

PROPOSED TATTOOING RULES AND REGULATIONS
Adopted February 28, 2005

CHAPTER 50.
REGULATIONS – TATTOOING
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 training program conducted by an approved apprenticeship sponsor.

“Apprenticeship sponsor” means an individual approved to conduct tattooing 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.

“Gratuitous services” as used in Section 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

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"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.

"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 instruments are cleaned, disinfected, and sterilized.

"Temporary location" means a fixed location at which tattooing 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.

A. In order to receive a license as a tattooer 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 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. 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.

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

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

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. 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. 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.

6. Persons who (i) make application within one year after the effective date of this chapter, and (ii) have completed five years of documented work experience within the preceding eight years as a tattooer, and (iii) have completed a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete 18 VAC 41-50-20.A.5.

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B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia.

Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor shall be eligible to sit for the examination.

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

Any person completing a tattooing 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.

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

Upon proper application to the board, any person currently licensed to practice as a tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter, may be issued a tattooer license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-50-20.A.1 through 18 VAC 41-50-20.A.4.

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

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.

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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 apprenticeship sponsor.

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 apprentice if the person:

1. Holds a current Virginia tattooer license; and

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2. Provides documentation of legally practicing tattooing for at least seven years and;

3. Provides documentation indicating that they are in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour Tattooing Apprenticeship Program and Tattooing Apprenticeship Standards.

18 VAC 41-50-80. Parlor license.

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

B. A tattoo parlor 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 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.

C. In the event of a closing of a tattoo parlor, 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 in a temporary location must have a tattoo parlor license issued by the board.

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PART III.FEES.**18 VAC 41-50-90. 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>Parlors:</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>

18 VAC 41-50-100. Refunds.

All fees are nonrefundable and shall not be prorated.

PART IV.
RENEWAL/REINSTATEMENT.

18 VAC 41-50-110. License renewal required.

All tattooer licenses and tattoo parlor licenses shall expire two years from the last day of the month in which they were issued.

18 VAC 41-50-120. Continuing education requirement.

All licensed tattooers shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

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.

A. When a tattooer fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in 18 VAC 41-50-130, and apply for reinstatement of

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the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

- B. When a tattooer fails to renew their 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. When a tattoo parlor fails to renew its license within 30 days following the expiration date shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.
- D. When a tattoo parlor fails to renew its 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 and shall meet all current application requirements.
- E. 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.
- F. 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.
- G. 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.

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H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter 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.

APPRENTICESHIP PROGRAMS.

18 VAC 41-50-150 General requirements.

A. Any person desiring to enroll in the Tattooing Apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements in 18 VAC 41-50-70 of this chapter.

18 VAC 41-50-160. Apprenticeship curriculum requirements.

1. Microbiology:

- a. Microorganisms, viruses, bacteria, fungi;
- b. Transmission cycle of infectious diseases; and
- c. Characteristics of antimicrobial agents.

2. Immunization:

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- a. Types of immunizations;
- b. Hepatitis A – G transmission and immunization;
- c. HIV/AIDS;
- d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
- e. Measles, mumps, and rubella;
- f. Vaccines and immunization; and
- g. General preventative measures to be taken to protect the tattooist and client.

3. Sanitation and Disinfection:

- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
- b. The use of steam sterilization equipment and techniques;
- c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
- d. The use of sanitation equipment;
- e. Pre-service sanitation procedure; and
- f. Post-service sanitation procedure.

4. Safety:

- a. Proper needle handling and disposal;
- b. How to avoid overexposure to chemicals;
- c. The use of Material Safety Data Sheets;

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- d. Blood spill procedures;
- e. Equipment and instrument storage; and
- f. First aid and CPR.

5. Blood Borne Pathogen Standards:

- a. OSHA and CDC blood borne pathogen standards;
- b. Control Plan for blood borne pathogens;
- c. Exposure Control Plan for Tattooers;
- d. Overview of compliance requirements; and
- e. Disorders and when not to service a client.

6. Professional Standards:

- a. History of tattooing;
- b. Ethics;
- c. Record keeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPPA Standards.
- d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
- e. Parlor management:
 - (1) Licensing requirements; and
 - (2) Taxes.

7. Tattooing:

- a. Client consultation;

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- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment; and
- h. Material selection and use.

18 VAC 41-50-170. Hours of instruction and performances.

A. Curriculum requirements specified in 18 VAC 41-50-160 shall be taught over a minimum of 1500

hours as follows:

1. 350 hours shall be devoted to theory pertaining to 18 VAC 41-50-160.1, 18 VAC 41-50-160.2, 18 VAC 41-50-160.4, 18 VAC 41-50-160.5, and 18 VAC 41-50-160.6;
2. 150 hours shall be devoted to theory pertaining to 18 VAC 41-50-160.3; and
3. The remaining 1000 hours shall be devoted to practical training and a total of 100 performances pertaining to 18 VAC 41-50-160.7.

B. An approved Tattooing Apprenticeship Program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in 18 VAC 41-50-170.A.1 and 18 VAC 41-50-170.A.3. No credit shall be allowed for the 150 hours required in 18 VAC 41-50-170.A.2.

PART VI.

STANDARDS OF PRACTICE.

18 VAC 41-50-180. Display of license.

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- A. Each tattoo parlor owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or location where the licensee provides services.

- B. Each parlor owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.

- C. Each parlor owner shall offer to licensees the full series of Hepatitis B vaccine.

- D. Each parlor owner shall maintain a record for each licensee of:
 - 1. proof of completion of the full series of Hepatitis B vaccine; or

 - 2. proof of immunity by blood titer; or

 - 3. written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

- E. All licensees shall operate under the name in which the license is issued.

18 VAC 41-50-190. Physical facilities.

- A. A parlor 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 shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

- B. The parlor or temporary location shall be maintained in a clean and orderly manner.

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- C. All facilities shall have a blood spill clean-up kit in the work area.

- D. Work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

- E. 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.

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

- G. 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.

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

- I. Parlors and temporary locations shall have adequate lighting of at least 50 foot-candles of illumination in the tattooing and sterilization areas.

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- J. Adequate mechanical ventilation shall be provided in the parlor.
- K. Each parlor or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with their hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.
- L. Animals are not permitted in the parlor, or temporary location except for guide or service animals accompanying persons with disabilities, or non-mammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.
- M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.
- N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.
- O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

18 VAC 41-50-200. Tattooer responsibilities

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A. All tattooers shall provide to the owner:

1. proof of completion of the full series of Hepatitis B vaccine; or
2. proof of immunity by blood titer; or
3. written declaration of refusal of the owners offer of a full series of Hepatitis B vaccine.

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

C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.

D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.

E. 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 cleaned and a fresh pair of gloves used.

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- F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.
- G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.
- H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.
- I. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.
- J. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.
- K. Each tattooer performing any tattooing procedures in the parlor shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood borne pathogens. All procedures shall be performed using aseptic technique.
- L. A set of individual, sterilized needles shall be used for each client. Single use disposable instruments shall be disposed of in a puncture resistant container.
- M. 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. Contaminated instruments shall be handled with disposable gloves.

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- N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;
- O. 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.
- P. The ultrasonic unit shall be sanitized daily with a germicidal solution.
- Q. 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 purpose of autoclave sterilization and shall include the date of sterilization. If non-transparent bags are utilized, the bag shall also list the contents.
- R. Autoclave sterilization bags with a color code indicator which changes color upon proper sterilization shall be utilized during the autoclave sterilization process.
- S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.
- T. Contaminated disposable and single use items shall be disposed of in accordance with state regulations regarding disposal of biological hazardous materials.

18 VAC 41-50-210. 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 a valid, government issued, positive identification

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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 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 who appears to be under the influence of alcohol or drugs.

D. Tattooing 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, using the Client Disclosure Form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the Client Disclosure Form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor 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 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 was performed;

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

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

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

6. The name of the tattooer;

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.

18 VAC 41-50-220. 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

 2. The licensee or applicant is convicted of fraud or deceit in the practice tattooing; or

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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 this chapter 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 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 this chapter; or

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

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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. 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. 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.

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 impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the tattoo parlor fails to comply with the facility requirements of tattoo parlors provided for in this chapter 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 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 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

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or federal law or regulation governing the standards of health and sanitation for the practice of tattooing.