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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board for Barbers and Cosmetology
<b>Virginia Administrative Code (VAC) citation(s)</b>	18 VAC 41-50 18 VAC 41-60
<b>Regulation title(s)</b>	Tattooing Regulations Body-Piercing Regulations
<b>Action title</b>	General Review 2017
<b>Date this document prepared</b>	August 20, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The proposed amendments are the result of a general review of the regulations initiated by the Board. There have been no non-fee-related regulatory changes since the program's initial set of standard regulations in 2006.

The Board seeks to amend its current regulations to ensure they are as least intrusive and burdensome as possible, while still protecting the health, safety, and welfare of the public; are clearly written and easily understandable; and are representative of the current state of affairs of the industries. The Board seeks to standardize common requirements across all its regulated professions, including application and criminal conviction reporting requirements.

The proposed regulations significantly alter the limited-term tattooer license structure. In response to public comments, the Board seeks to eliminate the current five-day limited term tattooer license and replace it with a one-year convention tattooer license and a two-week guest tattooer license. The Board

also proposes to update training requirements for tattoo schools and tattoo instructors. Although the NOIRA indicated the Board would also consider allowing tattoo and body-piercing apprenticeships to be administered by the Virginia Department of Labor and Industry, the proposed regulations do not make changes to the existing apprenticeship program at this time.

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

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"Board" means the Board for Barbers and Cosmetology.

"Department" means the Department of Professional and Occupational Regulation.

"DOLI" means the Department of Labor and Industry.

"NOIRA" means the Notice of Intended Regulatory Action.

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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At its May 8, 2017, meeting, the Board voted to initiate a general regulatory review of the Tattooing Regulations and Body-Piercing Regulations.

The NOIRA was published in the *Register of Regulations* on October 16, 2017.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

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*Code of Virginia § 54.1-201.5 gives authority to the Board to promulgate regulations. It states, in part, that the Board has the power and duty: "To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board."*

Sections 54.1-703, 54.1-704.1, and 54.1-704.2 require Board-issued licenses for tattooists and body-piercers, tattoo parlors and body-piercing salons, and tattooing/body-piercing schools.

## Purpose

*Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.*

The Board seeks to amend its current regulations to ensure they are as minimally invasive and burdensome as possible, in order to assist in providing an environment with the least restrictive regulations necessary to protect the health, safety, and welfare of the public. The proposed changes are intended to ensure the regulations are clearly written, easily understandable, and representative of the current advancements and standards of the industries.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

### TATTOOING

**18 VAC 41-50-10. Definitions.** Adds, amends, and eliminates definitions for clarity. New definitions of business entity, convention tattooer, firm, guest tattooer, guest tattooer sponsor, responsible management, sole proprietor, post-secondary education level, and tattoo convention have been added. Licensee, and master permanent cosmetic tattooer have been amended to further clarify terms used in subsequent regulations. Limited term tattooer has been eliminated.

**18 VAC 41-50-20. General Requirements for tattooer, convention tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.** The proposed amendments update this section to further clarify and standardize entry requirements. The proposed amendments require applicants disclose all felony convictions during their lifetime and certain misdemeanors within the last two years. The proposed amendments add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The amendments also incorporate registered apprenticeship as a means for qualifying for the exam.

**18 VAC 41-50-30. License by endorsement.** The proposed amendments update this section to further clarify endorsement requirements.

**18 VAC 41-50-40. Examination requirements and fees.** The proposed amendments update this section to further clarify and consolidate examination requirements. The proposed amendments also add requirements that if an applicant does not apply for licensure within five years of passing both exams, he must reapply, and that the Board will only retain examination records for 'non-applicants' for a maximum of five years.

**18 VAC 41-50-50. Reexamination requirements.** The proposed amendments repeal this section and incorporate the content into 18 VAC 41-50-40.

**18 VAC 41-50-60. Examination administration.** The proposed amendments repeal this section and incorporate the content into 18 VAC 41-50-40.

**18 VAC 41-50-80. Tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon license.** The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments add the requirement that the applicant's license be in good standing and

requires applicants and all members of responsible management to disclose all felony convictions during their lifetime, certain misdemeanors within the last two years, and any prior discipline by a licensing entity. The proposed changes also add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The proposed amendments require disclosure of the applicant's physical address, the firm's responsible management, and certification that the applicant has read applicable laws and regulations. The proposed amendments add the requirement that voided licenses be returned to the Board within 30 days and sets forth what events void a license. The proposed amendments also require any change in responsible management be reported to the Board within 30 days of the change. The proposed amendments add the requirement of parlors or salons that host guest tattooers must identify themselves as the sponsor and provide direct supervision of the guest tattooer.

**18 VAC 41-50-90. Limited term tattooer license.** The proposed amendments repeal this section.

**18 VAC 41-50-91. Convention tattooer license.** The proposed amendments create a one year convention tattooer license and set the requirements for licensure including the requirements set forth in 18VAC41-50-20 A 1 through A 4, out-of-state residency, and health education in certain areas.

**18 VAC 41-50-92. Guest tattooer license.** The proposed amendments create a two week guest tattooer license and set the requirements for licensure including the requirements set forth in 18VAC41-50-20 A 1 through A 4, out-of-state residency, and health education in certain areas. Up to three guest tattooers may be obtained per calendar year.

**18 VAC 41-50-93. Guest tattooer sponsor.** The proposed amendments create requirements for parlor and salons to sponsor guest tattooers, including direct supervision by a licensee.

**18 VAC 41-50-100. School license.** The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments add the requirement that the applicant's license be in good standing and requires applicants and all members of responsible management to disclose all felony convictions during their lifetime, certain misdemeanors within the last two years, and any prior discipline by a licensing entity. The proposed also add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The proposed amendments require disclosure of the applicant's physical address, the firm's responsible management, and certification that the applicant has read applicable laws and regulations. The proposed amendments add the requirement that voided licenses be returned to the Board within 30 days and sets forth what events void a license. The proposed amendments also require any change in responsible management be reported to the Board within 30 days of the change.

**18 VAC 41-50-110. Tattooer instructor certificate.** The proposed amendments update this section to add the additional requirement that instructors pass a course in teaching techniques at the post-secondary education level.

**18 VAC 41-50-120. Permanent cosmetic tattooer instructor certificate.** The proposed amendments update this section to add the additional requirement that instructors pass a course in teaching techniques at the post-secondary education level.

**18 VAC 41-50-130. Fees.** The proposed amendments remove the fee for tattoo instructor endorsement, as the regulations do not allow for instructor endorsement.

**18 VAC 41-50-150. License renewal required.** The proposed amendments update this section to further clarify and standardize the requirements. Additionally, the amendments identify the expiration for the convention and guest tattooer licenses.

**18 VAC 41-50-180. Failure to renew.** The proposed amendments update this section to further clarify and standardize the requirements, including the addition of reinstatement requirements for tattoo schools that are consistent with other schools licensed under the Board.

**18 VAC 41-50-230. General Requirements.** The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments also require schools to hold tattoo parlor licenses as required under 54.1-700.

**18 VAC 41-50-240. School Identification.** The proposed amendments repeal this regulation.

**18 VAC 41-50-250. Records.** The proposed amendments add a requirement that schools provide certain documentation to students within specified time periods.

**18 VAC 41-50-260. Hours reported.** The proposed amendments repeal this regulation.

**18 VAC 41-50-270. Health education.** The proposed amendments repeal this regulation and move its requirement to 18VAC41-50-280.

**18 VAC 41-50-280. Tattooing school curriculum requirements.** The proposed amendments update this section for consistency and add the requirement for health education from 18 VAC 41-50-270.

**18 VAC 41-50-290. Hours of instruction and performances.** The proposed amendments change the hours of instruction for tattooing schools from 750 to 1,000.

**18 VAC 41-50-320. School Identification.** The proposed amendments repeal this regulation.

**18 VAC 41-50-340. Hours reported.** The proposed amendments repeal this regulation.

**18 VAC 41-50-350. Health education.** The proposed amendments repeal this regulation and move its requirement to 18VAC41-50-280.

**18 VAC 41-50-360. Permanent cosmetic tattooing school curriculum requirements.** The proposed amendments update this section for consistency and add the requirement for health education from 18 VAC 41-50-350.

**18 VAC 41-50-420. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.** The proposed amendments update this section to further clarify and simplify the requirements. The proposed amendments also provide grounds for discipline for failing to teach the approved curriculum, bribery, failing to respond or providing false or misleading information to the Board or its agents and refusing to allow inspection of any parlor, salon, or school. They also clarify and refine grounds for discipline for certain criminal convictions and failing to report convictions within a certain time period. The proposed amendments provide grounds for discipline for allowing unlicensed activity, failing to take sufficient measures to prevent transmission of communicable disease and failing to comply with all procedures with regard to conduct at the examination.

## **BODY PIERCING**

**18 VAC 41-60-10. Definitions.** New definitions of business entity, firm, responsible management, sole proprietor have been added. Licensee has been amended to further clarify terms used in subsequent regulations.

**18 VAC 41-60-20. General requirements.** The proposed amendments update this section to further clarify and standardize entry requirements. The proposed amendments require applicants disclose all felony convictions during their lifetime and certain misdemeanors within the last two years. The proposed amendments add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The amendments also incorporate registered apprenticeship as the means for qualifying for the exam.

**18 VAC 41-60-30. License by endorsement.** The proposed amendments update this section to further clarify endorsement requirements.

**18 VAC 41-60-40. Examination requirements and fees.** The proposed amendments update this section to further clarify and consolidate examination requirements. The proposed amendments also add requirements that if an applicant does not apply for licensure within five years of passing both exams, he must reapply, and that the Board will only retain examination records for 'non-applicants' for a maximum of five years.

**18 VAC 41-60-50. Reexamination requirements.** The proposed amendments repeal this section and incorporate the content into 18 VAC 41-60-40.

**18 VAC 41-60-60. Examination administration.** The proposed amendments repeal this section and incorporate the content into 18 VAC 41-60-40.

**18 VAC 41-60-80. Salon license.** The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments add the requirement that the applicant's license be in good standing and requires applicants and all members of responsible management to disclose all felony convictions during their lifetime, certain misdemeanors within the last two years, and any prior discipline by a licensing entity. The proposed changes also add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The proposed amendments require disclosure of the applicant's physical address, the firm's responsible management, and certification that the applicant has read applicable laws and regulations. The proposed amendments add the requirement that voided licenses be returned to the Board within 30 days and sets forth what events void a license. The proposed amendments also require any change in responsible management be reported to the Board within 30 days of the change.

**18 VAC 41-60-110. License renewal required.** The proposed amendments update this section to further clarify and standardize the regulations.

**18 VAC 41-60-120. Continuing education requirement.** The proposed amendments update this section to further clarify and standardize the regulations.

**18 VAC 41-60-140. Failure to renew.** The proposed amendments update this section to further clarify and standardize the requirements.

**18 VAC 41-60-180. Display of License.** The proposed amendments update this section to further clarify and standardize the regulations.

**18 VAC 41-60-190. Physical facilities.** The proposed amendments update this section to further clarify and standardize the regulations.

**18 VAC 41-60-220. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.** The proposed amendments update this section to further clarify and simplify the requirements. The proposed amendments also provide grounds for discipline for failing to teach the approved curriculum, bribery, failing to respond or providing false or misleading information to the Board or its agents and refusing to allow inspection of any salon. They also clarify and refine grounds for discipline for certain criminal convictions and failing to report convictions within a certain time period. The proposed amendments provide grounds for discipline for allowing unlicensed activity, failing to take sufficient measures to prevent transmission of communicable disease and failing to comply with all procedures with regard to conduct at the examination.

## Issues

*Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

1) The primary advantage of the proposed amendments to the public is addition of the responsible management system for tracking ownership of tattooing and body piercing businesses. This will allow the Board to better identify when individuals previously disciplined by the Board are attempting to re-enter the profession.

The addition of a one-year convention license and two-week guest tattooer license will facilitate businesses providing better services to the public and out-of-state tattooers working as guests in Virginia and contributing to Virginia's economy, all without diminishing health and safety protections for the public. The Board will continue to approve applicants and license professionals for which it has safeguards to ensure proper competency and standards of conduct as required by statute. The addition of prohibited acts will reduce fraud and better ensure the regulant population is minimally competent.

Further, regulants and applicants within these professions will be able to read the Board's requirements with greater clarity and understanding. The added clarity of the language in the proposed regulations will facilitate a quicker and more efficient process for applicants and regulants by enhancing their understanding of their individual requirements. Consumers in the public, as well as regulators from related agencies, will have a better understanding of the Board's requirements, which will also allow them to conduct their business with greater efficiency and ultimately lead to a more protected public.

There are no anticipated disadvantages to the public. Compliance and reporting requirements for licensees are marginally increased; however, this disadvantage is minimal and the least burdensome manner in which to ensure public protection while addressing fraud.

2) The primary advantage to the Commonwealth will be the continued successful regulation of tattooers and body piercers who meet the minimum entry standards as required by statute. The proposed amendments strengthen the Department's ability to investigate and discipline regulants who disregard the health, safety, and welfare of the public. The primary disadvantage to the Department is that by adding the responsible management systems, as well as turning the limited-term license into two separate licenses, there is more complexity added to the administration of the regulations.

3) The clarification of the proposed language will facilitate greater understanding of the Board's requirements for all involved. Several changes, including teaching techniques training for tattoo instructors, guest and convention licenses, and increasing the hours of training were included at the request of the regulated community.

## Requirements More Restrictive than Federal

*Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

There are no requirements in the proposed regulations that would be more restrictive than those currently required in federal law.

## Agencies, Localities, and Other Entities Particularly Affected

*Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

### Other State Agencies Particularly Affected

No other state agencies are particularly affected.

### Localities Particularly Affected

Health departments in some localities are involved with physical facility inspections of tattoo parlors, limited-term tattoo parlors, and body-piercing salons. Some localities inspect for proper licensure, particularly in localities that host tattoo conventions. Any locality that inspects parlors or salons may need to be aware of the guest and convention tattoo licenses replacing the limited-term tattooer license.

### Other Entities Particularly Affected

No other entities are particularly affected.

## Economic Impact

*Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.*

### Summary

All costs incurred in support of Board activities and regulatory operations are paid by the Department and funded through fees paid by applicants and regulants. All boards within the Department must operate within the Code provisions of the Callahan Act (§ 54.1-113) and the general provisions of § 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The Department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The Board has no other source of income.

### TATTOOING

The Board's proposed changes to the Tattooing Regulations include replacing the limited-term tattooer license with a one-year convention tattooer license and a two-week guest tattooer license. The amendments also add requirements for the responsible management of tattoo parlors. The regulation changes do not increase costs to the state, although a minor reduction in program revenue is expected.

### Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:	Board revenue could decrease by approximately \$3,000 to \$7,500 annually, which can be absorbed with existing resources. Fund detail
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a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	chart follows.  Discontinuing the limited-term tattooer license and replacing it with the convention and guest tattooer licenses may result in 40-100 fewer applications each year.
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	No anticipated economic impact on other state agencies.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The regulatory changes will allow the Board to better identify when individuals previously disciplined by the Board are attempting to re-enter the profession; facilitate more efficient licensing for tattooers contributing to Virginia's economy as guests and at conventions; and strengthen the Department's ability to investigate and discipline non-compliant licensees.

	FY 2019	FY 2020	FY2021	FY2022
Fund	NGF (09222)	NGF (09222)	NGF (09222)	NGF (09222)
Program/Service Area	560046	560046	560046	560046
<b>Impact of Regulatory Changes:</b>				
One-Time Costs	\$0	\$0	\$0	\$0
Ongoing Costs/ Decreased Revenue	\$7,500	\$7,500	\$7,500	\$7,500
Total Fiscal Impact	\$7,500	\$7,500	\$7,500	\$7,500
FTE	0.00	0.00	0.00	0.00

**Impact on Localities**

Projected costs, savings, fees or revenues resulting from the regulatory change.	For those localities that inspect tattoo conventions, discontinuing the limited-term tattooer license and replacing it with the convention and guest tattooer licenses may result in a slight decrease in inspections.
Benefits the regulatory change is designed to produce.	The regulatory changes will promote better understanding among regulators from related entities and consumers, ultimately promoting increased public protection.

**Impact on Other Entities**

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Tattooers, tattoo parlors, tattooing instructors and tattoo schools would be affected by the regulation changes.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses	As of Aug. 1, 2018, the Board licensed 642 tattooers, 242 tattoo parlors, 9 tattooing instructors, 5 tattoo schools, 355 permanent

<p>affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> <li>a) is independently owned and operated and;</li> <li>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</li> </ul>	<p>cosmetic tattooers, 7 master permanent cosmetic tattooers, 24 permanent cosmetic tattoo instructors, 105 permanent cosmetic tattooing salons, and 14 permanent cosmetic tattooing schools.</p> <p>The Board received 191 limited-term tattooer license applications in 2017, which would be replaced by an estimated 100-150 convention and guest tattooer applications under the proposed regulatory change.</p> <p>Most of the 242 parlors and 105 permanent cosmetic tattooing salons would be considered small businesses.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</li> <li>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</li> <li>c) fees;</li> <li>d) purchases of equipment or services; and</li> <li>e) time required to comply with the requirements.</li> </ul>	<p>The proposed changes result in nominal additional compliance costs. The amendments request data on responsible management for facility applicants (at a marginal time expense but no additional monetary cost); no other reporting, recordkeeping, or administrative costs are expected for applicants or small businesses.</p> <p>The annual application fee for a one-time convention or guest tattooer license would be \$75, which is the same as the existing fee for the limited-term tattooer license that is being discontinued.</p> <p>No costs related to the development of real estate for commercial or residential purposes, or equipment or service purchases, are anticipated to result from the regulatory changes.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The proposed amendments are intended to ensure the Board's regulations are as least intrusive and burdensome as possible, are clearly written and easily understandable, and are representative of the current state of affairs of the industries.</p> <p>Licensees will only need to apply once per year for a convention tattooer license, rather than for each convention worked during the year under the current limited-term tattooer license now in place, which decreases the regulatory burden.</p> <p>The addition of a one-year convention license and two-week guest tattooer license will facilitate businesses providing better services to the public and out-of-state tattooers working as guests in Virginia and contributing to Virginia's economy, all without diminishing health and safety protections for the public.</p>

**BODY-PIERCING**

The Board’s proposed changes to the Body-Piercing Regulations include adding requirements for the responsible management of body-piercing salons. The regulatory changes do not increase costs.

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> <li>a) fund source / fund detail;</li> <li>b) delineation of one-time versus on-going expenditures; and</li> <li>c) whether any costs or revenue loss can be absorbed within existing resources</li> </ul>	No fiscal impact.
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	No anticipated economic impact on other state agencies.
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	The regulatory changes will allow the Board to better identify when individuals previously disciplined by the Board are attempting to re-enter the profession and strengthen the Department’s ability to investigate and discipline non-compliant licensees.

**Impact on Localities**

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	No fiscal impact.
<p>Benefits the regulatory change is designed to produce.</p>	The regulatory changes will promote better understanding among regulators from related entities and consumers, ultimately promoting increased public protection.

**Impact on Other Entities**

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	Body piercers and body-piercing salons would be affected by the regulation changes.
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> <li>a) is independently owned and operated and;</li> <li>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</li> </ul>	<p>As of Aug. 1, 2018, the Board licensed 127 body piercers, 97 body-piercing salons, 304 ear-only body-piercers, and 62 ear-only body-piercing salons.</p> <p>Most of the 159 salons would be considered small businesses.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</li> <li>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</li> <li>c) fees;</li> </ul>	<p>The proposed changes result in nominal additional compliance costs. The amendments request data on responsible management for facility applicants (at a marginal time expense but no additional monetary cost); no other reporting, recordkeeping, or administrative costs are expected for applicants or small businesses.</p> <p>No costs related to fees, the development of real estate for commercial or residential purposes, or equipment or service purchases, are anticipated</p>

d) purchases of equipment or services; and e) time required to comply with the requirements.	to result from the regulatory changes.
Benefits the regulatory change is designed to produce.	The proposed amendments are intended to ensure the Board’s regulations are as least intrusive and burdensome as possible, are clearly written and easily understandable, and are representative of the current state of affairs of the industries.

## Alternatives

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

In reviewing the regulations, the Board considered whether there were less burdensome alternatives. The Board weighed those alternatives against the burden to its own regulant population, especially small businesses. Alternatives that failed to meet this consideration were rejected.

The Board will consider all comments received during the public comment period as to proposed alternatives.

## Regulatory Flexibility Analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

1) The Board must promulgate regulations that provide an adequate level of protection to the public while, simultaneously ensuring that individuals and businesses are not unnecessarily burdened. The amendments are intended to further strengthen that protection, and specifically address areas of the regulations that were being exploited by some applicants and regulants to perpetrate fraud against the Board. Although the majority of the proposed amendments simplify and clarify existing regulations, in some instances, compliance and reporting requirements are marginally increased. The Board believes these amendments are the least stringent that can be promulgated that will still deliver protection to the public and address fraud being perpetrated against the Board.

2) The nominally more stringent deadlines and reporting requirements added by the proposed amendments are proposed to address the aforementioned fraud by applicants and regulants and better protect the health and safety of the public. The Board believes the amendments are the least stringent that can be promulgated that will still deliver protection to the public and address fraud being perpetrated against the Board. The replacement of limited-term tattooer licenses with guest tattooer and convention tattooer licenses was initiated at the request of the licensees and while it adds a small amount of

complexity, it creates a more efficient, effective, and less costly means for visiting tattooers to work legally in Virginia.

3) The proposed amendments largely simplify and clarify existing requirements. The Board believes any new requirements are the least stringent that can be promulgated still deliver protection to the public.

4) Performance standards are utilized in all cases where the Board believes it can provide an adequate level of protection to the health, safety, and welfare of the public.

5) The overwhelming majority of businesses licensed by the Board are small businesses, and similar proportion of individuals licensed by the Board are employed by small businesses. Thus, nearly every regulatory action undertaken by the Board affects small businesses. As noted above, in order to protect the public, and adequately address issues of fraud, the Board must promulgate regulations. Exempting small businesses from the Board’s requirements would prohibit the Board from addressing these concerns and leave the Board and the public exposed to further risk of licensed individuals and business that are not at least minimally competent.

**Periodic Review and  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

1) There is a continued need for regulation of the tattooing and body piercing professions. Due to the personal and physical nature of these professions, at least minimal competency of those engaged in the profession is warranted to protect the health, safety, and welfare of the public. Since the vast majority of licensees either are or work for small businesses, this necessitates the continued regulation of small businesses. The proposed amendments balance the need for minimally competent professionals with the need for simple and clear regulations. The amendments add clarity to the regulations, and where possible, regulations are repealed or incorporated into other regulations.

2) There were several categories of complaints and comments received from the public. Some complaints were unrelated to the proposed regulations, such as estheticians practicing outside their scope of license. Additionally, there were complaints concerning DOLI tattoo schools, which fundamentally misunderstand the nature of registered apprenticeships. Since receiving these comments, the Board made multiple outreach efforts to inform licensees that DOLI does not operate schools and would not operate tattoo schools even if it administered the apprenticeship program. Nonetheless, in order to provide more time to address ongoing concerns, on August 13, 2018, the Board voted to remove the apprenticeship changes announced in the NOIRA from the proposed action. Other comments rejected regulation of tattoo schools altogether, most of which suggest the commenters were unaware that the Board has licensed tattoo schools since 2005. Other complaints concern lack of enforcement of the regulations, the ineffectiveness

of the regulations, aligning the instructor requirements with those of other professions regulated by the Board, and changing the hours of instruction for tattooing (increasing and decreasing).

- 3) One of the primary purposes and expected benefits of the proposed amendments is to simplify and clarify the regulations. The Board has approved regulations that are in plain language, and provided terms and instructions that should be easily understood by members of the profession and by the public. The Board is consolidating a number of amendments to reduce the overall length of the regulations.
- 4) The Board has no knowledge of the proposed regulations overlapping, duplicating, or conflicting with any federal or state law or regulation.
- 5) There have been no non-fee related regulatory changes since the program’s initial set of standard regulations in 2006. Since that time there have been changes to technological and economic conditions. The proposed amendments attempt to eliminate or modernize obsolete or outdated regulations.

**Public Comment**

*Please summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Robert G Knox, Lucky 13 Tattoo and Piercing	Strongly objects to turning tattooing and body-piercing apprenticeships over to a school. This will create a low standard of licensure. This will also create an increased risk of health and safety to the public. Many aspects of the apprenticeship cannot be gained in the classroom. This will allow people with no experience other than “school” to open a shop legally.	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade.</p>

		<p>The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board does not have any plans to create body-piercing schools. It will take these comments under consideration.</p>
<p>Susan-Jane Smith</p>	<p>“No on schools for tattooing.” Not a tattoo artist, but tattooed, and would like her artist trained via apprenticeship, not schools.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most</p>

		<p>efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p>
<p>Drew Manley, Great Southern Tattoo Company</p>	<p>Tattoo and piercing schools do not produce well educated and knowledgeable tattooers and piercers. People need to learn in a studio environment.</p>	<p>The Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p>
<p>Katie Schemmel, Artisan Body Piercing and Tattoo</p>	<p>This industry is not made to be taught in schools. Teachers in schools would not be able to catch cross-contamination every time, whereas a sponsor is better able to do this. Schools would destroy the work tattooers have done to improve the image of the industry.</p> <p>The test for tattooing and body-piercing needs to be updated.</p> <p>The switch of the apprenticeship from DPOR to DOLI may be an improvement if it results in a faster process of licensure.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>The Board currently utilizes the National Interstate Council of State Boards of Cosmetology exams tattooing and body-piercing. These exams are psychometrically</p>

		<p>valid and were developed using national subject matter experts to create the job analysis. The choice of exam is not currently set in regulation. The Board will take these comments under consideration.</p> <p>Additionally, the Board's regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board does not have any plans to create body-piercing schools. It will take these comments under consideration.</p>
<p>Colleen Maitland, Customer</p>	<p>Concurs with comments of her "trusted, professional artist", Robert Knox.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of "related instruction" (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board's regulations have</p>

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<p>Brandi Rose, Blue Horseshoe Tattoo</p>	<p>The tattooing and body piercing community is huge in culture. Apprenticeships should not be given to just anyone who wants in. Changing the policy to allow anyone to become a practitioner will hurt the industry. Apprenticeships have never been “cookie cut”, and trying to standardize the apprenticeship is not going to help. Tattoo schools and body piercing schools do not need to exist. No one in the industry is “in a hurry to add more fish to the pond.” Tattooing cannot be taught in a classroom. Apprenticeships are sacred, please do not impede on them.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged</p>

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<p>Ren Marshok</p>	<p>Apprenticeships are sacred; we are the first line of defense against who gets into our industry. Apprenticeships should be spent side by side with your mentor, in the shop. Learning in the shop environment is imperative to this job. It seems the Board is trying to take away what makes the industry special.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>The Board will take these comments under consideration.</p>
<p>Christopher Keener, Great Southern Tattoo</p>	<p>Tattoo schools are a scam and people that graduate from them will never become good tattooers because they will not be taught the proper way to speak to customers, proper ways to tattoo, “shop etiquette, etc.” Tattoo schools are a bad idea; they will waste money, time, produce bad tattoos and possibly scarring and infection.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held</p>

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<p>Ben Krist, Ricks Tattoo</p>	<p>No schools. Tattooing has to be learned in the shop. Changing anything in the apprenticeship process takes away something that is special about tattooing. Any other way does not prepare you for the reality of working in a shop. It also opens the door to many who do not belong in the profession.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The</p>

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<p>Sanjay Tomar, Portable Weighbridge</p>	<p>Tattoo schools are a scam and people that graduate from them will never become good tattooers because they will not be taught the proper way to speak to customers, proper ways to tattoo, “shop etiquette, etc.” Tattoo schools are a bad idea; they will waste money, time, produce bad tattoos and possibly scarring and infection.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged</p>

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LaFarn Burton	Re: 18 VAC 41-50-110 and 18 VAC 41-50-120 – align instructor requirements with other professions regulated by the Board, such as cosmetologist, barber and nail instructors.	One of the Board’s purposes in this action is to align certain sections with other professions regulated by the Board, where appropriate. The Board will take these comments under consideration.
Norman Burton	18 VAC 41-50-290 - Hours of instruction and performance. Reduce hours (750) - VAC 41-50-280 requirements to align tattoo with hours (90) of permanent cosmetic tattooing (18 VAC 41-50-370).	The Board will take these comments under consideration.
Julie Elliott	Currently a body-piercing apprentice. Feels that she could not learn as much in a classroom. Tattoo schools are a terrible idea, as the industry is old and its traditions are sacred. It should be left the way it is.	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required</p>

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<p>Anna Ramirez</p>	<p>Absolutely not.</p>	<p>It is not clear what this commenter is objecting to.</p> <p>To the extent this commenter objects in the same manner as other commenters, the proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged</p>

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<p>Christopher Morris, Va Lic. 1241000124</p>	<p>No to tattoo and piercing schools</p>	<p>The Board's regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board does not have any plans to create body-piercing schools. It will take these comments under consideration.</p>
<p>Tim Forbus, Acme Tattoo</p>	<p>All the laws imposed on tattooers have not made tattooing any safer or better for the general public. The regulations are a monetary burden and not enforced. The more the apprenticeship process is taken away from tattooers, the worse the outcome.</p> <p>Why would any self-respecting or competent tattooer teach their craft to anyone who can come up with cash.</p> <p>Imagine a future where tattooing is done in malls, spreading disease.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of "related instruction" (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall</p>

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<p>Sydney Comisky</p>	<p>No to tattoo/piercing schools</p>	<p>The Board's regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board does not have any plans to create body-piercing schools. It will take these comments under consideration.</p>
<p>Allison Peterson, Owner of AKP Studio, Licensed</p>	<p>This is absurd, tattoo artist and patrons of tattoo shops would never want this.</p>	<p>It is not clear what this commenter is objecting to.</p> <p>To the extent this commenter objects in the same manner as other commenters, the</p>

<p>Cosmetologist</p>		<p>proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board does not have any plans to create body-piercing schools. It will take these comments under consideration.</p>
<p>Gabriel Cece, Studio Evolve Tattoo</p>	<p>What is the specific nature of the proposed changes to the tattoo codes? If you’re talking about and thinking of changing the regulations so that tattoo apprenticeships will be taken out of the tattoo studios, and put</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency,</p>

	<p>them inside a classroom, within the legislation of the DOLI AND DPOR, taught by instructors that do not have real qualifications and substantial experience, as a professional tattooers, then I completely disagree. Doing so would be an insult to tattooing. Apprenticeships are the only way to properly learn the sacred craft of tattooing. Would like a meeting to discuss the changes.</p>	<p>apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of "related instruction" (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board's regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>Additional public comment opportunities are provided throughout the regulatory process, including at this proposed stage.</p>
<p>Tricia Atkinson</p>	<p>Suggests the Board change the amount of years of experience to be a sponsor from five years to three years. Five years is more than it should be. She knows many tattooers that will not come to Virginia because of our strict licensing laws.</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>
<p>James Sellers, River City Tattoo</p>	<p>Strongly objects to the idea of tattoo schools. There is no way an instructor can prepare a student for the profession. A real apprenticeship requires a high degree of commitment from the</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p>

	<p>mentor and apprentice. Instructors would not know as much as seasoned sponsor and schools would be flooded with more hacks, increasing the risk to the public.</p>	<p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p>
<p>J. W. Connelly’s Professional Tattooing</p>	<p>No to tattoo schools. Changing the way apprenticeships are done is extremely upsetting and destructive to our family traditions and also to this entire industry. You will flood a stable market with subpar artists. Instead of making things harder on those of us who follow the rules, your agency needs to focus on identifying and penalizing the bootleggers who are tattooing dangerously, messing people up, not paying fees and not being taxed.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by</p>

		<p>licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p>
<p>Abigail Bowen, Under the Sun Tattoo</p>	<p>No to DOLI tattoo schools. Understands this change is that apprenticeships will be conducted through DOLI. Tattoo skills cannot be taught in a classroom. Feels this change would result in health risks to the public. Apprenticeship process should be left to the professionals.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have</p>

		<p>provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p>
<p>Jane Calloway</p>	<p>18 VAC 41-50-390 and 18 VAC 41-50-10. Mobile tattoo parlors should be allowed, as this addresses a need of the public. Vehicle standards should be the same as an ambulance and tattooing should be done in private residences.</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>
<p>David Zobel, Cary Street Tattoo</p>	<p>Appreciates the opportunity to discuss the current regulations. Would like to see the apprenticeship program enhanced with hands on and classroom learning, online instruction, etc. Would like to create a council or committee of professional tattooers and regulatory body members to discuss changes to the regulations.</p> <p>Requests a 90 day moratorium on any changes in order to have adequate time to review, discuss, and implement any changes.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>The Board will take these comments under consideration. Additional public comment opportunities are provided throughout the regulatory process.</p>
<p>Jenna</p>	<p>It seems like this amendment is to</p>	<p>The Board’s regulations have provided for</p>

<p>Stephens</p>	<p>create tattoo schools. This is not in the best interest of the public. There are several disadvantages to tattoo schools, such as student teacher ratio and time of training. Students from tattoo schools would not be adequately trained. You need to stop DPOL from being able to make and run tattoo schools.</p>	<p>tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p>
<p>John Campbell, Monkey Brainz Tattoo &amp; Skate</p>	<p>Has many unanswered questions regarding these changes, including what would happen to current apprentices, would licensees have to repeat their training or lose their training. Agrees with other commenters against tattoo schools. It is a waste of time and tattooing cannot be learned from a book.</p>	<p>Any change to the training requirements would not impact current licensees.</p> <p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting</p>

		the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.
Kristin Peck	Has strong concerns about estheticians performing microblading	The Code of Virginia does not permit estheticians to perform microblading. The Board will take these comments under consideration.
Frederick Scott, Gulf Coast Tattoo Co.	No need for state run tattoo school. Tattooing regulations in place need to be enforced.	The Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.

In addition to the public comment period, on March 12, 2018, the Board conducted a public forum to receive additional comments and address a misunderstanding about the role of DOLI in administering apprenticeships. During the forum, the Board received the following additional comments.

Commenter	Comment	Agency response
Jason Hobbie	Tattooing is not a normal job in that it must be learned in the studio on a daily basis. Concerned about being required to pay apprentices, “Why would I pay them to be a competitor.” Unrealistic to ask for DOLI apprenticeship from tattooers.	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction”</p>

		<p>(classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
<p>Richard Kirby</p>	<p>Concerned about tattoo schools and the quality of the students they turn out.</p>	<p>The Board's regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
<p>Scott Calcaterra</p>	<p>Tattooing is a sacred industry and tattooers should have input on what the tattooing apprenticeship would be. Concerns about tattooer with out-of-state experience being able to get license and also the customer service experience received from the Department.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of "related instruction" (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current)</p>

		<p>to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
Gabriel Cece	<p>Expresses concerns about inconsistent and poor customer service from the Board. Also expressed concern that there was no study guide for the tattoo exam. Tattooing is a coveted tradition and should be protected. There should be more tattooers on the Board.</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>
Jesse Smith	<p>Would like one time yearly fee for limited term tattooers, or a yearly convention license. Also a two week license for guest tattooers. Would like information about international tattooers to be publicly available. Would also like a focus on mentors rather than apprenticeship.</p>	<p>The proposed regulations eliminate the current five-day limited term tattooer license and replace it with a one-year convention tattooer license and a two-week guest tattooer license.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
Leigh Odom	<p>Would like to find a happy medium between schools and apprenticeships. Believes some apprentices are being tricked by their sponsors. Would like to see tattoo schools as a requirement for unlicensed tattooing and increase the length of the tattoo program. Would like to see rules that ensure sponsors and instructors have both experience and credentials for their roles.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>Regardless of the administering agency, apprenticeship will remain on-the-job training in a tattoo parlor under a licensed tattoo sponsor. If administered by DOLI, the primary changes would be that (1) apprentices and sponsors register with DOLI rather than DPOR, (2) sponsors would be held accountable to comply with federal wage and employment rules, and (3) apprentices would have to take 150 hours of “related instruction” (classroom theory instruction taught by licensed tattooers). Related instruction is a small part of the overall apprenticeship and if the apprenticeship moves to DOLI, the overall length of hands-on, in-the-shop experience will likely increase from 1500 hours (current) to 1850 hours (plus the 150 of related instruction for a total of 2,000 hours). The same would be true for piercing apprenticeships.</p> <p>Additionally, the Board’s regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance</p>

		<p>requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
Thomas Little	<p>Tattooing blends different disciplines: art school, medical training, etc. This cannot be taught in a school. There should be tattoo specific first aid and health training. Would like to see a newsletter for the profession. Would like to see penalties for unlicensed activity go up, and the department contact law enforcement about what can be done under the law.</p>	<p>The Board's regulations have provided for tattoo schools since tattooing became regulated. Several tattoo schools have been operating for more than a decade. The school programs also have performance requirements, so tattoo students are required to gain actual experience tattooing prior to testing and licensure. The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome, and most efficient manner. The Board does this by creating license requirements to ensure minimal competency. While the Board does not have any evidence tattoo schools are inadequate to meet these standards, the Board will take these comments under consideration.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
Letitia Sterling	<p>Agrees with the regulations on apprenticeships. Licensees should carry insurance.</p>	<p>The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.</p> <p>The Board will take these comments under consideration for this regulatory review.</p>
Gregory Edwards	<p>Stated he received great training from a tattoo school.</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>
Katie Schemmel	<p>Reported difficulties opening forms and using website from Apple products.</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>
Amber Templin	<p>Commented on the lack of communication from the Board. Wants representation from the Board to answer questions.</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>
Oanh Dang	<p>Expressed concern that microblading is being taught outside of licensed schools. Would like permanent cosmetic tattooing hours to be raised. Would also like more</p>	<p>The Board will take these comments under consideration for this regulatory review.</p>

	experience to be required for instructor license.	
Lafarn Burton	Commented that tattooing has been closed for years but the profession is changing. The gap between apprenticeships and schools should be closed. Tattooing instructors should have training options, not just years of experience.	The proposed regulations do not alter the current apprenticeship program. The Board removed the provision moving apprenticeship from under DPOR to DOLI due to ongoing concerns and will revisit later.  The Board will take these comments under consideration for this regulatory review.

## Public Participation

*Please include a statement that in addition to any other comments on the regulatory change, the agency is seeking comments on the costs and benefits of the regulatory change and the impacts of the regulated community. Also, indicate whether a public hearing will be held to receive comments.*

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Stephen Kirschner, Regulatory Operations Administrator, at:

**Email:** [BarberCosmo@dpwr.virginia.gov](mailto:BarberCosmo@dpwr.virginia.gov)

**FAX:** (866) 245-9693

**U.S. Mail:** Board for Barbers and Cosmetology  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400, Richmond, VA 23233

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

## Detail of Changes

*Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.*

*If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.*

*If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.*

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
18 VAC 41-50-10		Establishes definitions of terms used throughout the Chapter.	<p>“Business Entity” is added to provide a comprehensive list of the forms of legal organization permitted under law. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Convention tattooer” added to identify the scope and duration of the convention tattooer license.</p> <p>“Firm” is added to provide a short hand explanation of business entities recognized under the laws of the Commonwealth. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Guest tattooer” is added to identify the scope and duration of the guest tattooer license.</p> <p>“Guest tattooer sponsor” is added to identify the scope and meaning of a guest tattoo sponsor.</p> <p>“Licensee” is amended to reflect all business entities allowed under the laws of the Commonwealth.</p> <p>“Limited term tattooer” is removed as it is being replaced by guest tattooer and convention tattooer.</p> <p>“Post-Secondary educational level” is added to distinguish educational levels and recognize accredited colleges or universities.</p> <p>“Responsible Management” is added to identify those who are responsible for the business and regulatory activity of a firm. Adding this definition precludes the need to consistently repeat this language.</p>

			<p>“Sole Proprietorship” is added to distinguish an individual, not a corporation, trading under his own or an assumed name.</p> <p>“Tattoo convention” is added to identify what events qualify as tattoo conventions at which convention tattooers are licensed to work.</p> <p>These changes reflect the addition of the responsible management system and evolution of the limited term tattooer license to better reflect the needs and realities of the industry.</p>
<p>18 VAC 41-50- 20</p>		<p>Establishes the general requirements for tattooers, convention tattooers, guest tattooers, permanent cosmetic tattooers or master permanent cosmetic tattooers.</p>	<p>Subsection A.1 is reworded for greater clarity. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing individuals who are minimally competent to engage in the profession.</p> <p>Subsection A.3 is reworded for clarity.</p> <p>Subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>Section A.6 is removed as it concerns a statutory grandfathering period which expired on September 30, 2007.</p> <p>Section B.1.a is amended to reflect the apprenticeship is being overseen by DOLI.</p> <p>Section B.1.b is amended to correct a typographical omission.</p> <p>Section B.2.a is amended for consistent spelling of bloodborne pathogens.</p> <p>Section B.2.b is amended to correct a</p>

			typographical omission.
18 VAC 41-50-30		Establishes licensure by endorsement for certain individuals.	This section is amended for added clarity, reflecting that tattooers and permanent cosmetic tattooers may only endorse into their respective professions.
18 VAC 41-50-40		Establishes the examination requirements and fees.	New sections C, D, E and F incorporate requirements formerly set out in 18 VAC 41-50-50 and 18 VAC 41-50-60. These regulations are consolidated for greater clarity. No new requirements are created or changed.
18 VAC 41-50-50		Establishes the reexamination requirements.	This section is repealed and its content moved to new subsection 18 VAC 41-50-40.D.
18 VAC 41-50-60		Examination administration requirements.	This section is repealed and its content moved to new subsection 18 VAC 41-50-40.C, E., and F.
18 VAC 41-50-80		Establishes the tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon license requirements.	<p>Subsection A.1 is amended to add the requirement that the applicant and members of responsible management be in good standing as a licensed parlor, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing parlors and salons which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia’s laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s</p>

			<p>criminal history. This change reflects the requirements of other professions under the Board.</p> <p>New subsection A.5 requires the applicant to disclose the firm's responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection B is amended to read with greater clarity and reflect that licenses are not transferable. This requirement ensures that every applicant is aware that it is responsible for updating its address with the Board.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>New subsection D requires that any change to officers, managers or directors of certain business entities be reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>New subsection E requires the parlor/salon hosting a guest tattooer must identify itself as the guest tattooer's sponsor on the guest tattooer's application and must supervise the guest tattooer. This addition ensures that guest tattooers will be supervised by licensees of the Board. This is particularly important if the Board is to fulfill its duty to protect the health, safety and welfare of the public.</p> <p>Old subsections D, E, F, and G are renumbered and amended to reflect the new responsible management system.</p>
<p>18 VAC 41-50- 100</p>		<p>Establishes the school license requirements.</p>	<p>Subsection A.1 is amended to add the requirement that the applicant and members of responsible management be in good standing as a licensed school, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing schools which</p>

			<p>are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia’s laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>New subsection A.5 requires the applicant to disclose the firm’s responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>Subsection D is reworded to incorporate the requirement of schools to provide hours and performances of non-completing student upon closing. This incorporates and consolidates the requirement in repealed section 18 VAC 41-50-260.</p> <p>New subsection E requires that any change to officers, managers or directors of certain business entities be reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the school.</p>
<p>18 VAC 41-50-</p>		<p>Requirements for the tattoo instructor certificate.</p>	<p>New subsection A.3 is added to require tattoo instructor applicants to have</p>

110			<p>completed a course on teaching techniques at the post-secondary level. This addition incorporates a request from the licensees and ensures that instructors have a minimum level of competence to engage in academic instruction.</p>
18 VAC 41-50-120		<p>Requirements for the permanent cosmetic tattoo instructor certificate.</p>	<p>New subsection A.3 is added to require permanent cosmetic tattoo instructor applicants to have completed a course on teaching techniques at the post-secondary level. This addition incorporates a request from the licensees and ensures that instructors have a minimum level of competence to engage in academic instruction.</p>
18 VAC 41-50-130		<p>Fees.</p>	<p>This section is amended to remove reference to license by endorsement for instructors, as instructors are not and have not been able to obtain a license by endorsement.</p>
18 VAC 41-50-150		<p>Requirements for license renewal.</p>	<p>This section is amended to reflect the license expiration requirements for convention tattooers and guest tattooers.</p> <p>New subsection 1 lists the two year licensing period for all licensees except convention and guest tattooers.</p> <p>New subsection 2 lists the licensing period for convention tattooers.</p> <p>New subsection 3 lists the licensing period for guest tattooers.</p>
18 VAC 41-50-180		<p>Establishes provision for when licensees fail to renew.</p>	<p>Subsection A is amended with simplified language and adds business entities to the requirements.</p> <p>Subsection B is amended with simplified language and adds business entities to the requirements.</p> <p>Old subsection C is removed and incorporated into subsection B.</p> <p>New subsection C incorporates requirements from old subsection E and F and the requirements all other schools licensed by the Board must meet in order to reinstate. This change creates more consistency and better oversight of tattoo schools.</p> <p>Subsections D, E, and F are removed as duplicative after their requirements are incorporated in subsections B and C.</p>

			<p>Old subsection G is renumbered as new subsection D.</p> <p>Old subsection H is renumbered as new subsection E and changes the reinstatement effective date, as individuals who reinstate will be given a full two year license, rather than whatever amount of two years was left since the original expiration of the license.</p> <p>Old subsection I is renumbered as new subsection F and reworded for greater clarity.</p> <p>Old subsection J is renumbered as new subsection G and reworded for greater clarity.</p>
18 VAC 41-50-230		Establishes general requirements for tattoo school programs.	<p>Subsection 5 is amended to remove the qualifier from the requirement to hold a parlor license “if the school receives compensation...” Code of Virginia 54.1-700 requires a parlor license regardless of compensation.</p> <p>Subsection 5. Is amended to make explicit the requirement that all changes to curriculum must be approved by the Board.</p>
18 VAC 41-50-240		Establishes the requirement that schools identify themselves as teaching institutions.	This section is repealed as duplicative of 18 VAC 41-50-100.B.
18 VAC 41-50-250		Establishes recordkeeping requirements for schools.	<p>New subsection C requires that schools, within 21 days of a student’s request, produce documentation and performances completed by that student. This provision will assist students in obtaining their records and addresses a frequent complaint that schools are withholding progress documentation from their students.</p> <p>Old subsection C is renumbered as subsection D.</p> <p>Old subsection D is renumbered as subsection E.</p>
18 VAC 41-50-260		Establishes the requirement for tattoo schools to provide hours and performances of	This section is repealed and its requirement is incorporated in 18 VAC 41-50-100.

		students to the Board upon closing.	
18 VAC 41-50-270		Establishes the requirement for individuals desiring to enroll in tattoo school complete minimum health education.	This section is repealed and its requirement incorporated into new subsection 18 VAC 41-50-280.A.
18 VAC 41-50-280		Establishes the tattooing school curriculum requirements.	New subsection A incorporates the requirement for individuals desiring to enroll in tattoo school complete minimum health education from 18 VAC 41-50-270.  Subsection B.5 is reworded for consistent spelling of bloodborne pathogens.
18 VAC 41-50-290		Establishes the hours of instruction and performances for tattoo schools.	Subsection A is amended to change the total hours of instruction 1,000 for tattooing program from 750.  Subsection A.3 is amended to change the hours of practical instruction in tattooing from 250 to 500 hours.  These changes reflect comments by licensees who have complained to the Board that the length of the tattoo school program is inadequate.
18 VAC 41-50-320		Establishes the requirement that permanent cosmetic tattooing schools identify themselves as teaching institutions.	This section is repealed as duplicative of 18 VAC 41-50-100.B.
18 VAC 41-50-340		Establishes the requirement for permanent cosmetic tattoo schools to provide hours and performances of students to the Board upon closing.	This section is repealed and its requirement is incorporated in 18 VAC 41-50-100.
18 VAC 41-50-350		Establishes the requirement for individuals desiring to enroll in permanent cosmetic tattoo school complete minimum health education.	This section is repealed and its requirement incorporated into new subsection 18 VAC 41-50-360.A.
18 VAC 41-50-360		Establishes the tattooing school curriculum requirements.	New subsection A incorporates the requirement for individuals desiring to enroll in tattoo school complete minimum health education from 18 VAC 41-50-270.  Subsection B.10 is reworded for consistent spelling of bloodborne pathogens.
18 VAC 41-50-420		Establishes grounds for disciplinary action.	This section is reworded to read with greater clarity.  New prohibited acts are added to better

			<p>enable the Board to prevent fraud, investigate regulatory violations, and better protect the public.</p> <p>Subsection 1 is amended to remove limited term tattooer references and incorporate parlors, salons, and schools.</p> <p>Subsection 2 is amended to provide consistency with other professions regulated by the Board that schools can be disciplined for failing to teach the approved curriculum.</p> <p>New subsection 5 adds the grounds for discipline of bribing a public official.</p> <p>New subsection 6 adds the grounds for discipline of failing to respond to the Board, or providing false, misleading, or incomplete information to an inquiry of the Board.</p> <p>New subsection 7 adds the grounds for discipline of failing or refusing to allow the Board or its agent to inspect any licensed parlor, salon, or school.</p> <p>Old subsection 5 is renumbered.</p> <p>Old subsection 6 is re-numbered and a portion of it is moved to section 120.B.</p> <p>Old subsection 7 is re-numbered and adds the ground for discipline of making a misrepresentation.</p> <p>Old subsection 9 is renumbered.</p> <p>Old subsection 9 is repealed. This section was duplicative with old section 20.A.4.</p> <p>New subsection 12 adds grounds for discipline for having been convicted of certain misdemeanor and any felony.</p> <p>New subsection 13 adds grounds for discipline for failing to report to the Board any conviction within 30 days of being convicted.</p> <p>New subsection 14 adds the grounds for discipline for any parlor, salon, or school responsible management who allows an unlicensed person to practice, unless that</p>
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			<p>person is a registered apprentice.</p> <p>New subsection 15 adds the grounds for discipline for the responsible management of a school who allows the practice of an unlicensed instructor.</p> <p>New subsection 16 adds the grounds for discipline of failing to take sufficient measures to prevent the transmission of communicable diseases or fails to comply with laws and regulations pertaining to sanitation and safety.</p> <p>New subsection 17 adds the grounds for discipline of failing to comply with procedures established by the Board and testing service with regard to conduct during examination.</p>
<p>18 VAC 41-60- 10</p>		<p>Establishes definitions of terms used throughout the Chapter.</p>	<p>“Body-Piercing ear only” is amended to create consistent use of the correct term “body piercing”.</p> <p>“Business Entity” is added to provide a comprehensive list of the forms of legal organization permitted under law. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Firm” is added to provide a short hand explanation of business entities recognized under the laws of the Commonwealth. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Licensee” is amended to reflect all business entities allowed under the laws of the Commonwealth.</p> <p>“Responsible Management” is added to identify those who are responsible for the business and regulatory activity of a firm. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Sole Proprietorship” is added to distinguish an individual, not a corporation, trading under his own or an assumed name.</p> <p>These changes reflect the addition of the responsible management system and evolution of the limited term tattooer license to better reflect the needs and</p>

			realities of the industry.
18 VAC 41-60- 20		Establishes the general requirements for body piercers.	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”</p> <p>Subsection A.1 is reworded for greater clarity. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing individuals who are minimally competent to engage in the profession.</p> <p>Subsection A.3 is reworded for clarity.</p> <p>Subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>Section A.6 is removed as it concerns a grandfathering period which expired on March 31, 2008.</p> <p>Section B.1.a is amended to reflect the apprenticeship is being overseen by DOLI.</p> <p>Subsection C.5 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p>
18 VAC 41-60- 30		Establishes licensure by endorsement for certain individuals.	This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”
18 VAC 41-60-		Establishes the examination requirements and fees.	New sections C, D, E and F incorporate requirements formerly set out in 18 VAC

40			41-60-50 and 18 VAC 41-60-60. These regulations are consolidated for greater clarity. No new requirements are created or changed.
18 VAC 41-60-50		Establishes the reexamination requirements.	This section is repealed and its content moved to new subsection 18 VAC 41-50-40.D.
18 VAC 41-60-60		Examination administration requirements.	This section is repealed and its content moved to new subsection 18 VAC 41-50-40.C, E., and F.
18 VAC 41-60-80		Establishes the body piercing and body piercing ear only salon license requirements.	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”</p> <p>Subsection A.1 is amended to add the requirement that the applicant and members of responsible management be in good standing as a licensed salon, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing salons which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia’s laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the</p>

			<p>requirements of other professions under the Board.</p> <p>New subsection A.5 requires the applicant to disclose the firm’s responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection B is amended to read with greater clarity and reflect that licenses are not transferable. This requirement ensures that every applicant is aware that it is responsible for updating its address with the Board.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>New subsection D requires that any change to officers, managers or directors of certain business entities be reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Old subsection D is changed to subsection E and is updated to reflect the responsible management system.</p>
18 VAC 41-60-110		Requirements for license renewal.	This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”
18 VAC 41-60-120		Establishes requirements for continuing education.	This section is amended throughout to create consistent usage of the term bloodborne pathogens.
18 VAC 41-60-140		Establishes provision for when licensees fail to renew.	<p>Subsection A is amended with simplified language and adds business entities to the requirements.</p> <p>Subsection B is amended with simplified language and adds business entities to the requirements.</p> <p>Old subsection C is removed as it is incorporated into subsection B.</p> <p>Old subsection D is removed as it is incorporated into subsection B.</p> <p>Subsections D, E, and F are removed as duplicative after their requirements are incorporated n subsections B and C.</p>

			<p>Subsection F is amended to change the reinstatement effective date, as individuals who reinstate will be given a full two year license, rather than whatever amount of two years was left since the original expiration of the license.</p>
18 VAC 41-60-180		Establishes general requirements for display of license	This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”
18 VAC 41-60-190		Establishes the physical facility requirements.	This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”
18 VAC 41-60-210		Establishes requirements for body piercing client qualifications, disclosures, and records.	This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”
18 VAC 41-60-220		Establishes grounds for disciplinary action.	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing.”</p> <p>This section is also reworded to read with greater clarity.</p> <p>New prohibited acts are added to better enable the Board to prevent fraud, investigate regulatory violations, and better protect the public.</p> <p>Subsection 1 is amended to remove limited term tattooer references and incorporate salons.</p> <p>New subsection 5 adds the grounds for discipline of bribing a public official.</p> <p>New subsection 6 adds the grounds for discipline of failing to respond to the Board, or providing false, misleading, or incomplete information to an inquiry of the Board.</p> <p>New subsection 7 adds the grounds for discipline of failing or refusing to allow the Board or its agent to inspect any licensed salon.</p> <p>Old subsection 5 is renumbered.</p> <p>Old subsection 6 is re-numbered and a portion of it is moved to section 120.B.</p> <p>Old subsection 7 is re-numbered and adds the ground for discipline of making a</p>

			<p>misrepresentation.</p> <p>Old subsection 8 is renumbered.</p> <p>Old subsection 9 is repealed. This section was duplicative with old section 20.A.4.</p> <p>New subsection 12 adds grounds for discipline for having been convicted of certain misdemeanor and any felony.</p> <p>Old subsection 10 is repealed.</p> <p>New subsection 13 adds grounds for discipline for failing to report to the Board any conviction within 30 days of being convicted.</p> <p>New subsection 14 adds the grounds for discipline for a salon’s responsible management who allows an unlicensed person to practice, unless that person is a registered apprentice.</p> <p>New subsection 15 adds the grounds for discipline of failing to take sufficient measures to prevent the transmission of communicable diseases or fails to comply with laws and regulations pertaining to sanitation and safety.</p> <p>New subsection 16 adds the grounds for discipline of failing to comply with procedures established by the Board and testing service with regard to conduct during examination.</p>
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If an existing regulation or regulations (or parts thereof) are being repealed and replaced by one or more new regulations, please use the following chart:

<b>Current chapter-section number</b>	<b>New chapter-section number, if applicable</b>	<b>Current requirement</b>	<b>Change, intent, rationale, and likely impact of new requirements</b>
18 VAC 41-50-90	18 VAC 41-50-91 18 VAC 41-50-92 18 VAC 41-50-93	Establishes requirements for a limited term tattooer license.	<p>The limited term tattooer license is being replaced by one-year convention and two-week guest tattooer licenses to better reflect the current state and needs of the industry, as proposed by the regulated community.</p> <p>Virginia licensees who host tattoo conventions and guest tattooers, as well</p>

			<p>as out-of-state tattooers coming to Virginia for conventions as guest tattooers, found the need to reapply for licensure and pay the licensing fee multiple times each year too onerous, and also reported that the five-day licensing period was too short to justify traveling to the Commonwealth.</p> <p>The proposed new regulations preserve public protections while reducing duplicative paperwork and licensing fees and extending the length of time a guest tattooer may work legally in Virginia. The new requirements ensure that guest tattooers comply with Board regulations and are overseen by Virginia licensees, who can be held accountable for the acts or omissions of the guest tattooers they sponsor.</p>
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If the regulatory change is intended to replace an emergency regulation, and is identical to the emergency regulation, please choose and fill out the appropriate chart template from the choices above. In this case “current section number” or “current chapter-section number” would refer to the **pre-emergency** regulation.

If the regulatory change is intended to replace an emergency regulation, but includes changes made since the emergency regulation, please create two charts:

1. A chart describing changes from the **pre-emergency** regulation to the regulatory change, as described in the paragraph above; or if a new chapter is being promulgated, a chart describing the proposed new regulation.
2. A chart describing changes from the **emergency** regulation to the regulatory change. For the second chart please use the following title: “Changes from the Emergency Regulation.” In this case “current section number” or “current chapter-section number” would refer to the **emergency** regulation.