

**RULES AND REGULATIONS PERTAINING TO
PERMANENT COSMETIC AND TATTOO BODY ART ESTABLISHMENTS**

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SECTION I. AUTHORITY

The following Rules and Regulations Pertaining to ~~Permanent Cosmetic and Tattoo~~ Body Art 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, and Ark. Code Ann. § 20-27-1503.

SECTION II. PURPOSE

To protect the health of the citizens of Arkansas by establishing criteria for the application of ~~permanent cosmetics and tattooing~~ body art, to require ~~certification~~ licensing of artists and establishments, and to 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.~~

A. **APP** means the Association of Professional Piercers

B. **APT** means the Alliance of Professional Tattooists

~~C. **Artist** shall mean any person who actually performs the work of the application of permanent cosmetics or tattooing, except a duly licensed physician. other than a licensed physician who performs body art on a human.~~

D. **Artist in Training** means a person who:

1. Is in training under the supervision of an artist trainer or a physician; and
2. Shall not perform body art independently.

E. **Artist Trainer** means an artist who:

1. Has been licensed by the Department of Health as an artist for at least five (5) years in the specified field of body art in which he or she will offer training;
2. Has worked in a body art establishment licensed by the Department for at least three (3) years and been in compliance with Department rules governing body artists;
3. Has completed the course required under § 20-27-1506; and
4. Is a registered instructor for the specified field of body art with the State Board of Private Career Education.

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

G. **ASTM** means the American Society for Testing and Materials.

H. **Body Art** means procedures that include:

1. Tattooing
2. Body Piercing
3. Branding
4. Permanent Cosmetics
5. Scarification

I. **Body Piercing and Body Piercing Procedure** means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration.

1. Body piercing or body piercing procedure shall not include piercing an ear lobe with a pre-sterilized disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe.

J. **BPCE** means the Arkansas Board of Private Career Education

K. **Branding** means a permanent mark made on human tissue by burning with a hot iron or other instrument.

L. **Critical Item** means an aspect of operation or condition of a facility or equipment that constitutes the greatest hazard to health and safety, including imminent health hazards.

M. **Decontamination Area** means an area designated for the decontamination and processing of dirty instruments.

~~D.~~ N. **Department** shall means the Arkansas Department of Health or its authorized agent.

O. **Disinfectant** means a product that is registered by the federal Environmental Protection Agency and/or the Department of Pesticide Regulation, as indicated on the label, to reduce or eliminate the presence of disease-causing microorganisms, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) for use in decontaminating work surfaces.

P. **Enzymatic Cleaner or Enzymatic Detergent** refers to low-foaming detergents which add enzymes capable of digesting organic material such as blood and mucous, and which are labeled as such by the manufacturer.

~~E.~~ Q. **Establishment** shall means any place or facility where the application of permanent cosmetics or the art of tattooing body art is performed and that has a body artist licensed in Arkansas on staff.

~~P.~~ R. **Germicidal Solution** means a substance for use in the destruction of pathogenic microorganisms as indicated on the label.

~~Q.~~ S. **Guest Artist** means an artist from a state other than Arkansas or a country other than the United States who:

1. Holds a license from the body art regulatory board or agency, if in existence, in that state or country; or
2. If an artist license is not available in the guest artist's state or country, can submit to the Department of evidence of professional experience, employment, and education including:

a. Proof of blood-borne pathogen certification; and

b. Proof of employment in a licensed body art facility for at least two (2) years.

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

U. Hot Water means water at a temperature greater than or equal to 110F (43C).

~~S. V.~~ **Instrument** means equipment used during body art, including without limitation:

1. Forceps

2. Hemostats

3. Needles

4. Permanent cosmetic needles and tips

5. Receiving tubes; and

6. Tattoo barrels and tubes

W. ISO means the International Organization for Standardization

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

~~G. Y.~~ **Permanent Cosmetics and Permanent Cosmetic Procedure** 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 to:

1. The face for cosmetic purposes; or

2. Any part of the body for scar coverage or other corrective purposes.

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

AA. Repigmentation means recoloration of the skin, including through the use of dermabrasion or chemical peels, sought due to:

1. Birthmarks, vitiligo, or other skin conditions which result in the loss of melanin to the skin;

2. Scarring caused by surgical procedures, including without limitation face lifts, mole or wart removal, and cauterization;

3. Mastectomy, including recreation of an areola or nipple; or

4. Blotchy pigmentation requiring camouflage.

AB. Scarification means injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration.

AC. Scarification implement means any instrument which intentionally alters human skin for the purpose of scarification.

AD. **Sharps** includes but is not limited to, any contaminated object that can penetrate the skin. Any waste produced in the course of physically altering a human being including tattooing, ear piercing, or any other process where a foreign object is used to cut or pierce the skin. All waste generated in this manner meeting the definition of sharps must be handled accordingly.

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

AF. **Sponsor** means an individual or business entity, including an event coordinator or manager, responsible for the organization of a convention, trade show, or other temporary event that includes a body art demonstration booth.

AG. **Sub dermal Implanting** means the insertion of an object under the skin of a live human being for ornamentation or decoration.

J. ~~AH.~~ **Tattoo and Tattoo Procedure** shall means 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.

1. Tattooing and Tattoo Procedure do not include permanent cosmetics.

AI. **Tempered Water** means water having a temperature range between 85F(29C) and 110F(43C).

AJ. **Vendor** means a person who supplies body art materials including body art instruments at a temporary demonstration where body art is performed.

SECTION IV. ARTIST CERTIFICATION LICENSURE

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

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~~ body art license:

1. Prior to applying for a body art license, the applicant must complete a blood-borne pathogens training which meets the requirements of the Occupational Safety and Health Administration (OSHA) and is approved by the Department.
2. Artists in training pursuing licensure shall also complete basic first aid and CPR training which is approved by the Department.
3. Artists in training pursuing licensure for scarification shall possess a current license in another field of body art. They shall also submit training and experience documentation related to scarification for review by the Department to determine eligibility for licensure.
4. An application for a ~~tattoo artist certification~~ body art license shall be filed with the Department at the time of the written exam.

~~2. 5. The applicant must successfully completion- complete 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 Body Art Establishments. It shall ensure the applicant has knowledge of bacteriology pertinent microbiology and proper technique, to assure that infection and contagious disease shall not be spread.~~

~~3. 6. The applicant shall meet all the current applicable requirements of the Rules and Regulations Pertaining to the Control of Communicable Diseases.~~

~~4. 7. The applicant must Completion complete of no less than six (6) months-apprenticeship an approved training program as set forth by the Board of Private Career Education. Apprentices for tattooing Artists in training shall train in a certified-shop licensed body art training facility under a currently certified-tattoo licensed artist trainer who has been certified licensed and operating in compliance with the Regulations in the State of Arkansas for a period of not less than three (3) five (5) years.~~

~~8. At the end of the required training period, the applicant must successfully complete a practical exam in the field(s) of study. Practical exams conducted by the Department will observe a procedure for aseptic technique, sterilization procedures, recordkeeping, and aftercare instruction to the patron.~~

~~9. A practical body art training facility shall be licensed by the department as a body art establishment and by the BPCE as an approved body art training facility. BPCE shall develop standards to determine the maximum number of artists in training in a training facility at one time and the length of the program in hours and across a range of months.~~

~~10. The applicant must be a high school graduate or equivalent.~~

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

~~1. An application for a permanent cosmetic artist certification shall be filed with the Department.~~

~~2. 1. 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. 2. 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-D. No reciprocity will be granted to artists certified or licensed in other states. An artist from a state other than Arkansas or a country outside of the United States who holds a license from the body art regulatory board or agency in that state or country may submit an application for qualifications review by the Department to determine eligibility for a body art license based upon criteria established by the Department.~~

SECTION V. ARTIST RENEWAL REQUIREMENTS

~~A. Any artist in training certified who has completed the written exam by the Arkansas Department of Health and is currently enrolled in a training facility approved by the State Board of Private Career Education BPCE at the time of the effective date of this regulation will be exempt from the any additional requirements for the current course of study. apprenticeship.~~

1. This exemption shall not apply to any course of study added after the effective date of this regulation.

~~B. Artist's certifications licenses shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of these rules and regulations and and Regulations Pertaining to the Control of Communicable Diseases Ark. Code Ann. § 20-27-1501 et seq.~~

SECTION VI. ESTABLISHMENT SANITATION CERTIFICATION

~~A. No person shall operate a permanent cosmetic or tattoo body art establishment unless the shop establishment has received a Certificate of Sanitation from the Health Officer Department. No certificate shall be issued or renewed unless the shop establishment has been inspected and found to be in compliance with the provisions of these Rules and Regulations at the time of the most current inspection.~~

~~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 body art artist to perform in his/her tattoo shop establishment unless the artist is the holder of a valid permanent cosmetic or tattoo artist certification body art license issued under Section H IV of these Rules and Regulations or holds a current guest artist temporary demonstration license.~~

~~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, including the public restroom facilities for patrons. Patrons shall be tattooed or have permanent cosmetics applied only Body art procedures shall only be performed 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 All surfaces, including, but not limited to floors, walls, counters, chairs, and tables shall be maintained in good repair and shall be of such materials to~~

be easily cleanable, non-absorbent, and non-porous. Floors, walls or ceilings in the work room shall not be swept or cleaned while ~~permanent cosmetics are being applied or anyone is being tattooed~~ body art procedures are being performed.

| C. The work room shall be equipped with a light source that provides adequate light in the procedure area.

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

~~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.~~

| E. The work room shall provide easy access to a sink separate from a restroom that is visible to the client and designated for artist hand washing only. The lavatory shall be for the exclusive use of the artists for washing their hands and preparing the customer. It shall be equipped with hands free or wrist action controls and supplied with hot tempered and cold running water, liquid soap, and single-use paper towels that are dispensed from a wall-mounted dispenser;

~~K.6. The shop shall have sufficient covered waste receptacles for the disposal of waste materials.~~

F. The work room shall have lined, hands free, covered waste containers;

G. The work room shall be equipped with an approved sharps container;

H. The work room shall be free of and physically separated from any ultrasonic cleaner.

| ~~I. I. The work room shall have adequate cabinets for the storage of instruments, dyes and pigments, carbon, stencils and other materials used in the body art procedures shall be provided.~~

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

| K. Adequate surface barriers shall be used to prevent contamination on all work surfaces and shall be replaced after each procedure.

L. A body art establishment shall comply with the following:

~~C.~~ 1. The establishment shall have adequate light and ventilation.

~~E.~~ 2. The building and equipment shall be maintained in good repair at all times. All parts of the ~~shop~~ establishment 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. 3. A toilet and lavatory (and service sink if occupancy is greater than 15) 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. 4. Adequate hand washing soap and single service paper towels or mechanical means for hand drying shall be provided in the lavatory.

5. Living or sleeping quarters located on the premises of a body art facility shall be separated from rooms and areas used for body art facility operations by complete partitioning and solid, self-closing doors.

6. The establishment shall have a decontamination area for the cleaning and processing of dirty instruments. Body art establishments which use all prepackaged, pre-sterilized, single use instruments are not required to provide a decontamination area.

M. Decontamination areas within a body art facility shall:

1. Be physically separated from the waiting area, restroom, and the work room;

2. Be equipped with a sink area that has tempered and cold running water, liquid soap, and single-use paper towels dispensed from a wall-mounted dispenser that is readily accessible to the artist;

3. Be equipped with a lined, hands free, covered waste container;

4. Be labeled in a conspicuous manner as Employees Only, and set up to avoid clients or the public from entering;

5. Provide physical separation of areas within the room to designate the difference between dirty and clean instruments.

N. The establishment shall have a period of twenty four (24) months from the adoption of these Rules and Regulations by the Department to comply with all regulations which requires construction and/or remodeling of the establishment.

SECTION VIII. CRITICAL ITEMS FOR CLOSURE

A. Any body art establishment which is found to be in violation of any critical item(s) shall be subject to immediate closure by the Department, pending a hearing before the State Board of Health in accordance with Ark. Code Ann. § 25-15-211.

B. The establishment shall remain closed until all issued fines and/or penalties have been paid and it is found to no longer be in violation of any critical item(s) upon inspection by the Department.

C. Critical items shall include:

1. Performing a body art procedure on a person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;

2. Performing a body art procedure on a person who shows signs of recent intravenous drug use;

3. Performing a body art procedure on an area of a person's body with sunburn, open lesions, rashes, or wounds;
4. Performing a body art procedure with the use of a product or ink that is banned or restricted by the United States Food and Drug Administration;
5. Performing a body art procedure in an area that is not physically and permanently separated from beauty facilities, such as hair and nail services;
6. Performing a body art procedure on an animal in a facility licensed for the application of body art on human beings;
7. Using a piercing gun to pierce any part of a person's body other than an earlobe;
8. Performing a piercing with a manually loaded spring operated piercing device;
9. Piercing an earlobe with a piercing gun that does not use a pre-sterilized encapsulated stud and clasp system;
10. Using jewelry for an initial piercing that is not certified by ASTM International or the International Organization for Standardization, or both, as an implant-grade material, except for specified types of glass, gold, and niobium as approved by the Department;
11. Failure to maintain on file for inspection a Mill Test Certificate confirming certification by ASTM International or the International Organization for Standardization, or both, for steel and titanium jewelry for initial piercing;
12. Selling a body piercing needle, tattoo needle, or body art instrument, or a combination of these, including without limitation tattoo ink, barrel, grip, and a tattoo machine to a person within this state who is not licensed as an artist by the Department; and
13. Any action that constitutes a danger to the public's health, safety or welfare upon factual finding by the Department in accordance with Ark. Code Ann. § 25-15-211.

SECTION VII. ~~IX.~~ 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~~ Systems.
- 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~~ individual onsite wastewater system which is constructed and operated in conformance with the standards established by the Arkansas ~~State~~ Board of Health.

SECTION VIII. ~~X.~~ 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 Department ~~Health Officer~~ upon

request. A digital record keeping system may be used if it provides all required information and has an adequate method of backing up the data. 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~~ body art procedure applied.
5. The ~~name~~ signature of the artist.
6. The signature of the patron.
7. For patrons under 18 years of age, a photo copy of a valid photo ID for the minor and guardian and proof of guardianship as required in subsection C of this section.
8. Each form of body art provided by the establishment shall have its own bound book, separate from records for all other forms of body art.
9. In the event of a change of ownership or closing of the establishment, all records shall be made available to the ~~Health Officer~~ Department upon request.

B. The operator shall maintain on site a record of Materials Safety Data Sheets (MSDS) for all disinfectants, surface cleaners, skin cleansers, skin preps, and/or chemicals used within the establishment for cleaning, disinfecting, or serving clients.

~~B. C. Consent Required for Minors. No application of permanent cosmetics or tattoo body art 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~~ Department 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. Due diligence shall be demonstrated in the effort to keep all records private from the public and other clients.~~

1. An artist shall not perform body art on a person under sixteen (16) years of age, regardless of parental consent, except:
 - a. When authorized or prescribed by a physician's statement exclusively for repigmentation; or
 - b. When piercing the earlobe.
2. An artist shall not perform body art on a person under eighteen (18) years of age, unless:
 - a. Written consent is given by the person's parent or legal guardian;
 - b. The parent or legal guardian is present during the procedure;
 - c. When providing written consent, the parent or legal guardian shall produce photo-bearing identification and attest in writing that the individual is the person's parent or legal guardian.

d. The person to undergo body art and the parent or legal guardian each provide a valid government issued form of photo identification that includes a name, date of birth, and photo; and

e. The parent or legal guardian presents proof of guardianship that matches the identification given, including without limitation a birth certificate or a court or state record for adoption, legal guardianship, emancipation, or a marriage license.

3. Except when authorized or prescribed by a physician's statement exclusively for repigmentation, an artist shall not perform on a person under eighteen (18) years of age regardless of parental consent:

a. Body art on the nipple or genital;

b. Branding;

c. Scarification;

C. D. Patron information. Before ~~applying permanent cosmetics or administering a tattoo—~~
performing a body art procedure, an artist must:

1. Have a discussion of the risks involved and possible complications ~~shall be conducted by the artist or operator with the patron.~~ The patron must be advised that the certain procedures should be considered permanent and ~~that it can be removed only by a surgical procedure and that any effective removal may leave permanent scarring.~~

2. A written cautionary notice to that effect shall be furnished to and signed by the patron and retained on file at the establishment. This may be included in the bound book required in Section X A.

E. After the procedure is complete, oral and written (printed or photocopied) instructions, approved by the ~~Health Officer~~ Department, 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.-F. Patch Test for Sensitivity. The~~ A patch test shall be administered upon request by the patron or prior to any permanent cosmetic procedure. ~~whenever the artist determines through discussion with the patron that a patch test for sensitivity to the pigments to be used is warranted.~~

G. Suspected Infections To be Reported. All infections suspected from performing the
application of permanent cosmetics or tattooing a body art procedure which become known to the artist/operator shall be reported to the ~~Health Officer~~ Department within 24 72 hours and the infected patron shall be referred to a physician.

SECTION IX. XI. RESTRICTIONS CONCERNING APPLICATION OF PERMANENT COSMETICS OR TATTOOING. BODY ART PROCEDURES.

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

A. ~~No application of permanent cosmetics or tattooing~~ body art procedure shall be ~~done~~ performed 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~~ body art procedure shall be ~~done~~ performed on the person of any individual who is obviously under the influence of drugs or intoxicating liquor.

C. No body art procedure shall be performed on a 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 before body art is applied.

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 Department 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.~~

No person infected with an infectious or communicable disease, which may be transmitted during the performance of any body art procedure, or afflicted with an infestation of animal parasites shall be permitted to work or train in a body art establishment.

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 cover up of existing tattoos with additional design pattern or application of permanent cosmetics.

F. No smoking in an establishment at any time.

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

G. ~~H.~~ 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 on~~ animals in an ~~shop establishment~~ certified licensed and used for ~~applying permanent cosmetics or tattooing performing body art procedures on~~ human beings.

J. An artist licensed by the Department of Health shall not perform or attempt to perform the insertion of a sub dermal implant.

K. An artist shall not use topical anesthetics or other medication provided by the patron.

L. An artist may use only non-prescription strength topical anesthetics, ointments, or other medications prior to, during, or after any phase of scarification procedures

M. An artist shall not use chemical or other means to intensify the results of a scarification procedure.

SECTION X.XII. 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 tempered 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.

C. The area of the patron's skin to which ~~pigment~~ body art is to be applied shall be prepared by washing with ~~hot~~ distilled 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 disposable sterile gauze pad or ~~sponge~~ paper towel.

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

E. 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 XII 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. F.~~ 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~~ in accordance with manufacturer's instructions and then they shall be dried with sterile gauze or air dried before each use.

G. When ~~stencils are not used~~ and the design is transferred using hectograph and tracing paper or duplicating carbon methods, the paper or duplicating master shall not be reused on another client.

~~F. H.~~ 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 reused during new or follow-up procedures 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. I.~~ Excess pigment shall be removed from the skin with an individual sterile paper towel, gauze or sponge which shall be used only on one patron and then discarded.

~~H. J.~~ The After a completed tattoo body art procedure, with the exception of piercings, the area of skin worked upon 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 may be applied to tattoos from a collapsible metal or plastic tube or single use packet or portion and where feasible the entire area covered with a piece of an approved 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 ointment may be spread by the use of sterile gauze or sterile tongue depressors but not directly with the fingers.

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

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

J. K. 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 with an EPA approved surface disinfectant as defined in Section III of these Rules and Regulations before each new patron is seated. Appropriate solutions are a 1:10 dilution of household bleach and water or other approved surface sanitizer.

SECTION XIII. EQUIPMENT.

A. A set of individual wrapped Single use, sterilized needles shall be used by the artist for each new patron. An adequate number Not less than 24 sets of sterilized needles and tubes or tips per tattoo or permanent cosmetic artist 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 reusable instruments. The tubes and needles instruments 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.

B. All instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid shall be sterilized prior to reuse. Body piercing establishments are required to sterilize initial piercing jewelry.

C. All needles shall be single use and disposable.

D. New gloves shall be worn during any sterilization procedure. Approved modes of sterilization include:

1. Use of a steam, pulse pressure, or vacuum autoclave sterilizer, which is used, cleaned, and maintained according to the manufacturer's directions; or

2. Single-use prepackaged sterilized instruments obtained from suppliers or manufacturers.

E. Sterilization shall be conducted as follows:

1. Prior to sterilizing, instruments shall be submerged and brushed or swabbed to remove foreign material and rinsed. Instruments shall then be immersed in enzymatic cleanser and water using an ultrasonic unit that operates at 40 to 60 kilohertz, followed by a thorough rinsing and drying;

a. Non disposable tubes for tattooing shall be disassembled prior to beginning the cleaning process, and remain this way throughout the sterilization process.

b. Enzymatic cleanser used in the ultrasonic unit shall be designed for such use and used in accordance with the manufacturer's instructions.

c. The exception to this cleaning process may be the use of an instrument washer, which is specifically designed to replace the manual cleaning and ultrasonic processing of contaminated instruments.

2. A chemical indicator shall be used to assure sufficient temperature and steam penetration and proper functioning of equipment each time the sterilizer is run; and

F. A monthly sterilization cycle shall be completed with use of a biological monitoring system (commercial preparation of spores) to assure all microorganisms have been destroyed and sterilization achieved.

3.G. Approved closed cabinets for the storage of instruments, dyes, pigments, stencils, duplicating masters and other paraphernalia used in the shop establishment shall be provided. All needles and instruments shall be stored in autoclave packaging and handled in such a manner as to prevent recontamination.

H. Packaged, sterilized supplies shall be stored for no more than one year from the date of processing, or until the expiration date provided by the manufacturer. The integrity of each package shall be inspected prior to use.

~~D. I.~~ The open end of the needle tube of the Tattoo and permanent cosmetic machines shall be cleaned and sanitized with an approved germicidal before each use.

J. Body art establishments that utilize all prepackaged sterilized needles and tubes and other equipment that contacts a client during any body art procedure shall not be required to provide an autoclave at the establishment.

SECTION ~~XIII~~ XIV. STANDARDS FOR SERVING CLIENTS

A. Body piercing standards:

1. Initial jewelry for body piercing shall meet ASTM or ISO standards.

2. The jewelry must be able to withstand the heat and pressure of autoclave sterilization.

3. All surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds, and metals must have a consistent mirror finish.

4. An artist shall maintain on file for inspection a "Mill Test Certificate" confirming certification by ASTM International or the International Organization for Standardization, both for steel and titanium jewelry for initial piercing. The certificate date shall match the receipt of the most recent jewelry order.

5. Use of personal client jewelry or any apparatus or device presented by the client to be worn within an initial piercing is prohibited.

6. Any jewelry used for the procedure must be properly sterilized prior to use, and handled in a manner to maintain sterility until use.
7. No product shall be used in or on a fresh body piercing that warns against such use. Nor shall these products be used against manufacturer warnings in the aftercare or healing of the piercing.
8. Any marking instrument shall be single use and disposable.

B. Tattoo and Permanent Cosmetic Standards

1. All inks, dyes, and pigments must be produced by a commercial manufacturer and accepted for use by the Department by providing Material Safety Data Sheets and/or ingredient information.
2. Any needle shall be single use only and sterilized prior to use.
3. All products used for the procedure such as skin cleansers, etc shall be used in accordance with the manufacturer's instructions.
4. Any marking instrument shall be single use only and disposed of after use.
5. After the procedure is complete, the tattoo or permanent cosmetic shall be cleaned and, where feasible, an ointment and a nonstick bandage applied.
6. All tubes, barrels, tips, or hand tools used for permanent cosmetics shall be single use and disposable.

C. Branding Standards:

1. Any metal or other instrument used in a branding procedure which comes in direct contact with the client's skin shall be single use or capable of being properly sterilized.
2. All products used for the procedure such as skin cleansers, preps, or ointments shall be used in accordance with the manufacturer's instructions.
3. Any marking instrument or stencil shall be single use only and disposed of after use.
4. The artist, the client, and any assistants or other individuals in the procedure room shall wear adequate personal protection equipment throughout the procedure.
5. The procedure area for branding shall be an enclosed room with adequate ventilation.
6. Metal used in strike branding procedures shall be made of non-galvanized steel.

D. Scarification Standards

1. Scarification procedures shall be performed in a dedicated enclosed workroom that is used for no other purpose at that time.
2. Adequate surface barriers shall be used to prevent contamination on all work surfaces and shall be replaced after each procedure.
3. Both oral and written aftercare shall be given to the client prior to beginning any scarification procedure.
4. All marking instruments and stencils shall be single use and disposable.

5. A scarification artist shall wear disposable eye and respiratory protection as well as an adequate hair restraint at all times while performing the scarification procedure.

6. All scarification instruments shall be individually prepackaged and pre-sterilized by the manufacturer and handled in a manner to avoid compromising sterility.

7. A scarification artist shall wear sterile individually prepackaged gloves during the scarification procedure. A new pair of sterile gloves shall be work for each scarification procedure. If the scarification artists must stop the procedure to conduct other tasks, the artist must wash his or her hands according to Section XII E and put on a new pair of sterile gloves.

8. A client's skin must be thoroughly cleaned with soap and water, rinsed, and swabbed with an antiseptic solution prior to a scarification procedure.

9. If the area in which the procedure is to be performed requires shaving, it shall be done with a single use, disposable razor.

10. After the procedure is complete, the area shall be washed and a nonstick bandage applied.

11. All scarification implements used to break or cut the skin shall be regarded as sharps and must be single use and disposed of in compliance with the Department Rules and Regulations Pertaining to The Management of Medical Waste from Generators and Health Care Related Facilities.

12. Surface barriers used during scarification procedures shall be considered medical waste and disposed of accordingly after each procedure.

SECTION ~~XIII~~. XV TEMPORARY OR MOBILE ESTABLISHMENTS.

A. No person shall be ~~certified~~ licensed to ~~apply permanent cosmetics or tattoo~~ perform body art in any temporary place of business, such as carnivals, mass gatherings or similar public gatherings of a temporary nature without an approved mobile facility or without meeting the requirements for a temporary demonstration license.

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 and the Department shall be provided a letter of approval for all discharges upon request.

2. A potable water system under pressure shall be provided. Enough potable water shall be available in the unit for cleaning and for hand washing. 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~~ Department may impose additional requirements to protect against health hazards related to a mobile permanent cosmetic or tattoo unit.

SECTION XVI. TEMPORARY DEMONSTRATION LICENSE

A. The Department may issue a temporary demonstration license to an artist, establishment, or a supplier of materials for body art for:

1. Educational purposes where body art is performed;
2. Trade shows where body art is performed;
3. Demonstrations of body art products or procedures; and
4. An appearance as a guest artist.

B. A temporary demonstration license shall be valid for no more than fourteen (14) consecutive calendar days.

C. The sponsor of a body art event for educational purposes, trade shows, and/or demonstrations of body art procedures where body art is performed shall obtain all necessary permits to conduct business in the jurisdiction where the event will be held, including, but not limited to, valid permits issued by the department. The department shall issue a non-refundable sponsor fee of \$50 per artist that shall perform body art at the event, not to exceed \$2000 per event. In addition to the penalties available pursuant to Arkansas Act 596 of 2013, a sponsor who violates this subdivision shall be subject to closure of the temporary body art event and a penalty not to exceed three times the cost of the permit.

D. The Department shall levy and collect a non-refundable fee of fifty dollars (\$50) from a guest artist for a temporary demonstration license.

1. An application for a temporary demonstration license shall be submitted to the department not less than forty-five (45) days prior to the event for educational purposes, trade show, or demonstration of body art products and procedures where body art is performed.
2. An application for a temporary demonstration license shall be submitted to the department not less than seven (7) days prior to the appearance of a guest artist.

E. An artist shall provide evidence of completion of a blood borne pathogens training which meets the requirements of the Occupational Safety and Health Administration with the application.

1. A person applying for a temporary demonstration license to appear as a guest artist shall provide documentation of licensure as an artist in another state or country or employment history with proof of employment in a body art facility licensed by the regulatory board or agency in that state or country for at least two (2) years before the temporary demonstration license may be granted.
2. The establishment where the guest artist is appearing shall have a licensed body artist on its staff.
3. A guest artist may be issued a temporary demonstration license to appear as a guest artist in the state of Arkansas no more than one (1) time every three (3) months.

SECTION XIV. XVII 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 and the Rules and Regulations Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.

SECTION XV. ~~XVIII~~ SUBMISSION OF PLANS.

Before any ~~permanent cosmetic or tattoo~~ body art 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~~ body art establishment shall be constructed, remodeled or converted except in accordance with approved plans.

SECTION XVI. ~~XIX~~ INSPECTIONS.

~~Inspection of a permanent cosmetic or tattoo establishment shall be performed as often as necessary for the enforcement of these Regulations.~~ The business premises, equipment, procedures, techniques, and conditions of body art establishments shall be subject to at least one (1) inspection by the Department per year.

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

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~~ body art 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~~ body art establishment is being maintained contrary to the provisions of these regulations and such violation poses an imminent threat to public health, safety or welfare, such establishment shall be closed until provision is made to comply with the regulations and permission is given by the ~~Health Officer~~ Department to reopen, or it is determined, in a fair hearing under the Arkansas Administrative Procedures Act, that the facility should be reopened.

C. After written notice, the ~~Health Officer~~ Department may suspend or revoke any artist ~~certification or certificate of sanitation or establishment license~~ 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 Arkansas Administrative Procedures of the State Board of Health Act, Ark. Code Ann. § 25-15-201 et seq.

SECTION XVIII. ~~XXI~~ RELATED REGULATIONS.

All ~~permanent cosmetic and tattoo~~ body art 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 ~~On-Site~~ Onsite Wastewater Systems.

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 — ~~Rules and Regulations pertaining to The Management of Regulated Medical Waste from Generators and Health Care Related Facilities~~ The Rules and Regulations Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.

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

G. Arkansas Gas Codes

H. Arkansas Mechanical Code

SECTION ~~XIX.~~ XXII 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 thousand~~ dollars (~~\$100~~) (\$1000) nor more than five ~~hundred thousand~~ dollars (~~\$500~~) (\$5000) or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (Ark. Code Ann. § ~~20-7-101~~ 20-27-1512) ~~Any penalty will be in addition to the other remedies available to the Department, including suspension or revocation of certification and civil penalties.~~

Additional penalties and fines shall be enforced in accordance with Ark Code Ann. § 20-58-12 and 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~~ license, and civil penalties.

SECTION ~~XX.~~ XXIII 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.~~ XXIV 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~~ Body Art Establishments were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas on the _____ day of _____, 2015.

Nathanial Smith, MD, MPH
State Health Officer and Secretary of the
State Board of Health

~~The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved on this _____ day of _____, _____~~