

RULES AND REGULATIONS PERTAINING TO  
PERMANENT COSMETIC AND TATTOO ESTABLISHMENTS

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SECTION I. AUTHORITY

The following Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913 as amended, the same being Ark. Code Ann. § 20-7-109.

## SECTION II. PURPOSE

To protect the health of the citizens of Arkansas by establishing criteria for the application of permanent cosmetics and tattooing, to require certification of artists and establishments and require inspections of such establishments.

## SECTION III. DEFINITIONS

For the purposes of these Regulations, the following words and phrases when used herein shall be construed as follows:

A. **Apprentice** shall mean any person who is training under the supervision of a certified permanent cosmetic or tattoo artist or physician but cannot independently perform the work of permanent cosmetic application or tattooing.

B. **Aseptic Technique** shall mean the practice which prevents or hinders the transmission of disease-producing microorganisms from one person or place to another person or place.

C. **Artist** shall mean any person who actually performs the work of the application of permanent cosmetics or tattooing, except a duly licensed physician.

D. **Department** shall mean the Arkansas Department of Health or its authorized agent.

E. **Establishment** shall mean any place or facility where the application of permanent cosmetics or the art of tattooing is performed.

F. **Health Officer** shall mean the Director of the Arkansas Department of Health or his/her duly authorized representative.

G. **Permanent Cosmetics** shall mean the application of permanent or semi-permanent pigmentation to the face for cosmetic purposes or to any part of the body for scar coverage or other corrective purposes by the penetration of the skin with a needle or other instrument.

H. **Procedure(s)** shall mean the act of applying permanent cosmetics or tattooing.

I. **Single service** shall mean articles intended for one-time, one-person use and then discarded.

J. **Tattoo** shall mean any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by introducing pigments, or by the production of scars to form indelible marks with the aid of needles or other instruments.

K. **Operator** shall mean any person who owns, controls, operates, conducts or manages any permanent cosmetic or tattoo establishment, whether actually performing the work of tattooing or not.

## SECTION IV. ARTIST CERTIFICATION.

A. No person except a duly licensed physician shall engage in the practice of the application of permanent cosmetics or tattooing or act as a permanent cosmetic or tattoo artist unless he or she holds a permanent cosmetic or tattoo artist certification issued by the Health Officer.

B. These Rules and Regulations are not applicable to any establishment under the control or direction of a duly licensed physician nor do they apply to licensed medical hospitals and similarly licensed medical institutions.

C. The following requirements must be completed before any individual shall receive a tattoo artist certification:

1. An application for a tattoo artist certification shall be filed with the Department.
2. Successful completion of a written examination given by the Department of Health. This examination shall be based on the Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments. It shall insure the applicant has knowledge of bacteriology and proper technique, to assure that infection and contagious disease shall not be spread.
3. The applicant shall meet all the current applicable requirements of the Rules and Regulations Pertaining to the Control of Communicable Diseases.
4. Completion of no less than six (6) months apprenticeship. Apprentices for tattooing shall train in a certified shop under a currently certified tattoo artist who has been certified and operating in compliance with the Regulations in the State of Arkansas for a period of not less than three (3) years.

D. The following requirements must be completed before any individual shall receive a permanent cosmetic artist certification:

1. An application for a permanent cosmetic artist certification shall be filed with the Department.
2. The applicant must be a high school graduate or equivalent.
3. The applicant must successfully complete a written and practical examination designed by the Department. This examination shall be based on the Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments. It shall insure the applicant has sufficient knowledge of bacteriology, anatomy of the face and proper technique to assure that infection and contagious disease shall not be spread.
4. The applicant shall have a health evaluation that includes:
  - (a) Establishing that he or she is not suffering from hepatitis, or other communicable diseases designated by the Department;
  - (b) Adequate vision;
  - (c) Adequate color vision.
5. Completion of no less than six (6) months apprenticeship. Apprentices for permanent cosmetics shall train in a certified shop under a currently certified permanent cosmetic or tattoo artist who has been certified and operating in compliance with the Regulations in the State of Arkansas for a period of not less than three (3) years.

E. No reciprocity will be granted to artists certified or licensed in other states.

#### SECTION V. ARTIST RENEWAL REQUIREMENTS

Any artist certified by the Arkansas Department of Health at the time of the effective date of this regulation will be exempt from the requirements for apprenticeship.

Artist's certifications shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of the Rules and Regulations Pertaining to the Control of Communicable Diseases.

#### SECTION VI. ESTABLISHMENT SANITATION CERTIFICATION.

A. No person shall operate a permanent cosmetic or tattoo establishment unless the shop has received a Certificate of Sanitation from the Health Officer. No certificate shall be issued or

renewed unless the shop has been inspected and found to be in compliance with the provisions of these Rules and Regulations.

B. The certificate shall expire on December 31 of each year. Renewal inspections shall be conducted by the Department.

C. No holder of any certificate of sanitation shall allow a permanent cosmetic or tattoo artist to perform in his/her tattoo shop unless the artist is the holder of a valid permanent cosmetic or tattoo artist certification issued under Section II of these Rules and Regulations.

D. It shall be the duty of the operator or owner of the establishment to post the current certification in a conspicuous place where it may be readily observed by the public.

#### SECTION VII. GENERAL PHYSICAL ENVIRONMENT.

A. Each establishment shall have a work room which is separate and apart from a waiting room or area. This room shall not be used as a corridor for access to other rooms. Patrons shall be tattooed or have permanent cosmetics applied only in the work room.

B. The floor of the work room shall be constructed of impervious materials and shall be, at all times, maintained in a clean condition. Floors shall be swept and wet-mopped daily. The walls and ceilings shall be of light color and be maintained in good repair and shall be of such materials to be easily cleanable. Floors, walls or ceilings shall not be swept or cleaned while permanent cosmetics are being applied or anyone is being tattooed.

C. The establishment shall have adequate light and ventilation.

D. Light fixtures, decorative materials and similar equipment attached to the walls or ceilings shall be kept clean.

E. The building and equipment shall be maintained in good repair at all times. All parts of the shop and its premises shall be kept clean, neat, and free of litter and rubbish.

F. A lavatory with hot and cold running water shall be located in the work room. The lavatory shall be for the exclusive use of the artists for washing their hands and preparing the customer. It shall be equipped with controls which provide for wrist action, soap, approved germicidal solution, individual hand brushes and fingernail files for each artist.

G. A toilet and lavatory shall be located in the establishment and be accessible to patrons. All plumbing shall meet the requirements of the Arkansas State Plumbing Code. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair.

H. Single service paper towels or mechanical means for hand drying shall be provided.

I. Adequate cabinets for the storage of instruments, dyes and pigments, carbon, stencils and other materials used in the procedures shall be provided.

J. An adequate number of work tables shall be provided for each artist. The surface of all work tables shall be constructed of metal or other material which is easily cleanable, smooth, light colored, non-absorbent, corrosive-resistant, and easily sanitized.

K. The shop shall have sufficient covered waste receptacles for the disposal of waste materials.

## SECTION VIII. SANITARY FACILITIES.

A. Water supply. The water supply shall be adequate, of a safe sanitary quality and meet the current requirements of the Department's Rules and Regulations Pertaining to Public Water Supplies.

B. Sewage. All water carried sewage shall be disposed of by means of:

1) A public sewerage system; or

2) An approved individual sewage disposal system which is constructed and operated in conformance with the standards established by the Arkansas State Board of Health.

## SECTION IX. OPERATION STANDARDS.

A. Record Keeping. The operator shall maintain proper records on each patron. These records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by the Health Officer. The records shall be preserved for at least two (2) years from the date of the last entry. The records shall contain the following information:

1. The date the procedure was performed.

2. The name, address, date of birth and age of the patron.

3. The branch of service, rate or rank and serial number of the patron if in the armed services.

4. The design and location of the tattoo, or the cosmetic procedure applied.

5. The name of the artist.

6. The signature of the patron.

In the event of a change of ownership or closing of the establishment, all records shall be made available to the Health Officer.

B. Consent Required for Minors. No application of permanent cosmetics or tattoo shall be administered to any person less than 18 years of age without written consent of the parent or guardian. The consent shall be on such forms approved by the Health Officer and shall be presented to the operator by the parent or guardian. The records of the written consents shall be kept on file for two (2) years by the operator and shall be available at the time of inspection. Whenever there is doubt about age, the operator shall obtain proof of age verification by driver's license or other adequate record.

C. Patron Information. Before applying permanent cosmetics or administering a tattoo, a discussion of the risks involved and possible complications shall be conducted by the artist or operator. The patron must be advised that the procedure should be considered permanent and that it can be removed only by a surgical procedure and that any effective removal may leave permanent scarring. A written cautionary notice to that effect shall be furnished to and signed by the patron and retained on file at the establishment.

After the procedure is complete, written (printed or photocopied) instructions, approved by the Health Officer, on the care of the skin to prevent infection, shall be given to each patron. A copy of these instructions shall also be posted in a conspicuous place in the establishment.

D. Patch Test for Sensitivity. The patch test shall be administered upon request by the patron or whenever the artist determines through discussion with the patron that a patch test for sensitivity to the pigments to be used is warranted).

E. Suspected Infections To be Reported. All infections suspected from the application of permanent cosmetics or tattooing which become known to the artist/operator shall be reported to the Health Officer within 24 hours and the infected patron shall be referred to a physician.

#### SECTION X. RESTRICTIONS CONCERNING APPLICATION OF PERMANENT COSMETICS OR TATTOOING.

Application of permanent cosmetics or tattooing shall be prohibited under the following circumstances:

A. No application of permanent cosmetics or tattooing shall be done on the person of anyone having a history of jaundice or similar disease, and each patron shall be questioned.

B. No application of permanent cosmetics or tattooing shall be done on the person of any individual who is obviously under the influence of drugs or intoxicating liquor.

C. No person suffering from any rash, skin lesion or any skin disease or possible communicable disease shall be applied with permanent cosmetics or tattooed. The skin surface shall be free from rash, pimples, infection or recent scar tissue.

D. No person with any disease in a communicable form or suspected of having such a disease shall perform the application of permanent cosmetics or tattooing. Such disease may include but shall not be limited to the common cold, influenza, tuberculosis, scabies, impetigo, syphilis, chickenpox, measles (rubella), mumps, whooping cough, hepatitis, infection on the hands or arms, sore throat or jaundice of the skin or sclera. The Health Officer may require a certificate signed by a duly licensed physician stating the person is free from communicable diseases before permission to resume operation is granted.

E. No existing tattoo or permanent cosmetic shall be abraded or treated with chemicals for the purpose of removing except by a licensed physician. Any attempt by an artist to perform a removal procedure shall result in the immediate suspension of the artist's or the establishment's sanitation certificate. This section does not intend to prohibit the coverup of existing tattoos with additional design pattern or application of permanent cosmetics.

F. No pigment disapproved by the Food and Drug Administration shall be used for permanent cosmetics or tattooing. Ingredients contained in the pigments must be provided by the manufacturer to the Department upon request.

G. The use of a straight razor is prohibited. Only single service disposable razors shall be used for shaving purposes.

H. No rusty, faulty or non-sterile needles shall be used.

I. No person shall allow or perform the tattooing of animals in a shop certified and used for applying permanent cosmetics or tattooing human beings.

#### SECTION XI. ASEPTIC PROCEDURES.

A. The artist shall wear a clean outer garment.

B. Before working on each patron, the artist shall clean his/her fingernails with his/her individual nail file and shall thoroughly wash and scrub his/her hands with hot running water, an approved soap and his/her individual hand brush. He/she shall not allow his/her hands to dry without the use of a single service use hand towel or approved mechanical means.

The area of the patron's skin to which pigment is to be applied shall be prepared by washing with hot water and approved germicidal soap. When it is necessary to shave the area, single service disposable razors shall be used. Following shaving, the skin must be gently scrubbed with 70% isopropyl alcohol or other approved germicidal solution, using a disposal sterile gauze pad or sponge.

C. Following the cleaning and the shaving of the patron's skin, the artist shall again wash and scrub his/her hands and put on disposable gloves.

During any phase of the procedure, should the artist be interrupted for other duties, i.e., answering the phone, etc., the artist shall wash his/her hands as required in Section VIII B. before resuming the procedure. A new pair of gloves shall be used.

D. Only petroleum jelly as listed in the United States Pharmacopoeia or National Formulary shall be applied to the area to be tattooed and it shall be in a collapsible metal or plastic tube. The application may be spread by the use of sterile gauze or sterile tongue depressors but not directly with the fingers.

E. When acetate stencils are used for transferring the design to the skin, stencils shall be thoroughly cleaned and rinsed in an approved germicidal solution for at least twenty (20) minutes and then they shall be dried with sterile gauze or air dried before each use.

When stencils are not used and the design is transferred during hectograph and tracing paper or duplicating carbon methods, the paper or duplicating master shall not be reused.

F. In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used. Single service or individual portions of pigments in clean sterilized containers or single service containers shall be used for each patron. Upon completion, the remaining unused pigments shall be discarded. Any pigment in which the needles were dipped shall not be used on any person. Where pigment mixing is necessary to achieve the correct color and follow-up touch-ups may be required (permanent cosmetics), the original container of mixed pigment may be kept but only single service individual portions of the mixture used during the procedure.

G. Excess pigment shall be removed from the skin with an individual sterile gauze or sponge which shall be used only on one patron and then discarded.

H. The completed tattoo shall be washed with a piece of sterile material saturated with an approved germicidal solution. It shall be allowed to dry. After drying, antibacterial ointment shall be applied from a collapsible metal or plastic tube or single use packet and the entire area covered with a piece of nonstick sterile bandage which may in turn be covered with a piece of tissue and fastened to the site with an approved type of adhesive.

The area of permanent cosmetic application shall be washed with an approved germicidal solution and allowed to dry. Antibacterial ointment and where feasible, a nonstick sterile bandage shall be applied.

I. A new pair of disposable gloves shall be used by the artist for each patron.

J. All work tables and chairs used in the procedure shall be constructed of a material allowing easy and thorough cleaning. All surfaces, work tables, and patron chairs must be disinfected before each new patron is seated. Appropriate solutions are a 1:10 dilution of household bleach and water or other approved surface sanitizer.

## SECTION XII. EQUIPMENT.

A. A set of individual wrapped sterilized needles shall be used by the artist for each new patron. Not less than 24 sets of sterilized needles and tubes or tips must be on hand for the entire day or night operation.

B. All needles shall be cleaned thoroughly before autoclaving. The use of an ultrasonic cleaner is recommended to remove blood, pigments and other foreign matter from the needles and tubes. The tubes and needles shall be run in the heated solution for a period of not less than 15 minutes and then thoroughly rinsed prior to autoclaving.

C. Sterilization of needles and tubes shall be accomplished by:

1. Holding in an approved autoclave for thirty (30) minutes at fifteen (15) pounds pressure at a temperature of 248 degrees F. or 120 degrees C. The use of approved autoclave packaging is required. The date the procedure is performed shall be written on the packaging. Indicator tapes or strips for checking temperature shall be provided each time the autoclave is used.
2. Culture testing of sterilization equipment, using appropriate microbial spore strips, shall be required when deemed necessary by the Health Officer.
3. Approved closed cabinets for the storage of instruments, dyes, pigments, stencils, duplicating masters and other paraphernalia used in the shop shall be provided. All needles and instruments shall be stored in autoclave packaging and handled in such a manner as to prevent recontamination.

D. The open end of the needle tube of the machine shall be cleaned and sanitized with an approved germicidal before each use.

## SECTION XIII. TEMPORARY OR MOBILE ESTABLISHMENTS.

A. No person shall be certified to apply permanent cosmetics or tattoo in any temporary place of business, such as carnivals, mass gatherings or similar public gatherings of a temporary nature without an approved mobile facility.

B. Mobile units shall meet all the requirements of these Rules and Regulations with the following additional requirements:

1. Liquid waste shall be stored in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system.

2. A potable water system under pressure shall be provided. Enough potable water shall be available in the unit for cleaning and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.

C. The Health Officer may impose additional requirements to protect against health hazards related to a mobile permanent cosmetic or tattoo unit.

#### SECTION XIV. TREATMENT AND DISPOSAL OF INFECTIOUS WASTE.

Treatment and disposal of infectious waste including sharps shall conform to Act 96 of 1913 as amended and Act 41 of 1992, The Management of Regulated Medical Waste from Health Care Related Facilities.

#### SECTION XV. SUBMISSION OF PLANS.

Before any permanent cosmetic or tattoo establishment is constructed or an existing structure is converted to use as said establishment, plans shall be submitted to the Arkansas Department of Health for review and approval. The plans and specifications shall include the work room layout, plumbing plans, construction materials and the type and model of proposed equipment. No permanent cosmetic or tattoo establishment shall be constructed, remodeled or converted except in accordance with approved plans.

#### SECTION XVI. INSPECTIONS.

Inspection of a permanent cosmetic or tattoo establishment shall be performed as often as necessary for the enforcement of these Regulations.

#### SECTION XVII. ACCESS TO ESTABLISHMENT; CLOSURE FOR VIOLATION; SUSPENSION OR REVOCATION OF ARTIST OR ESTABLISHMENT CERTIFICATION

A. The Department at all reasonable times shall have access to and is hereby empowered to enter any and all parts of the premises of any permanent cosmetic or tattoo establishment for the purpose of making inspections to determine compliance with these regulations. The Department shall also be permitted access to all required records.

B. If it is determined upon inspection that any permanent cosmetic or tattoo establishment is being maintained contrary to the provisions of these regulations, such establishment shall be closed until provision is made to comply with the regulations and permission is given by the Health Officer to reopen.

C. After written notice, the Health Officer may suspend or revoke any artist certification or certificate of sanitation issued in accordance with these Rules and Regulations for violation of the provisions of these Rules and Regulations. The artist or operator may appeal such suspension or revocation as provided for by the Administrative Procedures of the State Board of Health.

#### SECTION XVIII. RELATED REGULATIONS.

All permanent cosmetic and tattoo establishments shall comply with all appropriate state laws, rules and regulations, including but not limited to the following:

A. Arkansas Department of Health Rules and Regulations Pertaining to General Sanitation.

B. Act 402 of 1977, as amended, and Rules and Regulations Pertaining to Sewage Disposal Systems and Installers.

C. Arkansas Department of Health Rules and Regulations Pertaining to Public Water Systems and The Safe Drinking Water Act.

D. Arkansas State Plumbing Code.

E. Act 41 of 1992 - The Management of Regulated Medical Waste from Health Care Related Facilities.

F. The Rules and Regulations Pertaining to the Control of Communicable Diseases.

SECTION XIX. PENALTY.

Every firm, person, or corporation violating any of the provisions of these Rules and Regulations shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (Ark. Code Ann. § 20-7-101.) Any penalty will be in addition to other remedies available to the Department, including suspension or revocation of certification, and civil penalties.

SECTION XX. SEVERABILITY.

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared severable.

SECTION XXI. REPEAL

All regulations and parts of regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations for Tattoo Establishments were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas on the 22<sup>nd</sup> day of April, 1993.

M. Joycelyn Elders, M.D.

Secretary

Arkansas Board of Health

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved on this 25<sup>th</sup> day of May, 1993.

Jim Guy Tucker

Governor