

**TENNESSEE DEPARTMENT OF HEALTH
BUREAU OF HEALTH SERVICES ADMINISTRATION
DIVISION OF GENERAL ENVIRONMENTAL HEALTH**

**CHAPTER 1200-23-3
TATTOO ARTIST AND TATTOO ESTABLISHMENT**

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1200-23-3-.01 DEFINITIONS

- (1) "Antibacterial solution" means any solution used to retard the growth of bacteria approved for the application to human skin and includes all products so labeled.
- (2) "Antiseptic" means a substance that will inhibit the growth and development of microorganisms without necessarily destroying them.
- (3) "Approved" means being accepted by the Commissioner or local health officer, as appropriate under the law.
- (4) "Aseptic technique" means to render or maintain free from infectious material.
- (5) "Autoclave" means a device which automatically holds the temperature, pressure, and time for the purpose of sterilization.
- (6) "Autoclave indicator" means chemical detection strips, markers, or tape.
- (7) "Biohazardous waste" means "regulated waste" (see definition No. 46).
- (8) "Blood" means human blood, human blood components, and products made from human blood.
- (9) "Bloodborne pathogens" means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- (10) "Chemical detection strips, markers or tape" means the use of detection devices placed on items for sterilization to facilitate in determining that the item has been subjected to steam sterilization process.
- (11) "Client" means any person desiring to receive a tattoo.
- (12) "Commissioner" means the Commissioner of the Department of Health.
- (13) "Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- (14) "Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or which may contain sharps.
- (15) "Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, or broken glass.

(Rule 1200-23-3-.01, continued)

- (16) "Critical item(s)" means those aspects of operation or conditions which, if in violation, constitute the greatest hazards to health and safety, including imminent health hazards. Critical violations shall include the following:
- (a) autoclave does not meet minimum time, pressure or temperature requirements;
 - (b) lack of a monthly negative spore or microbiological monitoring test for quality control;
 - (c) nondisposable tubes and needles are not sterilized or were sterilized greater than one (1) year ago;
 - (d) work room is not equipped as required or is not stocked;
 - (e) reuse of single use articles;
 - (f) sterile instruments are not properly handled;
 - (g) reusable instruments are not handled properly;
 - (h) employees with infectious lesions on hands not restricted from tattooing;
 - (i) employees not practicing proper cleanliness and good hygiene practices;
 - (j) water supply not approved, hot and cold running water under pressure not available;
 - (k) approved sewage and liquid waste disposal not available;
 - (l) cross connection allowing back-siphonage present in plumbing system;
 - (m) toilet and hand washing facilities not available for employees;
 - (n) insect and rodent evidence, harborage, or outer opening present; or
 - (o) toxic items not properly stored, labeled, or used.
- (17) "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
- (18) "Department" means the Department of Health.
- (19) "Disinfectant" means a solution intended to destroy or inactivate specific viruses, bacteria, or fungi on clean, inanimate surfaces [e.g., 1:10 bleach solution] or commercially labeled disinfectant.
- (20) "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (21) "Engineering controls" mean controls (e.g., sharps disposal containers) that isolate or remove the bloodborne pathogens hazard from the workplace.
- (22) "Exposure incident" means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

(Rule 1200-23-3-.01, continued)

- (23) "Extensively remodeled" means alteration to affect the increase or decrease of floor space or the alteration of walls in a work area.
- (24) "Germicide" means an agent that kills pathogenic microorganisms.
- (25) "Germicidal solution" means any solution which destroys microorganisms and is so labeled.
- (26) "Handwashing facilities" means a facility providing an adequate supply of running potable water, soap dispenser, soap, and single use towels or automatic dryer.
- (27) "Health officer" means an individual appointed by the Commissioner pursuant to T.C.A. 68-2-603.
- (28) "Imminent health hazard" means any condition, deficiency, or practice, as defined by the health officer, which, if not corrected, is very likely to result in illness, injury, or loss of life to any person.
- (29) "Infectious waste" means "regulated waste" (see definition No. 48).
- (30) "Law" means any applicable provision of the State of Tennessee statutes and rules of any department or agency.
- (31) "License" means the issuance of a license to perform tattooing to any individual, partnership, firm or corporation. "License" further means to allow or authorize any person who has satisfactorily completed all requirements set forth by law or by the local health officer to engage in the practice or business or tattooing.
- (32) "Local health department" means the agency defined in T.C.A. 68-2-601 et. seq.
- (33) "Microbiological monitoring for quality control" means the use of a standard spore, *Bacillus stearothermophilus* to challenge the sterilization process.
- (34) "Occupational exposure" is synonymous with "exposure incident" (see definition No. 21).
- (35) "Other potentially infectious material" means the following human body fluids: semen, vaginal secretions, saliva, and any body fluid visibly contaminated with blood.
- (36) "Owner/Operator" means the applicant, permittee, or other person or persons in charge of a facility.
- (37) "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.
- (38) "Patron or customer" is synonymous with "client" (see definition No. 11).
- (39) "Percutaneous" means infectious materials may enter the body through compromised skin surfaces (e.g., needle sticks, acne, cuts, lesions).
- (40) "Permit" means the issuance of a permit to a tattoo studio or establishment to allow or authorize a tattoo establishment to be operated for the purpose of engaging in the practice or business of tattooing.
- (41) "Person" means tattoo operator and/or any individual, partnership, firm, corporation, agency, municipality, or state or political subdivisions, or the federal government and its agencies and departments, depending on the context within the rules.
- (42) "Personnel" means the permit holder, any person who tattoos, individuals having supervisory or management duties, or any other person employed or working in a tattoo establishment. This individual may or may be a tattoo artist.

(Rule 1200-23-3-.01, continued)

- (43) "Person in charge" means the individual present in a tattoo establishment who is the apparent supervisor at the time of inspection, or, if no individual is the apparent supervisor, then any employee present.
- (44) "Personal protective equipment" means specialized clothing or equipment, such as gloves or lapcloth, worn by an employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.
- (45) "Potable water" means water that is safe for drinking.
- (46) "Regional Health Director" means an individual who directs the operations of a Tennessee Department of Health Region or the Regional Director's designee.
- (47) "Registration" means license or permit, as applicable.
- (48) "Regulated waste" means 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, and contaminated sharps.
- (49) "Safe materials" means articles manufactured and used in accordance with law.
- (50) "Sanitary" means clean and free of agents of infection.
- (51) "Sanitization" means an effective germicidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on utensils and equipment.
- (52) "Sewage" means human excreta, all water carried waste, and household wastes from residences, buildings, or commercial and industrial establishments.
- (53) "Single use" means a disposable item that is used one (1) time on one (1) client and then is properly disposed of by appropriate measures.
- (54) "Solid waste" means refuse, garbage, trash, rubbish, and any other item(s) which could cause an unsanitary condition or undesirable health and safety conditions.
- (55) "Sterilization" means holding in an autoclave for fifteen (15) minutes, at fifteen (15) pounds pressure, and at a temperature of two hundred fifty degrees (250° F) Fahrenheit or one hundred twenty-one degrees (121°C) Celsius.
- (56) "Tattoo" means any method of placing designs, letters, figures, symbols, cosmetics, or any other marks under the skin of a person using ink or color with the aid of needles or instruments.
- (57) "Tattoo artist" means any person, regardless of age, who engages in the practice/service of tattooing regardless of the type of tattoo or area to be tattooed.
- (58) "Tattoo artist registration" means the issuance of a State license authorizing the person named thereon to engage in the practice/service of tattooing in the State of Tennessee after fulfilling the requirements in T.C.A. Title 62, Chapter 38 and these rules.
- (59) "Tattoo establishment" means any room or space where tattooing is performed or where the business of tattooing, or any part thereof, is conducted. The term is synonymous with "tattoo parlor" and "tattoo studio".

(Rule 1200-23-3-.01, continued)

- (60) "Tattoo operator" means any person who controls, operates, conducts, or manages any tattoo studio, whether actually engaging in tattooing or not.
- (61) "Tattoo parlor" means "tattoo establishment" (see definition No. 59).
- (62) "Tattoo studio" means any room or space where tattooing is practiced or where the service of tattooing is performed.
- (63) "Universal precautions" means treating all blood and body fluids as if they contain bloodborne pathogens and taking proper precautions to prevent the spread of any bloodborne pathogens.
- (64) "Utensil" means any implement, tool, or other similar device used in the storage, preparation, operation, or processing of a tattoo.
- (65) "Waste" means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a tattoo studio.
- (66) "Work area" means an area where clients are tattooed.
- (67) "Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed.
- (68) "Work station" means a work area (see definition No. 66).

Authority: T.C.A. 4-5-202, 62-38-201 *et seq.*, and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.02 PROHIBITED ACTS

- (1) No person under the age of eighteen (18) years shall tattoo another person.
- (2) No person shall tattoo another person who is under the influence of drugs or alcohol.
- (3) No person shall tattoo another person who is under the age of eighteen (18) years. However, a minor sixteen (16) years or older may be tattooed with the written consent of a parent or legal guardian to cover up an existing tattoo, and a parent or legal guardian of such minor shall be present during the procedure.
- (4) No person shall tattoo any site in which the skin surface exhibits any evidence of unhealthy conditions.
- (5) No person except a duly licensed physician shall remove or attempt to remove any tattoo.
- (6) During all studio operating hours, tattooing shall not be performed unless there is a currently licensed tattoo artist present in the facility.

Authority: T.C.A. 4-5-202, 62-38-201 *et seq.*, and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.03 MINIMUM STANDARDS FOR TATTOO ESTABLISHMENTS

- (1) Each studio where tattoos are administered shall provide a work area separate from observers or visitors. A work area shall have a sink equipped with hot and cold running water for hand washing and cleaning instruments, apart from a bathroom sink.

(Rule 1200-23-3-.03, continued)

- (2) Each tattoo establishment shall be equipped with an autoclave or steam sterilizer, a sterilizing device capable of meeting sterilization as defined in 1200-23-3-.01(55). The autoclave shall be used to sterilize all nondisposable or reusable tattooing equipment.
- (3) Each location shall have the facilities to properly dispose of all waste material. All materials (e.g., needles) must be disposed of in accordance with the Code of Federal Regulations, Title 29, Part 1910, Occupational Safety and Health Act, Bloodborne Pathogens and/or accepted universal precaution guidelines.
- (4) The use of common towels is prohibited. Handsinks shall be equipped with a soap dispenser and single use towels.
- (5) Water Supply.
 - (a) Enough potable water for the needs of the tattoo studio shall be provided from a source constructed and operated according to law.
 - (b) Sewage. All sewage, including liquid water, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to law.
 - (c) Plumbing. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply or other source of contamination.
- (6) Toilet Facilities.
 - (a) Toilet installation. Toilet facilities shall be designed, installed, and maintained according to law. There shall be sufficient toilet rooms and/or toilet fixtures to accommodate clients and operators.
 - (b) Toilet rooms. Toilet rooms opening directly into work or customer waiting areas shall be completely enclosed and shall have tight-fitting, solid doors, which shall be closed except during cleaning or maintenance.
 - (c) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.
- (7) Lavatory Facilities.
 - (a) Lavatory installation. Lavatory facilities shall be designed, installed, and maintained according to law. Facilities shall be of sufficient number and location to permit convenient use by clients and operators.
 - (b) Lavatory faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
 - (c) Lavatory supplies. A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each lavatory. A supply of single use sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

(Rule 1200-23-3-.03, continued)

- (d) Lavatory maintenance. Lavatories, soap dispensers, hand-drying devices, and all related fixtures shall be kept clean and in good repair.
- (8) Solid Waste
- (a) Containers.
 - 1. Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids. Containers shall be kept in a clean and sound condition and disposed of according to law.
 - 2. Containers used in work areas shall be kept covered when not in use and after they are filled.
 - 3. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.
 - (b) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin.
 - (c) Disposal of infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to a sanitary sewer system. Disposable needles, scalpels, or other sharp items shall be placed intact into puncture-resistant containers with a biohazard label before disposal. Filled sharps containers shall be considered regulated waste and must be disposed of in accordance with Solid Waste Processing and Disposal Regulations (1200-1-7).
 - (d) Waste potentially contaminated with small amounts of blood or other infectious body fluids (e.g., gauze, wipes, disposable lap cloths), which do not meet the definition of regulated waste, shall be placed in sealed, impervious bags to prevent leakage of the contained items. These bags shall be of sufficient strength to prevent breakage or leakage and shall not contain any sharps. The waste bags shall be containerized and disposed of in an approved sanitary landfill.
- (9) The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.
- (10) Floors
- (a) Floor construction. Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, durable material and maintained in good repair. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is allowed in work areas, dressing rooms, locker rooms, and toilet rooms. Carpeted flooring around the operating chair and work table in the work area must be covered by vinyl or rubber sheeting or mats so as to preclude any spillage that may occur during the tattoo operation.
 - (b) Mats. Mats shall be of nonabsorbent, grease resistant materials and of such size, design, and construction as to facilitate their being easily cleanable.
- (11) Walls and Ceilings
- (a) Maintenance. Walls and ceilings, including doors, windows, skylight, and similar closures shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.
 - (b) Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.

(Rule 1200-23-3-.03, continued)

- (12) Physical Facilities. Floors, mats, walls, ceilings, and attached equipment and decorative materials shall be kept clean.
- (13) Lighting
- (a) Permanently fixed artificial light sources shall be installed to provide at least 50 foot candles of light on all work area surfaces and at equipment washing work levels.
 - (b) Permanently fixed artificial light sources shall be installed to provide at a distance of 30 inches from the floor at least 10 foot candles of light in all other areas.
- (14) Ventilation. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- (15) Living areas. No operation of a tattoo establishment shall be conducted in any room used as living or sleeping quarters.
- (16) Poisonous or Toxic Materials
- (a) Materials permitted. There shall be present in the tattoo studio only those poisonous or toxic materials necessary for maintaining the establishment and cleaning or sanitizing equipment, as well as controlling insects and rodents.
 - (b) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.
 - (c) Toxic items shall be separated from other forms of materials used in the process of tattooing.
- (17) Premises
- (a) Tattoo establishments shall be kept neat, clean, and free of litter and rubbish.
 - (b) Only articles necessary for the operation and maintenance of the tattoo establishment shall be stored on or within the establishment.
- (18) Animals. Live animals of all species shall be excluded from within the tattoo studio operational premises and from adjacent areas within the facility under the control of the permit holder. However, this exclusion does not apply to fish in aquariums. Service animals accompanying blind or deaf persons shall be permitted in the establishment.
- (19) Equipment and Utensils
- (a) Materials
 - 1. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.
 - 2. Re-use of single service articles is prohibited.
 - (b) Design and Fabrication

(Rule 1200-23-3-.03, continued)

1. General. All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.
 - (i) Tattooing and operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult-to-clean internal corners and crevices.
 - (ii) Sinks and drain boards shall be self-draining.
 2. Non-tattooing or operational surfaces. Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
 3. Needles, needle bars, dyes, or pigments shall be designed and manufactured for the sole purpose of tattooing.
- (20) Aisles and working spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of equipment or of operational surfaces by clothing or personal contact.
- (21) Work Area. The work room is to be equipped or stocked in the following manner:
- (a) a minimum of six (6) sterilized needles, six (6) needle bars, and six (6) needle tubes;
 - (b) a minimum of one extra package of disposable towels other than the package that is being used;
 - (c) a minimum of one extra box of disposable gloves other than the box being used; and
 - (d) an extra supply of bandages, ointment or gel, and antibacterial soap.

Authority: T.C.A. 4-5-202, 62-38-201 et seq., and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.04 TATTOO OPERATION

- (1) Universal precautions, as defined in these rules, shall be observed to prevent contact with blood or other potentially infectious materials. Employees shall be trained in universal precautions.
 - (a) Assume all human blood, plasma, serum, body fluids (semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood) and tissues to be contaminated with Human Immunodeficiency Virus (HIV) and/or Hepatitis viruses (e.g., HBV).
 - (b) The most susceptible route of occupational infection for HIV and HBV is by accidental needle sticks, contamination of the mucous membranes, or through broken, abraded, or irritated skin. Use appropriate caution and maximum protection to prevent such contact.
 - (c) Proper decontamination procedures, emergency biohazard spill management, and proper use of biosafety equipment shall be utilized.
 - (d) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.

(Rule 1200-23-3-.04, continued)

- (e) Needles and needle bar assemblies shall be sterilized prior to use. It is permissible to use sterilized disposable needles and disposable needle bar assemblies for tattooing.
 - (f) Nondisposable needle and nondisposable needle bar assemblies shall be soaked in a disinfectant solution for a minimum of thirty (30) minutes prior to removing the needle. Do not remove a used needle from a needle bar by hand. Needles shall be removed from needle bars through the use of gloves and pliers or similar means to prevent accidental puncture. Dispose of needles and other sharps in puncture proof, autoclavable containers, or disposable biohazard containers.
 - (g) After soldering a new needle to the needle bar, the completed assembly (needle and needle bar) shall be sterilized.
 - (h) All regulated wastes shall be disposed of in labeled, manufacturer's color-coded waste containers.
 - (i) A spill kit (bleach, leak proof container, paper towels, gloves, spray bottle) is to be used to clean up infectious material spills. Small spills can be wiped up, after donning protective gloves, with paper towels and sprayed with freshly made ten percent (10%) bleach solution.
 - (j) Clean all work areas and equipment used in handling human biohazardous materials with proven disinfectant (e.g., 10% dilution of bleach) when concluding work to protect personnel from accidental infection.
 - (k) Eating, drinking, smoking, and applying cosmetics or lip balm are not permitted in the work area. Food shall be stored in cabinets or refrigerators designated and used for this purpose only. Food storage cabinets or refrigerators shall be located outside the work area.
 - (l) All procedures shall be performed carefully to minimize the creation of aerosols.
 - (m) Report all work related accidents, incidents, and unexplained illness to your supervisor and/or physician immediately.
 - (n) Used gloves shall be removed after each operation and prior to contacting work surfaces, door knobs, wall switches, or telephones. Dispose of used gloves in a bagged, trash container.
- (2) Personnel of a tattoo establishment
- (a) The tattoo establishment operator shall make available, at no cost to the personnel, Hepatitis B vaccination series, as well as any routine booster dose(s) to every person who may have occupational exposure to blood or other potentially infectious material. For new personnel the vaccine shall be made available within ten (10) working days of initial work assignment.
 - (b) Personnel who decline to accept the Hepatitis B vaccination series must sign a form indicating their refusal.
 - (c) The outer clothing of all personnel shall be clean.
 - (d) Each tattoo artist shall use a single use lap cloth.
 - (e) Tattoo artist/operators shall wash their hands with antiseptic soap before and after treating each client (i.e., before glove placement and after glove removal) and after barehanded touching of inanimate objects likely to be contaminated by blood, saliva, or respiratory secretions. Hands shall be washed after removal of gloves, smoking, eating, drinking, or using the toilet.
 - (f) Tattoo artist/operators who have exudative lesions or weeping dermatitis, particularly on the hands, shall refrain from all direct client contact and from handling equipment until the condition resolves.

(Rule 1200-23-3-.04, continued)

- (g) Personnel shall consume food only in approved, designated areas. There shall be no eating or drinking in the operation area of the establishment.
 - (h) Personnel shall not use tobacco in any form while engaged in the operation or process of tattooing, nor while in areas used for equipment or utensil washing. Personnel shall use tobacco only in approved, designated areas.
 - (i) Personnel shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in tattoo studios.
- (3) Implementation of infection-control practices
- (a) Disposable latex or vinyl examination gloves shall be worn by a tattoo artist at all times while administering any tattoo. Gloves shall be changed and properly disposed of each time there is an interruption in the application of a tattoo, or whenever their ability to function as a barrier is compromised. Gloves shall be changed between clients and used gloves shall be properly disposed of as provided in these rules.
 - (b) Only single use supplies (or sterilized equipment) may be used to apply a tattoo and shall be disposed of after each tattoo. This subsection includes single use disposable razors; single use towels or wipes; lubricants removed from a collapsible tube; and single use paper stencils or plastic stencils soaked in a germicidal solution. If the design is drawn directly onto the skin, it shall be applied only with a single use article. Single use or individual portions of dye and ink pots or trays shall be used. After tattooing, single use items, dyes, and containers shall be discarded and the tattoo work area disinfected.
 - (c) When it is necessary to shave the area to be tattooed, a new blade for each patron or customer shall be used when a safety razor is employed, and the permanent part of such razor shall be treated as hereinafter set forth for the care of the straight razor or disposable safety razor. If a straight razor is used, it shall be cleaned with soap and water, rinsed in clear water, and then sterilized in an autoclave.
 - (d) A sterile set of needles, needle bar, and tube shall be used for each patron or customer. Dried inks and other materials on instruments must be removed by either ultrasonic cleanser or by soaking in either detergent or disinfectant solution followed by rinsing in clean water prior to sterilization.
 - (e) All tubes, needles, and needle bars shall be sealed for individual client use in autoclave bags with a chemical or autoclave indicator and date (month and year) of sterilization clearly visible. After tattooing, used non-disposable instruments such as tubes shall be kept in a separate, puncture resistant container until properly cleaned, disinfected, and sterilized using universal precautions and recognized medical methods. The needle tube of the tattooing machine shall be cleaned and sterilized in a similar method after use.
 - (f) Microbiological monitoring for adequate functioning of each autoclave will be done at least monthly using a commercial source of *Bacillus stearothermophilus* which is then tested in an accredited commercial laboratory. All laboratory reports will be logged and kept for two years and shall be available for inspection.
 - (g) Upon notification of a positive microbiological monitoring report (detection of viable spores), the sterilizer shall be immediately checked for proper use and function. A repeat test shall be performed within three (3) days. Upon a subsequent positive result from a repeat test, discontinue use of the sterilizer until properly serviced and a negative result obtained.

(Rule 1200-23-3-.04, continued)

- (h) Sterilizer indicator tape and/or sterilizer bags with indicator tape areas which change color will be used with all items sterilized to indicate the item has been autoclaved. All items shall be marked with the date of sterilization.
 - (i) Sterilized items in the sealed, autoclaved bags shall be stored in a clean, dry place, until used, for no more than one (1) year.
 - (j) Sterilization indicators must change color or discontinue use of autoclave until a negative spore sample is obtained.
 - (k) The requirement for an autoclave shall be exempt in cases where there is only the use of manufactured, pre-sterilized single use, preassembled needle and needle bar, disposable needles, needle bars and needle tubes and similar tattooing equipment, and/or the use of no other equipment or tools requiring sterilization.
- (4) Minimum standards for tattooing
- (a) After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and water, rinsed with clean water, and germicidal solution applied or wiped with alcohol in a sanitary manner before the design is placed on the skin.
 - (b) Single-use towels or gauze shall be used in preparing the site to be tattooed and shall be disposed of after use on each patron or customer. The use of roll-on or stick deodorants for tattoo site preparation is prohibited.
 - (c) Excess dye applied to the skin shall be removed with single-use gauze pads, towels, or cotton only. The entire site shall be covered with a sterile gauze dressing or telfa pad.
 - (d) The stencil for transferring the design to the skin shall be maintained in a clean, sanitary condition.
 - (e) Records showing the date of the client's visit, printed name, signature, address, age, design of the tattoo, its location on the body, and tattooist's name shall be kept on the establishment premises for a minimum of 2 years.
 - (f) After each tattooing, written instructions shall be given to each patron or customer on the care of the skin of the tattooed site to prevent infection. A copy of these instructions shall be posted in a conspicuous place in the tattoo establishment, clearly visible to the customer or patron being tattooed. These instructions shall include, but are not limited to, bandaging, cleaning, sun exposure, scratching, and wearing of clothing over or around the tattoo site.

Authority: T.C.A. 4-5-202, 62-38-201 *et seq.*, and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.05 ESTABLISHMENT PERMITTING AND INSPECTION SYSTEM

- (1) Application Procedures
 - (a) Any person planning to operate a tattoo establishment shall obtain a written application for a permit on a form provided by the local health officer through the local county health department prior to operating a tattoo establishment. A new or initial application is required for tattoo establishments that have not previously been permitted or for instances when ownership changes.
 - (b) The local health department shall issue a tattoo establishment permit

(Rule 1200-23-3-.05, continued)

1. after an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules and
 2. upon receiving a completed application with applicable fees.
- (2) Inspection results - Reporting and Scoring
- (a) Inspection results for tattoo establishments shall be recorded on standard departmental forms which summarize the requirements of the law and rules and regulations.
 - (b) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of either four (4) or five (5) points, with minor violations having assigned values of either one (1) or two (2) points.
 - (c) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
- (3) Violation Correction
- (a) In accordance with T.C.A. 62-38-202, correction of critical and minor violations shall be within seven (7) and fourteen (14) calendar days, respectively.
 - (b) Upon declaration of an imminent health hazard by the local health officer acting consistent with the provisions of Tennessee Code Annotated, Section 68-2-608 (b), the local health officer shall issue an order requiring the facility to immediately cease operations until authorized to reopen. In the event of any such closure order, the operator shall be afforded an opportunity for a hearing, if requested by the operator, as promptly as is reasonable under the circumstances.
 - (c) In the case of temporary tattoo facilities, all critical violations shall be corrected within twenty-four (24) hours. If critical violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease tattoo operation until authorized to resume by the local health officer or his duly authorized representative. Upon declaration of an imminent health hazard by the local health officer acting consistent with the provisions of Tennessee Code Annotated, Section 68-2-608 (b), the health officer shall issue an order requiring the facility to immediately cease operations until authorized to reopen. In the event of any such closure order, the operator shall be afforded an opportunity for a hearing, if requested by the operator, as promptly as is reasonable under the circumstances.
- (4) The inspection report shall state that failure to comply with any time limits for correction may result in cessation of operations. An opportunity for a review concerning the inspection and/or inspection report and/or on the ordered corrective action will be provided if written request is filed with the local health department in the county of the affected establishment within ten (10) calendar days following the inspection. If a request for a review is received, a review shall be held within fourteen (14) days after receipt of the request. The decision of the local health officer shall be final.
- (5) If a second violation of any critical item (identical or otherwise) is committed within the period of one (1) year (calendar or otherwise), the tattoo studio shall be subject to a civil penalty of up to five hundred dollars (\$500) and the tattoo studio's permit may be revoked.
- (6) Permit Revocation
- (a) After providing an opportunity for a hearing, the local health officer or his duly authorized representative may revoke a permit for serious or repeated violations of requirements of this part or for interference with the local health department in the performance of their duty. The violation of

(Rule 1200-23-3-.05, continued)

two (2) or more critical items within a twelve (12) month period may result in revocation of the tattoo establishment permit.

- (b) Prior to revocation, the local health officer or his duly authorized representative shall notify, in writing, the permittee of the specific reason(s) for which the permit is to be revoked, and that the permit shall be revoked at the end of ten (10) days following service of such notice unless a written request for a hearing is filed with the local health officer within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

(7) License Revocation

- (a) After providing an opportunity for a hearing, the local health officer or his duly authorized representative may revoke an artist or operator's license for serious or repeated violations of requirements of this part or for interference with the local health officer or his duly authorized representative in the performance of his duty.
- (b) Prior to revocation, the local health officer or his duly authorized representative shall notify, in writing, the licensee of the specific reason (s) for which the license is to be revoked, and that the license shall be revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the local health officer within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the license becomes final.
- (c) When a tattoo artist or operator's license is revoked by the local health officer, a new license shall be issued upon meeting all requirements for a new license and the submission of a new application with applicable fees.

(8) Civil penalties shall be assessed in accordance with T.C.A. 62-38-202.

(9) Whenever a facility is required under this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time by the local health officer.

(10) Any suspension or revocation of a permit or license may be appealed to the local health officer who shall then conduct a hearing of such appeal in accordance with the Uniform Administrative Procedures Act in Title 4 of the Tennessee Code Annotated. The decision made by the local health officer concerning the appeal may be appealed to the commissioner, such appeal to the commissioner being limited to the issue of determining whether a material error of law was made at the hearing level.

(11) Submission of plans and specifications - Review - Approval.

- (a) No tattoo establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the local health department or its duly authorized representative.
- (b) Whenever a tattoo establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a tattoo establishment, plans and specifications shall be submitted to the local health department for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout arrangement, mechanical plans, construction materials, work areas, and the type and model of proposed fixed equipment and facilities. The local health department shall approve the plans and specifications if they meet the requirements of the law, rules, and regulations.

Authority: T.C.A. 4-5-202, 62-38-201 et seq., and 68-1-103, and 68-2-608. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.06 TATTOO ARTIST LICENSING

- (1) Apprentice Tattoo Artist
 - (a) Any tattoo artist not in business or operating prior to October 1, 1996, shall be required to obtain an apprentice license and operate from an approved tattoo establishment.
 - (b) A tattoo apprentice artist license shall be issued upon submitting an application with the appropriate fee.
- (2) A tattoo operator or tattoo artist shall undergo a training program before receiving a permit either to operate a tattoo establishment or to apply a tattoo. The training shall include at least one of the following:
 - (a) the Alliance of Professional Tattooist course in sterilization;
 - (b) an approved local or state health department program;
 - (c) a course approved by the local health department in methods and techniques for the proper sterilization of instruments and materials used in tattooing; or
 - (d) present acceptable evidence of having satisfactorily completed an approved course of instruction in sterilization techniques and methods through a college medical sterilization course.
- (3) The tattoo operator and/or tattoo artist shall be required to take and pass an examination concerning the provisions of T.C.A. Title 62, Chapter 38 before a license shall be issued. Such examination shall be either a written exam prescribed by the local health department or documentation of a similar exam given with a course as required in 1200-23-3-.06(2)(a), (c), or (d). After passing such examination and complying with the other provisions of the law and these rules, a license shall be issued.
- (4) The tattoo artist license shall be issued upon proof of
 - (a) having passed a written examination as specified in 1200-23-3-.06(3) and/or 1200-23-3-.06(2) and
 - (b) having submitted an application with the appropriate fee and completion of a one year apprenticeship.
 - (c) Any tattoo artist in business in the state of Tennessee on October 1, 1996, shall not be required to meet the prerequisite of a tattoo apprentice. Proof of business may be a copy of a business license, tax records, copy of another state's tattoo artist license, or other similar city, county, state, or federal documents which show the prospective applicant as having been in business or operating on October 1, 1996, or a combination, acceptable to the State, of such documents. The local health officer shall have final approval on other forms of documentation submitted as evidence or proof.
- (5) Any individual desiring to tattoo who is a physician licensed by the State of Tennessee or any person under the supervision of a physician licensed by the State of Tennessee shall be exempt from the requirements of these regulations. In order to receive such exemption, a person, other than a licensed physician, shall submit a letter stating that any and all tattooing is performed under the supervision of a licensed physician and such letter shall be signed by the supervising physician and shall be notarized.

Authority: T.C.A. 4-5-202, 62-38-201 et seq., and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.07 LICENSE AND PERMIT FEES

- (1) As written, the law uses the terms "license" and "permit" interchangeably. For example, the law refers to the tattoo artist as being issued a license, but further refers to the tattoo artist as having to pass an

(Rule 1200-23-3-.07, continued)

examination to receive a permit. Consequently, the Department of Health has determined that individuals shall be issued licenses and that a tattoo operation shall be issued a permit.

(2) License Fees

- (a) A Tattoo Artist and an Apprentice Artist shall be assessed an initial licensing fee and a renewal licensing fee of fifty dollars (\$50.00) each.
- (b) A Tattoo Operator shall have an initial license fee and an annual renewal license fee of twenty-five dollars (\$25.00) each.
- (c) A late penalty fee of twenty-five dollars (\$25.00) shall be assessed on all artist license renewal applications which are postmarked after January 31st of each permitting year.
- (d) A Temporary Artist shall pay a temporary artist license fee of fifty dollars (\$50.00).

(3) Permit Fees

- (a) A Tattoo establishment shall be assessed an initial fee and a renewal permit fee of one hundred dollars (\$100.00) each.
- (b) A Temporary tattoo establishment shall be assessed a temporary permit fee of fifty dollars (\$50.00).

Authority: T.C.A. 4-5-202, 62-38-201 et seq., and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.08 LOSS OF PERMIT DOCUMENT

- (1) Any establishment or operator that loses, misplaces, or destroys a permit or license shall immediately apply for a duplicate, as soon as the fact becomes apparent. The fee for the duplicate shall be three dollars (\$3.00). This fee shall accompany the application for such duplicate.

Authority: T.C.A. 4-5-202, 62-38-201 et seq., and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.

1200-23-3-.09 GENERAL PROVISIONS

- (1) Applicability. Chapter 1200-23-3 applies to tattoo artists and tattoo establishments. All tattoo artists and tattoo establishments shall comply with all applicable provisions of these rules at all times.
- (2) Permit Revocation. When a permit to operate a tattoo establishment is revoked by the Commissioner, a new permit shall be issued upon meeting all requirements for a new permit and the submission of a new application with applicable fees.
- (3) Posting of permit. T.C.A. Section 62-38-206 requires posting of tattoo establishment permits "in a conspicuous place where it may be readily observed by the public." This shall mean a place so designated by the inspector at the time of inspection. No person except an authorized representative of the local health officer shall modify, remove, cover up, or otherwise make the permit less conspicuous in any way.
- (4) Severability. If any provision or application of any provision of these rules is held invalid, that invalidity shall not affect other provisions or applications of these rules.

Authority: T.C.A. 4-5-202, 62-38-201 et seq., and 68-1-103. **Administrative History:** Original rule filed September 26, 2000; effective December 10, 2000.