

PROPOSED TATTOOING AND BODY PIERCING RULES AND REGULATIONS
Adopted February 3, 2003

CHAPTER 50.

REGULATIONS – TATTOOING AND BODY-PIERCING

PART I.

GENERAL.

18 VAC 41-50-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

“Apprenticeship program” means an approved tattooing or body-piercing training program conducted by an approved apprenticeship sponsor.

“Apprenticeship sponsor” means an individual approved to conduct tattooing or body-piercing apprenticeship training who meets the qualifications in 18 VAC 41-50-70.

“Aseptic technique” means a hygienic practice which prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

“Endorsement” means a method of obtaining a license by a person who is currently licensed in another state.

“Licensee” means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

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"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing or body-piercing instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which tattooing or body-piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.

PART II.

ENTRY.

18 VAC 41-50-20. General requirements for tattooer or body-piercer.

A. In order to receive a license as a tattooer or body-piercer in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a tattooer or body-piercer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a tattooer or body-piercer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a tattooer or body-piercer.

2. The applicant shall disclose his physical address. A post office box is not acceptable.

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3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing and body-piercing license laws and the regulations of the board.

4. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of tattooing or body-piercing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing or body-piercing respectively. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia.
 - a. Any person completing an approved tattooing or body piercing apprenticeship program in a Virginia licensed tattoo parlor or body-piercing salon shall be eligible to sit for the examination.

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b. Any person completing an approved tattooing or body-piercing training program in a Virginia licensed tattooing or body-piercing school shall be eligible for examination.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

Any person completing a tattooing or body-piercing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination.

3. Education and experience

Persons who (i) make application between July 1, 2004 and July 1, July 1, 2005, and (ii) have completed three years of documented work experience as a tattooer or body-piercer respectively, and (iii) have completed health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing and body-piercing respectively that is acceptable to the board.

18 VAC 41-50-30. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as a tattooer or body-piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and a examination that is substantially equivalent to that required by these regulations, may be issued a tattooer or body-piercer license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-50-20(A).

18 VAC 41-50-40. Examination requirements and fees.

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A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

18 VAC 41-50-50. Reexamination requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

18 VAC 41-50-60. Examination administration.

A. The examinations may be administered by the board or the designated testing service.

B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

C. The fee for examination or re-examination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225.00 per candidate.

18 VAC 41-50-70. General requirements for a tattooing or body-piercing apprenticeship sponsor.

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A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing or body-piercing apprentice if the person:

1. Holds a current Virginia tattooing or body-piercing license, respectively; and
2. Provides documentation of legally practicing tattooing or body-piercing for at least seven years and;
3. Provides documentation indicating that they are in good standing in all jurisdictions where the practice of tattooing or body piercing is regulated, respectively.

B. Apprenticeship sponsors shall be required to maintain a tattooer or body-piercer license, respectively.

18 VAC 41-50-80. Parlor or salon license.

A. Any individual wishing to operate a tattoo parlor or body-piercing salon shall obtain a parlor or salon license in compliance with § 54.1-704.1 of the Code of Virginia.

B. A tattoo parlor or body-piercing salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the parlor or salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

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C. In the event of a closing of a tattoo parlor or body-piercing salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate a tattoo parlor or body-piercing salon in a temporary location must have a tattoo parlor or body-piercing salon license issued by the board.

18 VAC 41-50-90. School license.

A. Any individual wishing to operate a tattooing or body-piercing school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and training of tattooers and body-piercers shall be conducted under the direct supervision of a licensed tattooer or body-piercer.

B. A tattooing or body-piercing school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.

PART III.

FEES.

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18 VAC 41-50-100. Fees.

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$110*</u> <u>*includes \$55 renewal fee and \$55 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Facilities:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$180*</u> <u>*includes \$90 renewal fee and \$90 reinstatement fee</u>	<u>With reinstatement application</u>
<u>Schools:</u>		
<u>Application</u>	<u>\$120</u>	<u>With application</u>
<u>Renewal</u>	<u>\$120</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$240*</u>	<u>With reinstatement application</u>

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	<u>*includes \$120 renewal fee</u> <u>and \$120 reinstatement fee</u>	
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18 VAC 41-50-110. Refunds.

All fees are nonrefundable and shall not be prorated.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-50-120. License renewal required.

A. All tattooer and body-piercer licenses and tattoo parlor and body-piercing salon licenses shall expire two years from the last day of the month in which they were issued.

B. All school licenses shall expire on December 31 of each even numbered year.

18 VAC 41-50-130. Notice of renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18 VAC 41-50-140. Failure to renew.

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- A. When a licensed individual or entity fails to renew its license within 30 days following its expiration date, the licensee shall apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and reinstatement fee.
- B. When a tattooer or body piercer fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the Board's current examination and shall receive a new license.
- C. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.
- D. The application for reinstatement for a school shall provide the reasons for failing to renew prior to the expiration date, and a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school by the Department of Professional and Occupational Regulation and if the school's records are maintained in accordance with 18 VAC 41-50-180 and hours reported in accordance with 18 VAC 41-50-190. Pursuant to 18 VAC 41-50-150, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in

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an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

E. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

F. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in these regulations shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

PART V.

TATTOOING AND BODY-PIERCING SCHOOLS.

18 VAC 41-50-150. Applicants for state approval.

Any person, firm, or corporation desiring to operate a tattooing or body-piercing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

18 VAC 41-50-160. General requirements.

A tattooing school or body-piercing school shall:

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1. Hold a school license for each and every location.
2. Hold a tattoo parlor or body-piercing salon license if the school receives compensation for services provided in its clinic.
3. Employ a teaching staff of licensed tattooers or body-piercers.
4. Develop individuals for entry level competency in tattooing and body-piercing.
5. Submit its curricula for board approval.
6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the parlor or salon in plain view of the public.
7. Classroom instruction must be conducted in an area separate from the clinic area where practical instruction is conducted and services are provided while practical instruction is conducted and services are provided.

18 VAC 41-50-170. School identification.

Each tattooing school and body-piercing school licensed by the board shall identify itself to the public as a teaching institution.

18 VAC 41-50-180. Records.

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Schools are required to keep upon graduation, termination or withdrawal, written records showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

18 VAC 41-50-190. Hours reported.

Within 30 days of the closing of a licensed tattooing or body-piercing school, for any reason, the school shall provide a written report to the board on hours completed by each of its students who have not completed the program.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-50-200. Display of license.

- A. Each tattoo parlor or body-piercing salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor or salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor, salon or school location where the licensee provides services.
- B. Each parlor or salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.
- C. All licensees shall operate under the name in which the license is issued.

18 VAC 41-50-210. Physical facilities.

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- A. A parlor or salon must be in a permanent, building or portion of a building which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

- B. The parlor, salon, or temporary location shall be maintained in a sanitary condition.

- C. Work surfaces shall be cleaned with a germicide solution and other environmental surfaces shall be cleaned with an all-purpose disinfectant.

- D. Cabinets for the storage of instruments, dyes, pigments, single use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

- E. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

- F. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.

- G. The walls, ceilings, and floors shall be kept in good repair. The tattooing or body-piercing area shall be constructed of smooth, hard, surfaces that are non-porous, free of open holes or cracks, light colored, and easily cleaned. New studios shall not include any dark-colored surfaces in the tattooing or body-piercing area. Existing studios with dark-colored surfaces in the tattooing or body-piercing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

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- H. Parlors, salons, and temporary locations shall have adequate lighting of at least 50 foot-candles of illumination in the tattooing, body-piercing, and sterilization areas.
- I. Adequate mechanical ventilation shall be provided in the parlor or salon.
- J. Each parlor, salon, or temporary location shall be equipped with hand-washing facilities for its personnel with unobstructed access to the tattooing or body-piercing area such that the tattooer or body-piercer can return to the area without having to touch anything with their hands. Hand-washing facilities shall be equipped with hot and cold or tempered running water under pressure; liquid germicidal soap; single-use towels or mechanical hand drying devices; and a covered refuse container. Such facilities shall be kept clean and in good repair.
- K. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing, body-piercing, or sterilization areas. No animals are allowed in the tattooing, body-piercing, or sterilization areas.
- L. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing, body-piercing, or sterilization areas.
- M. If tattooing or body-piercing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

18 VAC 41-50-220. Tattooer and body-piercer responsibilities

- A. All tattooers and body-piercers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

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B. All tattooers and body-piercers shall wash their hands thoroughly using hot or tempered water with a liquid germicidal soap before and after tattooing or body-piercing and as necessary to remove contaminants.

C. All tattooers and body-piercers must wear single-use examination gloves while assembling tattooing or body-piercing instruments and while tattooing or body-piercing.

D. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised.

1. Gloves should be removed and disposed of; and

2. Hands shall be washed and a fresh pair of gloves used.

E. Tattooers and body-piercers shall use universal precautions while tattooing or body-piercing. A tattooer or body-piercer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer or body-piercer's condition no longer poses a threat to public health.

F. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.

G. The external skin of the client to be pierced shall be cleaned with an approved germicidal soap according to the label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes

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the mouthwash provided. In the case of a lip, labret or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.

H. If shaving is required, razors shall be single-use.

I. Each tattooer or body-piercer performing any tattooing or body-piercing procedures in the parlor or salon shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.

J. A set of individual, sterilized needles shall be used for each client.

K. Used, non-disposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving.

L. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;

M. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

N. The ultrasonic unit shall be sanitized daily with a germicidal solution.

O. Non-disposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the

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purpose of autoclave sterilization and shall include the date of sterilization. If non-transparent bags are utilized, the bag shall also list the contents.

P. Autoclave sterilization bags with a color code indicator which changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

Q. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

18 VAC 41-50-230. Client qualifications, disclosures, and records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing or body-piercing a valid, government issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The tattooer or body-piercer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or body-pierced who appears to be under the influence of alcohol or drugs.

D. Tattooing or body-piercing shall not be performed on any skin surface which manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a tattoo, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing about the possible risk and dangers associated with the application of each tattoo. These shall include, but are not limited to, at least the following:

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1. The possibility of discomfort or pain;
2. The permanence of the markings;
3. The risk of infection; and
4. The possibility of allergic reaction to the pigments or other materials used.

F. Before receiving a body-piercing, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing about the possible risk and dangers associated with receiving a body-piercing. These shall include, but are not limited to, at least the following:

1. The possibility of discomfort or pain;
2. The possibility of scarring;
3. The possibility of bleeding;
4. The possibility of swelling;
5. The risk of infection;
6. The possibility of nerve damage; and
7. The increased risk for adolescents during certain stages of development.

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G. The tattoo parlor or body-piercing salon or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor or body-piercing salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;

2. The date tattooing or body-piercing was performed;

3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer or body-piercer;

4. The specific color or colors of the tattoo or type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number of each color or type of jewelry used;

5. The location on the body where the tattooing or body-piercing was performed;

6. The name of the tattooer or body-piercer;

7. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and

8. The signature of the client and if applicable parent or guardian.

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18 VAC 41-50-240. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee and suspend or revoke or refuse to renew or reinstate any license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer or body-piercer; or
2. The licensee or applicant is convicted of fraud or deceit in the practice tattooing or body-piercing; or
3. The licensee or applicant obtained, renewed or reinstated a license by false or fraudulent representation; or
4. The licensee or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers or body-piercers may practice or offer to practice; or
5. The licensee or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with these regulations; or

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6. A licensee fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board; or
7. The licensee or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading; or
8. The licensee or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction; or
9. In accordance with § 54.1-204 of the Code of Virginia, the licensee or applicant has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of tattooing or body-piercing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing or body-piercing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.

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B. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any tattoo parlor or body-piercing salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the tattoo parlor or body-piercing salon fails to comply with the facility requirements of tattoo parlors or body-piercing salons, respectively, provided for in these regulations or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license to practice as a tattooer or body-piercer unless the person is duly enrolled as an apprentice.

C. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or director of the approved school permits or allows a person to teach in the school without a current tattooer or body-piercer license; or
2. The owner or director or any teacher is guilty of fraud or deceit in the operation of the school or in the teaching of tattooing or body-piercing.

D. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practices of tattooing or body-piercing.

PROPOSED TATTOOING AND BODY PIERCING RULES AND REGULATIONS
Adopted February 3, 2003