriate action under its own regulations; and

20 (3) assess the cost of the inspection against the practitioner.

21 * Sec. 20. AS 08.13 is amended by adding a new section to read:

22 **Sec. 08.13.215. Addresses of persons licensed for tattooing or body piercing**
23 **on file with board.** Each person licensed for tattooing or body piercing shall maintain
24 and provide to the board the address of the establishment at which the licensee is
25 practicing. If the licensee is nonpracticing, the licensee shall inform the board.

26 * Sec. 21. AS 08.13.220(6) is amended to read:

27 (6) "instructor" means a person who teaches barbering, hairdressing,
28 manicuring, or esthetics in a school or who supervises an apprentice in barbering,
29 hairdressing, or esthetics;

30 * Sec. 22. AS 08.13.220(8) is amended to read:

31 (8) "practitioner" means a person licensed to practice barbering,

1 hairdressing, manicuring, [OR] esthetics, tattooing, or body piercing under this
2 chapter;

3 * Sec. 23. AS 08.13.220 is amended by adding new paragraphs to read:

4 (11) "body piercing" means puncturing the body of a person for a fee
5 by aid of needles or other instruments designed to be used to puncture the body for the
6 purpose of inserting jewelry or other objects in or through the human body, except
7 that, for purposes of this chapter, "body piercing" does not include puncturing the
8 external part of the human ear for a fee;

9 (12) "tattooing" means the process by which, for a fee, the skin is
10 marked or colored by insertion of nontoxic dyes or pigments under the epidermis
11 portion of the skin into the top quarter of the dermis so as to form indelible marks for
12 cosmetic or figurative purposes.

13 * Sec. 24. AS 44.46.020 is amended to read:

14 Sec. 44.46.020. Duties of department. The Department of Environmental
15 Conservation shall

16 (1) have primary responsibility for coordination and development of
17 policies, programs, and planning related to the environment of the state and of the
18 various regions of the state;

19 (2) have primary responsibility for the adoption and enforcement of
20 regulations setting standards for the prevention and abatement of all water, land,
21 subsurface land, and air pollution, and other sources or potential sources of pollution
22 of the environment, including by way of example only, petroleum and natural gas
23 pipelines;

24 (3) promote and develop programs for the protection and control of the
25 environment of the state;

26 (4) take actions that are necessary and proper to further the policy
27 declared in AS 46.03.010;

28 (5) adopt regulations for

29 (A) the prevention and control of public health nuisances;

30 (B) the regulation of sanitation and sanitary practices in the
31 interest of public health;

1 (C) standards of cleanliness and sanitation in connection with
2 the construction, operation, and maintenance of a camp, cannery, food handling
3 establishment, food manufacturing plant, mattress manufacturing establishment,
4 industrial plant, school, barbershop, hairdressing, manicuring, [OR] esthetics,
5 tattooing, or body piercing establishment, soft drink establishment, beer and
6 wine dispensaries, and for other similar establishments in which lack of
7 sanitation may create a condition that causes disease;

8 (D) the regulation of quality and purity of commercially
9 compressed air sold for human respiration.

10 * Sec. 25. AS 44.46.020 is amended by adding a new subsection to read:

11 (b) The department's regulations for tattooing and body piercing establishments
12 must include requirements that

13 (1) the establishment be equipped with appropriate sterilizing
14 equipment, with availability of hot and cold running water, and with an appropriate
15 waste receptacle;

16 (2) the owner of the establishment is responsible for ensuring that case
17 history cards are kept for each client for a period of five years after the client's most
18 recent tattooing or body piercing;

19 (3) a practitioner in the establishment may use only tattooing and body
20 piercing instruments that have been sterilized in accordance with methods approved by
21 the department.

22 * Sec. 26. The uncodified law of the State of Alaska is amended by adding a new section
23 to read:

24 TRANSITIONAL LICENSES. (a) Notwithstanding AS 08.13, as amended by this
25 Act, the Board of Barbers and Hairdressers shall issue a license to practice tattooing or body
26 piercing to a person who

27 (1) submits to the board by July 1, 2001, the proper application and fees;

28 (2) provides to the board satisfactory evidence that the person is 18 years of
29 age or older and has been practicing tattooing or body piercing for a fee for at least 24
30 consecutive months immediately preceding the person's application date; and

31 (3) demonstrates to the board adequate safety, sanitation, and sterilization

1 techniques and knowledge of infection control practices and requirements.

2 (b) In this section,

3 (1) "body piercing" means puncturing the body of a person for a fee by aid of
4 needles or other instruments designed to be used to puncture the body for the purpose of
5 inserting jewelry or other objects in or through the human body, except that, for purposes of
6 this section, "body piercing" does not include puncturing the external part of the human ear
7 for a fee;

8 (2) "tattooing" means the process by which, for a fee, the skin is marked or
9 colored by insertion of nontoxic dyes or pigments under the epidermis portion of the skin into
10 the top quarter of the dermis so as to form indelible marks for cosmetic or figurative purposes.

11 * Sec. 27. The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

13 TRANSITIONAL BOARD MEMBER. Notwithstanding AS 08.13.010, as amended
14 by sec. 3 of this Act, the initial member of the Board of Barbers and Hairdressers who is
15 appointed to fill the seat designated for a person licensed to practice tattooing or body piercing
16 need not be licensed to practice tattooing or body piercing until July 1, 2001.

17 * Sec. 28. The uncodified law of the State of Alaska is amended by adding a new section
18 to read:

19 REGULATIONS. The Board of Barbers and Hairdressers and the Department of
20 Environmental Conservation shall begin the process of developing regulations to implement
21 this Act. A regulation developed under this section takes effect under AS 44.62 but not before
22 the effective date of the law that is implemented by the regulation.

23 * Sec. 29. Except as provided in sec. 30 of this Act, this Act takes effect immediately
24 under AS 01.10.070(c).

25 * Sec. 30. AS 08.13.070, as amended by sec. 6 of this Act, and AS 08.13.190(a), as
26 amended by sec. 17 of this Act, take effect July 1, 2001.

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	JB 34
Amendment	
Motion	Adopt Verbiage
<u>Motion by</u>	SA Murre
<u>Objection</u>	
<u>Objection by</u>	
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	Adopted.

ALASKA STATE LEGISLATURE



Senate Rules Committee

Senate Judiciary Committee

Department of Law
Budget Subcommittee

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Juneau, Alaska 99801
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While in Anchorage
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Anchorage, Alaska 99501
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SENATE MINORITY LEADER

JOHNNY...S

March 30, 2000

Senator John Torgerson, Chair
Senate Finance Committee

and Senate Finance Committee Members

Re: CS for Senate Bill 34: Relating to licensing of the professions of Tattooing and body piercing (Senate Finance working draft) 1-LS0279N

Dear Finance Committee Members:

At the March 21 Senate Finance hearing of CS Senate Bill 34, there were a number of public health and safety questions raised which I have attempted to address in the attached committee substitute. Suggestions for changes were also made by Larry Allen Ungerecht of Anchorage tattoo, Catherine Reardon at the Division of Occupational licensing and Janice Adair at DEC.

Committee members were particularly concerned with beefing up the penalties for both licensed and unlicensed practitioners, making sure there was parental presence required for body piercing and tattooing and that health and safety was adequately addressed as it pertains to infection and needle use. Further, Ms. Adair inspected Mr. Ungerecht's shop in Anchorage, and after a discussion, it was determined that licensing tattooing and body piercing shops would also be necessary to ensure practitioners are working in sterile environments. Sections 1 and 2 attempt to make clear that the cost of DEC's inspections and regulations are included in the fees the Division of Occupational Licensing may set.

Attached please find sectional analyses outlining the new committee substitute. Thank you for your attention this issue.

CS SB 34 Sectional Analysis

3/30/00

- Section 1 & 2. Allows the Department of Commerce and Economic Development's Division of Occupational Licensing to establish fee levels so the total amount of fees collected by the Board of Barbers and Hairdressers (where the new professions of Body piercing and Tattooing will be added) are equal to the total regulatory costs for licensing the new professions— including costs from the DEC, Division of Environmental Health for annual inspections and developing regulations. Requires the license and renewal fees to be the same for all occupations regulated by the board, including body piercing and tattooing.
- Section 3. Adds one person to the Board of Barbers and Hairdressers who shall be a licensed tattooist or body piercist.
- Section 4. **Powers of the board:** Adds body piercing and tattooing as one of the vocations regulated by the Board. Adds a new section requiring the board to develop oral and written instructions and notices advising the public of the health risks and possible consequences of receiving a tattoo or a body piercing. Shop owners and practitioners would be required to give or display the information to clients. Board has the power to suspend or revoke a permit, hold hearings and investigate the practices of body piercing and tattooing shops and practitioners.
- Section 5. **License Required.** Requires a license or temporary permit for practicing tattooing or body piercing and supervising an apprentice of body piercing. Requires the practicing to be done in a licensed shop. Exempts from licensing the right to practice body piercing and tattooing on your own body (AS 08.13.160d). (amendment needed here: page 4, line 3 (remove "or permitted under AS 08.13.160e"))
- Section 6. **Qualification of applicants:** Applicants shall satisfy an apprenticeship, demonstrate to the board adequate knowledge of safety, sanitation and infection control practices and pay a fee to qualify for a license in tattooing or body piercing.
- Section 7. **Apprenticeship requirements:** Requires tattooists and body piercists to be 18 years old and satisfy an apprenticeship of 75 hours in a licensed shop for each vocation, including 12 hours of training to prevent the transmission of diseases and infection. The training can't be completed in less than 6 months or more than a year to qualify for a license.
- Section 8. **License issued to** applicants who satisfy an apprenticeship, demonstrate to the board adequate knowledge of safety, sanitation and infection control practices and pay a fee to qualify for a license in tattooing or body piercing.
- Section 9. License must state the areas of practice the practitioner is qualified to perform.
- Section 10. **License:** Allows tattooists and body piercists licensed in other states to qualify for an Alaska license without an apprenticeship if they have proof of the license and proof of completed training equivalent to Alaska's standards.
- Section 11. Amends current statute to clean up language for barbers, hairdressers and cosmetologists' references to combination licenses. Combination licenses no longer exist.

- Section 12. **Shop license:** Requires tattooing and body piercing establishments to have a shop license. There is no exemption for tattooing and body piercing shops in small communities.
- Section 13. **Grounds for refusal, suspension or revocation of license or permit:** Allows board to refuse, suspend, or revoke a license, student permit, or temporary permit and impose a civil fine of up to \$5,000 for non-compliance with regulations of the board or regulations adopted by the Division of Environmental Health.
- Section 14. **Exempts** from licensing requirements licensed health professionals and those tattooing or body piercing on their own body.
- Section 15. Allows temporary permits for tattooists and body piercists who are licensed in another state but who have not yet received their permanent license. The board shall act on the license application within six months.
- Section 16. (needs amendment) Requires student permits before being apprenticed to a licensed practitioner (in a licensed shop). A body piercist and tattooist student permit is valid for one year.
- Section 17. Adds body piercists and tattooists to list of occupations for which DCED may set licensing and renewal fees.
- Section 18. **Failure to possess a license or permit:** Adds body piercists and tattooists as occupations under AS 08.13.190. Practicing without a permit or license is a class B misdemeanor.
- Section 19. Civil penalty for unregistered or unauthorized practice. Allows board to levy a civil fine of up to \$5,000 for body piercists and tattooists operating without a permit or license.
- Section 20. Sets Department of Environmental Conservation (Division of Environmental Health) as authority of health and sanitary conditions for tattooist and body piercing establishments.
- Section 21. Create a new subsection to allow DEC to conduct annual and complaint-driven inspections of licensed practitioners' establishments to ensure competency in safety, sanitation, and sterilization techniques. If DEC determines there are violations, they can report violations to the board or take action under its own regulations (what are their actions?)
- Section 22. **Health and Safety Notification requirements for tattooing and body piercing:** Adds new section requiring body piercing and tattooist practitioners to give oral and written educational information to a client including aftercare instructions, warnings to consult a doctor for infections, name and address of the shop and signature of client, the names and telephone numbers of (the board) DEC and DCED with explanation of how a complaint about the shop or practitioner may be filed with either entity, and require posting of a sign advising possible health risks of tattooing and body piercing, as approved by the board.
- Tattooing or body piercing on a minor:** Prohibits tattooing on a minor. Allows body piercing on minors only with written permission and the presence of the parent or legal guardian. The practitioner must keep a copy of the permission on file for three years. A person violating this section with "criminal negligence" is guilty of a class B misdemeanor.
- Section 23. Changes definition of instructor to keep instructor exclusively to barbering, hairdressing or cosmetology. No instructors in tattooing and body piercing – only practitioners.

- Section 24. Changes definition of practitioner to include tattooists and body piercing.
- Section 25. **Definitions:** Changes definition of shops to include body piercing and tattooing establishments.
- Section 26. **Definitions:** Defines body piercing and tattooing. Body piercing does not include puncturing the external part of the ear.
- Section 27. Adds tattooing and body piercing establishments so DEC may adopt regulations of standards of cleanliness and sanitation for those establishments.
- Section 28. Adds new subsection requiring that DEC regulations for tattooing and body piercing include requirements for appropriate sterilizing equipment, hot and cold water, waste receptacles, owner responsibility for client history cards for three years, and approved equipment sterilization methods.
- Section 29. **Grandfather rights:** Sets transitional licenses for those who can demonstrate to the board adequate safety and sanitation techniques and knowledge of infection control practices (written or oral test) if the practitioner or establishment has been operating for a fee for at least 12 out of the last 24 months.
- Section 30. Allows the tattooing or body piercing member of the board to be licensed up to July 1, 2002 so that they may transition into the seat without immediately requiring them to have a license at the beginning of the board and licensing.
- Section 31. Directs the Board and DEC to begin process of developing regulations to implement bill.
- Section 32 & 33 Sets this bill to take effect immediately except for licensing requirements, failure to possess a license or permit, notification requirements for health and safety and DEC sterilization regulations, which take effect July 1, 2002.
- Section 34: Civil and criminal penalties in regard to tattooing or body piercing on a minor take effect September 1, 2000.



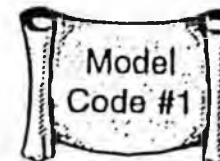
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NEHA Body Art Model Code and Guidelines



Published by the National
Environmental Health
Association



NEHA Body Art Model Code and Guidelines

Body Art Code Committee
National Environmental Health Association

Published by the
National Environmental Health Association

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INTRODUCTION

Peter D. Thornton, BS, MPH, President of the National Environmental Health Association from 1996-97 saw the need for comprehensive, consistent, reasonable, public-health oriented guidelines for the body art industry, whose popularity was sweeping the nation. At the same time state, county and city health departments were trying to address the public health implications and the public's concerns about this unregulated industry. Many states, counties and cities had varying regulations on tattooing, but few had enacted regulations on body piercing, which was increasing exponentially in popularity, much less other body art issues such as scarification and branding. Mr. Thornton saw a critical need for a national public health organization to assume a leading role to propose a Model Code that would, over time, provide a comprehensive approach to body art as well as a consistent and reasonable regulation that hopefully would be adopted throughout the nation. Therefore, as one of his main programs of his presidency, Mr. Thornton appointed knowledgeable environmental and public health professionals as well as professionals in both the public and private sectors throughout the United States and charged us with drafting a Model Body Art Code. This may be the first time NEHA has undertaken and succeeded with such an important project that will have national lasting implications as well as benefit state, county and city health departments, citizens and the body art industry as a profession for years to come.

The concept and final product of this Model Code was enthusiastically endorsed by the three major body art professional organizations, who also had representation and involvement on our committee: The Alliance for Professional Tattooists, The Association of Professional Piercers and The Society of Permanent Cosmetic Professionals. We wish to express our sincere appreciation to these organizations, their members and the contributions everyone has made to make this committee project a reality. It is hoped this document will provide the consistency, reasonableness, enforceability and public health-oriented approach to the regulation of the body art industry that Mr. Thornton envisioned.

National Environmental Health Association

The National Environmental Health Association (NEHA) is the only association at the intersection of the environmental and health professions. Nowhere else will you find representatives from all areas of environmental health, including food protection, hazardous waste, onsite wastewater, air quality, epidemiology, etc. — in both the public and private sector. Some of the services NEHA provides its members include:

- Free subscription to *Journal of Environmental Health*
- Free membership directory on disk
- Discounts on credential fees (Currently NEHA offers six nationally recognized credentials)
- *environment news digest (e.n.d.)* subscription at a significant discount
- *Best Practices* subscription at a significant discount
- Discounts on registration fees for NEHA's Annual Educational Conference & Exhibition
- Discounts on invaluable reference materials
- CE contact hours
- Discounts on individualized resume services
- Discounts on United Artists movie theater tickets
- Discounts on rental car services from four major providers
- Discounts from Airborne Express
- Discounts on imaging supplies
- Opportunities to reduce your auto, homeowners or renters insurance premium through American Express
- Discounts of up to 50% on hotel and resort stays through Quest Hotel Savings Program
- Discounts of up to 40% on medication at over 35,000 chain and independent pharmacies nationwide
- Discounts of up to 20% on Environmental Health Information Service subscription packages
- Eligibility to join Metrum Community Credit Union
- Discounts on fax broadcasting services
- Discounts on a variety of service plans
- Added benefits when you become an NEHA Educational Member or NEHA Sustaining Member.

For more information on how you can become a member of the National Environmental Health Association, please access fax-on-demand document #206 by dialing 303-756-9090 and selecting option #5, or call a NEHA Customer Service Representative at 303-756-9090, ext. 9.

XVIII. INTERPRETATION AND SEVERABILITY

18.1 In the interpretation of this Code, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

18.2 In the event any particular clause or section of this Code should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

The 21 members of this committee representing all facets of the public and private sectors were:

Paul R. Fell, RS, MS, Volusia Co. Health Dept., Daytona Beach, Florida -
Chairman
Edith Culler, Environmentalist III, Florida State Department of Health,
Tallahassee, Florida
Phillippa Polnton, RN, REHS, Clark County Health District, Las Vegas,
Nevada
Richard Zipin, Chief, Environmental Engineering, Philadelphia Dept. of
Public Health, Philadelphia, Pennsylvania
Frank C. Gomez, Dr. of Public Health, Monterey Park, California
Joff Buckingham, Washoe County District Health Dept., Reno, Nevada
Leisa Cook, Training Officer, Oregon Health Division, Portland, Oregon
Susan Wilson, Licensing Programs, Oregon State Health Dept., Salem,
Oregon
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Cleveland, Ohio
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Wisconsin
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Society of Permanent Cosmetic Professionals, Minneapolis, Minnesota
Myrna Armstrong, Ed.D, RN, Texas Tech University, School of Nursing,
Lubbock, Texas
Bob Montagna, Past President, Alliance of Professional Tattooists,
Malagna, New Jersey
Al D. Sowers, Board Member of Association of Professional Piercers,
Seattle, Washington
Samantha Caruthers, Permanent Make-up, Inc., Wichita, Kansas
Susan Preston, Professional Program Insurance Brokerage, Novato,
California
Jack Ward, M.D., Orthopedic Oncologist, Shreveport, Louisiana
Allen Halper, Office of Colors and Cosmetics, Food and Drug
Administration, Washington, D.C.*
Walter W. Bond, M.S., Deputy Chief, Hospital Environment Laboratory
Branch, Hospital Infections Program, National Centers for Disease
Control, Centers for Disease Control and Prevention, Atlanta, Georgia*

* These members participated as individuals and in no way connotes any agency review or approval of this document.

All of the members worked very hard on this Model Code. We hope that this document will assist you in enacting comprehensive, reasonable, enforceable, public health-oriented body art regulations in your jurisdiction. Speaking for the NEHA Body Art Committee, it was indeed a pleasure to serve on this committee and we look forward to future such projects by NEHA as the public health arena continues to expand.

Paul R. Fell, RS, MS, Chairman

This "Model Code" outlining specific guidelines and recommendations for body art and the body art industry was developed under the auspices of the National Environmental Health Association (NEHA) by a select panel of environmental and public health officials from both public and private sectors as well as, representatives from the body art industry. This was done in response to the increasing popularity of body art and the significant public health concerns arising from this unregulated industry providing these services to millions of Americans.

The resulting model code is purely advisory in nature. It is intended as a professional guidance document containing recommendations for health officials wishing to regulate the body art industry in their respective jurisdictions by establishing public health criteria and recommendations for operators to safely provide body art services to the general public.

NEHA shall in no way assume any liability for any act arising from the implementation of these recommendations or out of any failure to adopt any provision of the model code. No warranty on the part of NEHA, either expressed or implied shall arise out of providing any of the procedures described in this code without regard to whether or not they were provided in accordance with any recommendation contained in this code.

Finally, NEHA assumes no liability and shall be held harmless from liability from any cause of action arising from the adoption of the model code in whole or in part, nor from the provision of any procedure described within the code.

16.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, and the submission of the appropriate re-inspection fees, the Department shall reinspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this Code, the permit will be reinstated.

16.4 For repeated or serious (any code infraction that threatens the health of the client or operator) violations of any of the requirements of this Code or for interference with Department personnel in the performance of their duties, its permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.

16.5 The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.

16.6 The hearings provided for in this section must be conducted by the Department at a time and place designated by the operator. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

XVII. DEPARTMENT PERSONNEL COMPETENCY REQUIREMENT

Department personnel performing environmental health/sanitary evaluations or complaint investigations of Body Art establishments shall meet the same requirements as specified for operators/technicians in Section 11.20 of this Code prior to assuming responsibilities for this program.

15.5 If, after investigation, the Department should find that a permittee or operator is in violation of this Code, the Department may, in the alternative, advise the permittee or operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed thirty (30) days.

15.6 If the Department has reasonable cause to suspect that a communicable disease is, or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:

a) Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.

b) Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

XVI. SUSPENSION OR REVOCATION OF PERMITS

16.1 Permits issued under the provisions of the Code may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Code.

16.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Code, the operator must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.

BASIC TENETS AND PROVISIONS OF THE NEHA BODY ART MODEL CODE

We, the members of the NEHA Body Art Model Code Committee, believe the following tenets and provisions should be addressed and incorporated into any body art regulation in order to be effective and protect the public health, safety and welfare:

1. Body Art is fast becoming prevalent and popular in all communities. As used in this Model Code, body art includes body piercing, tattooing, permanent cosmetics, branding and scarification. We consider implants under the skin, currently known as 3-D body art, as a medical procedure and should not be performed in a body art establishment. Injuries, infections and occasional disease transmissions are occurring as a result of improper body art or aftercare procedures. Many individuals believe that these establishments are inspected and monitored by some regulatory/health authority. In many states, especially in the case of body piercing, they are not inspected, monitored or regulated. This situation was one of the main reasons for this code.
2. If the mission of a health authority is to prevent disease and improve the health of its citizens, it is incumbent upon health authorities to address this emerging health issue.
3. A body art regulation should be a comprehensive rather than a piecemeal approach, addressing all forms of body art. Contrary to public thought, body art is not a fad and it will not quietly go away. Rather, it's becoming mainstream in our society and new forms and expressions of body art are emerging all the time, thus requiring vigilance on the part of public health officials and updates and revisions to any body art code.
4. The environmental health sections of Health Departments, with their public health training and regulatory functions, should promulgate rules and administer this program. If at all possible, these regulations should be statewide in order to promote consistency.
5. A permitting program of both the body art establishment and the operator(s)/technician(s) is often regarded as the most effective means to administer and regulate this program.

6. Body art operators should be required to demonstrate knowledge, skills and ability in body art, through proof of attendance of professional courses or certifications, as well as knowledge/proficiency in subjects such as anatomy, universal precautions, disease transmission, skin diseases, sterilization procedures, etc.

7. Individuals under 18 years of age desiring body art, should have the written consent and presence of a parent or legal guardian. Many body art professionals have individual policies of not performing body art on anyone under 18 years of age, regardless of consent.

8. Body art clients should receive verbal and written health educational information from the operator in order to make an informed decision prior to the body art procedure, as well as written information regarding the client's responsibilities for after care of the body art. Placards posted in all body art establishments giving the name, address and phone number of the local health authority should be required for the public to report complaints or seek additional information.

9. To protect both the client and the body art operator, certain information should be disclosed by the client to assist the operator/technician in evaluating the proper healing of the body art procedure. This should be done in such a manner so that the rights of the client are not violated. These records should be kept confidential and will be available for review by the Health Department upon request. These records will include information on the body art performed, the location on the body, date performed, name of operator/technician, record of aftercare information given.

10. Knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of operators/technicians should be demonstrated to prevent the transmission of disease or injury to the client.

11. Body art establishments should meet minimum sanitary establishment requirements to assure the client and operator of a clean, hygienic environment. Health Department Plan reviews (e.g. an examination of an establishment's floor plan to ensure that physical elements of a facility are in compliance with various code requirements) of new body art establishments should also be required.

12. All body art operators/technicians should be offered the hepatitis B vaccine series, with recognition of their right of refusal. Employers should be encouraged to require the vaccine series as a pre-employment consideration.

XIV. PROHIBITIONS

The following acts are prohibited:

14.1 Performing body art on any body part of a person under the age of 18 without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body artist or responsible person at the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. Photographic identification of the parent or legal guardian is required.

14.2 Performing body art on a person who, in the opinion of the operator is inebriated or appears to be under the influence of alcohol or drugs.

14.3 Owning, operating or soliciting business as a body art establishment or operator without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this Code.

14.4 Obtaining or attempting to obtain any body art establishment or operator permit by means of fraud, misrepresentation or concealment.

XV. ENFORCEMENT

15.1 Establishments operating at the time of the enactment of this code shall be given a prescribed amount of time to make application to the Department and comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

15.2 A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this Code.

15.3 It is unlawful for any person to interfere with the Department in the performance of its duties.

15.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment, with the Department retaining possession of the original.

13.5 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from the culinary or domicile areas.

13.6 The mobile body art establishment shall be equipped with an equipment washing sink and a separate handsink for the exclusive use of the operator/technician for handwashing and preparing the client for the body art procedures. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and tank storage (gallons) of the tank(s) shall also be identified. Tuberculocidal single use hand wipes, approved by the Department, to augment the hand washing requirements of this section, must be available.

13.7 All liquid wastes shall be stored in an adequate storage tank with a capacity of at least fifty (50) percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

13.8 Restroom facilities must be available within the mobile body art establishment. A handsink must be available inside the restroom cubicle. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.

13.9 All body art operators/technicians working in a mobile body art establishment must have an operator permit and comply with the operator requirements of this Code.

13.10 No animals, except service animals of clients shall be allowed in the mobile body art establishment at any time

Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.

All mobile body art establishment and operator's permits and the disclosure notice must be readily seen by clients.

13. All body art establishments should be equipped with approved autoclaves, complete with operating instructions and should be monitored monthly using an appropriate biological indicator and submitted to an independent laboratory. Dry heat sterilizers may be used, if approved by the local Health Department.

14. Permits and requirements for mobile, temporary body art establishments as well as body art booths at demonstration projects or fairs are also addressed.

15. Enforcement procedures are addressed in this code. Emphasis should be directed towards body art operations that do not obtain permits or which violate the regulation.

16. While the definition of body art includes but is not limited to tattooing, body piercing, branding and scarification, implants under the skin, currently known as 3-D body art, are considered as medical procedures which should not be performed in a body art establishment.

17. This model code does exempt the piercing of the outer perimeter and lobe of the ear from these regulations for two reasons: 1) The lack of current epidemiological evidence of disease transmission or conclusive medical evidence of cartilage injury due to the use of ear piercing guns on the outer perimeter and lobe of the ear; and 2) the considerable additional work load impact upon health department staff could not be effectively justified on a cost/benefit analysis insofar as disease or injury prevention activities are concerned. (While not requiring a training class for upper perimeter ear and ear lobe piercers using ear piercing guns, one is nonetheless advised.)

18. A body art regulatory program should be self-supported with an appropriate fee schedule from plan reviews as well as establishment, operator/technician and temporary permits.

Lastly, but most importantly, any jurisdiction considering regulating the body art profession may use all or part of this Code to suit their community needs and manpower capabilities. It is not an all or nothing situation, but rather this committee's recommendations for what we believe should be included in a comprehensive approach to meet the challenges of this emerging industry.

Since the body art profession and its various forms are ever-changing and evolving, we realize this Model Code is not written in stone. Therefore, the NEHA Board of Directors will continue to revise and update this code to assist jurisdictions in incorporating material from the Code into their regulatory programs.

- d) Facilities to properly sterilize instruments— evidence of spore test performed on sterilization equipment thirty (30) days or less prior to the date of the event, must be provided; or only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed;
- e) Ability to properly clean and sanitize the area used for body art procedures.

12.5 The facility where the temporary demonstration permit is needed must be inspected by the Department and a Permit issued prior to any body art procedures being performed.

12.6 Temporary demonstration permits issued under the provisions of this Code may be suspended by the Department for failure of the holder to comply with the requirements of this Code.

12.7 All establishment and operator permits and the disclosure notice must be readily seen by clients.

XIII. MOBILE BODY ART ESTABLISHMENTS

In addition to complying with all of the requirements of this Code, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:

13.1 Mobile body art establishments are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 days prior to the event, and no body art procedures are to be performed prior to a permit being issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

13.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile-home. No body art procedures shall be performed outside of the enclosed vehicle.

13.3 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Operable windows shall have tight-fitting screens.

13.4 Mobile body art establishments must have approved sterilization equipment available, in accordance with all requirements of the Section VIII, Sanitation and Sterilization Procedures.

(e) The temporary establishment/operator license(s) shall not be transferable from one place or person to another.

(f) The temporary establishment/operator license shall be posted in a prominent and conspicuous area where they shall be readily seen by clients.

XII. TEMPORARY DEMONSTRATION PERMIT REQUIREMENTS

12.1 A temporary permit may be issued by the Department for educational, trade show or product demonstration purposes only. The permit may not exceed fourteen (14) calendar days.

12.2 A person who wishes to obtain a temporary demonstration permit must submit the request in writing for review by the Department, at least thirty (30) days prior to the event. The request should specify:

- a) The purpose for which the permit is requested;
- b) The period of time during which the permit is needed (not to exceed fourteen (14) calendar days per event), without re-application;
- c) The fulfillment of operator requirements as specified in section XI, subsection C;
- d) The location where the temporary demonstration permit will be used.

12.3 The applicant's demonstration project must be contained in a completely enclosed, non-mobile facility (e.g. inside a permanent building).

12.4 Compliance with all of the requirements of this Code, including but not limited to:

- a) Conveniently located handwashing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Tuberculocidal single use hand wipes, approved by the Department, to augment the handwashing requirements of this section must be available in each booth/cubicle;
- b) A minimum of eighty (80) square feet of floor space;
- c) At least one hundred (100) foot candles of light at the level where the body art procedure is being performed;

NEHA BODY ART MODEL CODE AND GUIDELINES

I. DEFINITIONS

The following terms used in these regulations shall be defined as follows:

1.1 **AFTERCARE** means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.

1.2 **ANTISEPTIC** means an agent that destroys disease causing microorganisms on human skin or mucosa.

1.3 **BODY ART** means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, and shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this Code, piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

1.4 **BODY ART ESTABLISHMENT** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

1.5 **BODY PIERCING** means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

1.6 **CONTAMINATED WASTE** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

1.7 **COSMETIC TATTOOING** see TATTOOING.

1.8 **DEPARTMENT** means the agency, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.

1.9 **DISINFECTION** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

1.10 **EAR PIERCING** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

1.11 **EQUIPMENT** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

1.12 **HANDSINK** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

1.13 **HOT WATER** means water which attains and maintains a temperature of at least 100° F.

1.14 **INSTRUMENTS USED FOR BODY ART** means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during body art procedures.

1.15 **INVASIVE** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

1.16 **JEWELRY** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

11.11 No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this Code.

11.12 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this Code.

11.13 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

C. Temporary Establishment/Operator Permit

11.14 Temporary establishment and, when required, operator permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or for educational reasons.

(a) Temporary operator and/or establishment permits will not be issued unless:

- (1) the applicant furnishes proof of compliance with sections A and B above relating to operator's permits and/or
- (2) the applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate State and/or local jurisdiction; and
- (3) the temporary site complies with section 14, Temporary Establishment Requirements, of this regulation.

(b) In lieu of attendance at a bloodborne pathogens training program given by the Department within the past three (3) years as specified in Section B above, the applicant may furnish proof of attendance at equivalent training which is acceptable to the Department.

(c) Temporary permits expire after fourteen (14) days or the conclusion of the special event, whichever is less.

(d) Temporary operator and/or establishment license will not be issued unless the applicant has paid a reasonable fee as set by the Department.

11.6 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this Code.

B. Operator Permit

11.7 No person shall practice body art procedures without first obtaining an operator permit from the Department. The Department shall set a reasonable fee for such permits.

11.8 The operator permit shall be valid from the date of issuance and shall automatically expire in 2 (two) years from the date of issuance unless revoked sooner by the Department in accordance with Section 13.

11.9 Application for operator permits shall include:

- a.1 Name;
- a.2 Date of birth;
- a.3 Sex;
- a.4 Residence address;
- a.5 Mailing address;
- a.6 Phone number;
- a.7 Place(s) of employment as an operator;
- a.8 Training and or experience;
- a.9 Proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department.

11.10 Demonstration of knowledge of the following subjects: i) Anatomy; ii) Skin diseases, disorders, and conditions (including diabetes); iii) Infectious disease control including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques; iv) facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or successful completion of an examination approved or given by the Department with a passing grade of 70 percent, attained prior to issuance of the operators permit. Examples of courses approved by the Department would include such courses as Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted to the department for approval.

1.17 **LIQUID CHEMICAL GERMICIDE** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500ppm, 1/4 cup/gal. or 2 tablespoons/quart of tap water).

1.18 **OPERATOR/TECHNICIAN** means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

1.19 **PERMIT** means written approval by the Department to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Jurisdiction.

1.20 **PERSON** means an individual, any form of business or service organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

1.21 **PHYSICIAN** means a person licensed by the state to practice medicine in all its branches and may include other areas such as dentistry, osteopathy or acupuncture, depending on the rules and regulations particular to that state.

1.22 **PROCEDURE SURFACE** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.

1.23 **SANITIZE/SANITIZATION PROCEDURE** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

1.24 **SHARPS** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

1.25 **SHARPS CONTAINER** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

1.26 **SINGLE USE** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

1.27 **STERILIZATION** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

1.28 **TATTOOING** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

1.29 **TEMPORARY BODY ART ESTABLISHMENT** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

1.30 **UNIVERSAL PRECAUTIONS** means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

* need more sinks

10.7 A separate, readily accessible, handsink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One handsink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

10.8 At least one ^{appropriate} covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

10.9 All instruments and supplies shall be stored in clean, dry and covered containers.

10.10 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

XI. PERMIT REQUIREMENTS

A. Establishment Permit

11.1 No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body art establishment unless it has received a body art establishment permit from the Department.

11.2 Any person operating a body art establishment shall obtain an annual permit from the Department.

11.3 The applicant shall pay a reasonable fee as set by the Department for each body art establishment permit.

11.4 A permit for a body art establishment shall not be transferable from one place or person to another.

11.5 A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

NO
Needles

X. REQUIREMENTS FOR PREMISES

10.1 Body art establishments applying after adoption of this Code shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the Permit Application process. The Department may charge a reasonable fee for this review.

10.2 All walls, floors, ceilings and all procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

10.3 Effective measures shall be taken by the body art operator to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Insects, vermin and rodents shall not be present in any part of the establishment, its appurtenances or appertaining premises.

10.4 There shall be a minimum of forty five (45) square feet of floor space for each operator in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains or partitions, at a minimum.

10.5 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

10.6 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g. seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.

II. BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS

2.1 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

- a.1 Full names and exact duties;
- a.2 Date of birth;
- a.3 Gender;
- a.4 Home address;
- a.5 Home/work phone numbers;
- a.6 Identification photos of all body art operator/technicians.

- b.1 Establishment name;
- b.2 Hours of operation;
- b.3 Owner's name and address.

c. A complete description of all body art procedures performed.

d. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

e. A copy of these regulations.

2.2 It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.

2.3 The body art operator/technician must be a minimum of eighteen years of age.

2.4 Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed.

2.5 Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.

2.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technician must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

2.7 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or contact with a third person. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client and hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

2.8 If, while performing a body art procedure the operator's/ technician's glove is pierced, torn or otherwise contaminated, the procedure in 2.7 and 2.8 shall be repeated immediately. The contaminated gloves shall be immediately discarded and the hands washed thoroughly (see 2.7 above) before a fresh pair of gloves are applied. Any item or instrument used for body art which is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

2.9 Contaminated waste, as defined in this Code, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030 whichever is less.

0.6 All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medical-ly recognized techniques to ensure that the instruments and gloves are not contaminated.

0.7 All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

IX. REQUIREMENTS FOR SINGLE USE ITEMS

0.1 Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers.

9.2 All products applied to the skin, including body art stencils shall be single use and disposable. Acetate stencils shall be allowed for re-use if sanitization procedures (see definition 1.23) are performed between uses if approved by the Department. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

VIII. SANITATION AND STERILIZATION PROCEDURES

8.1 All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or follow the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which will also be operated in accordance with manufacturer's instructions.

8.2 After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 8.3). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.

8.3 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of their sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

8.4 Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

8.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

2.10 No person shall perform any body art procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial parent or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.

2.11 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

2.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that they could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

2.13 Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

III. EXEMPTIONS

3.1 Physicians licensed by the State of _____, who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.

3.2 Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations. Individuals who use ear piercing systems must conform to the manufacturer's directions on use and applicable U. S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.