TATTOO AND BODY PIERCING REGULATIONS

2020 Sanitarian Training
Tattoo Studios

Tattoo Studios Regulated Since 1993
• Chapter 30, Article 33 Of The WV Code

WV Legislature Passed Senate Bill No. 268 In 2001
• Repealed Article 33 Of Chapter 30
• Moved The Standards To A New Article 38 Of Chapter 16

Changes Made By The WV Legislature In 2010 To Chapter 16, Article 38 Section 3 Of The WV Code
• DC-11 Risk Factors Associated With Tattoos
• Changes Became Effective June 9, 2010.
Tattoo Studios

• Definitions
  – Tattoo: to mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars
  – Tattoo studio: any room or space where tattooing is practiced or where the business of tattooing or any part thereof is conducted
  – Sterilization: holding in an autoclave for 25 minutes at 15 lbs. pressure at a temperature of 250°F or 121°C
Tattoo Studios

• Studio Sanitation
  – Must wash hands prior to working on each person and when interruptions occur
  – Blow dry or single use towels for hand drying
New for 2020

Scleral Tattooing: means the practice of producing an indelible mark or figure on the human eye by scarring or inserting pigment on, in or under the fornix conjunctiva, bulbar conjunctiva, ocular conjunctiva, or other ocular surface using needles, scalpels, or other related equipment.
Gloves must be worn by the tattoo artist during tattooing

Disposable latex exam gloves

Change if:
- Interruptions occur
- Torn or punctured
- If ability of glove to function as a barrier is compromised
Tattoo Studios

Work tables, chairs or benches shall be provided for each tattoo artist

• Constructed of smooth, light colored, non-absorbent, corrosive resistant and easily sanitized

• Existing facilities in operation prior to effective date of the code shall be exempt of the required color of the work table
Tattoo Studios

• Studio Sanitation continued
  – All materials applied to human skins shall be from single use articles or transferred from bulk containers to single use containers and shall be disposed of after each use
Tattoo Studios

• Records
  – Shall be maintained for each patron
  – Must be prepared **BEFORE** tattooing begins
  – Written in ink/indelible pencil
  – Available for inspection
  – Discuss risks
  – Kept for 5 years

• Shall include:
  – Name and signature
  – Address
  – Age (verify with ID)
  – Date tattooed
  – Design of tattoo
  – Location of tattoo
  – Name of artist
Tattoo Studios

508 Race Street
Fairmont, WV 26554
304 366-1279
http://www.thinkininktattoos.com

AGREEMENT & RELEASE

# 19224
DATE __________

Name ____________________________ Age __________

Address __________________________ Email __________

City ____________________________ State ______ Zip ________ Phone __________

Description of Tattoo __________________________

Are you a hemophiliac? Yes □ No □

Are you a diabetic? Yes □ No □

Are you pregnant? Yes □ No □

Are you under the influence of drugs or alcohol? Yes □ No □

Have you ever had hepatitis or related diseases? Yes □ No □

Have you ever been tattooed before? Yes □ No □

Have you been made aware of the risks of getting a tattoo? Yes □ No □

The First Party does agree that the Second Party is to perform a tattoo upon the person of the First Party in accordance with the design selected by the First Party. The Second Party does, for the consideration to be paid for said tattoo, agree to perform said tattoo in a professional and healthful manner.

The First Party does agree to save harmless Second Party from any liability in connection with the after affects of said tattoo and waives any cause of action against the Second Party by reason of the said tattoo. The First Party does agree that upon completion of said tattoo he/she will follow the instructions of the Second Party with respect to the care and cleanliness of said tattoo and the maintenance in a sanitary condition for a period of 48 hours after completion of tattoo.

I do hereby release all rights for any photos to be utilized in publications in any tattoo oriented video or magazine.

First Party ____________________________ Second Party, Artist ____________________________
Tattoo Studios

• Consent

• Forms kept for 5 years

• Shall include a testimony that he/she is not under the influence of alcohol or drugs

• Minors need prior written parental consent
Tattoo Studios

• Procedures
  – After care instructions must be given to each patron to prevent infection
  – After care instructions must also be posted in the studio
  – Tattoo artists must wear clean outer garments
  – Tattoo artists who have illnesses which may be transmitted to others cannot tattoo until such time as they are no longer experiencing symptoms
After Care for Your Tattoos

- The cleaner your tattoo is kept, the quicker it will heal.
- Wash with cool water and mild shampoo no less than three times a day for first several days.
- Apply small amount of Bacitracin after each cleaning for first 3 days.
- Begin using hand lotion on fourth day. Tattoo will begin to peel around this time, keep moisturized with hand lotion to prevent itching.
- Do not expose new tattoo to sun, chlorine, or soak for first two weeks.
- If tattoo should scab DO NOT
– Shaving of body hair must be done with single use disposable razors

– Pre-treat affected skin area with antibacterial solution

– Paper stencil: single use, disposable

– Acetate stencil: must be cleaned and rinsed in a germicidal solution for minimum of 20 min. and properly dried before use (very seldom used)
Tattoo Studios
Tattoo Studios

– Dyes and Pigments

• Only non toxic sterile dyes

• Must come from approved suppliers

• Dispense from bulk containers into single use containers

• Disposed of any unused dye pigments left in single use containers once procedure is complete
On rare occasions some people reject colored tattoo ink: for more information, consult your tattoo artist.
Tattoo Studios

• Sterilization of Needles
  • Must use an autoclave
  • New set of sterilized needles for each patron
Instruments to be sterilized in the autoclave shall be sealed in bags specifically for autoclave use

- Must be dated
- Non transparent bags must include list of contents
- Bags must use color code indicator to assure proper sterilization
- No less than 24 sets of needles per day MUST be on hand
- Must be re-sterilized in not used within 6 months
Tattoo Studios
Tattoo Studios

• Non disposable instruments must be properly stored between uses and washed and sterilized before use

• Most studios use ultrasonic units to replace the hand washing of non disposable equipment

• Used equipment must be rinsed under hot water before being put into used instrument container in ultra sonic unit
  • Clean and sanitize ultra sonic unit daily with germicidal solution
Tattoo Studios

• Facilities and Equipment
  – 50 foot candles of light
  – Adequate ventilation
  – Walls and ceilings of light color
  – Floors impervious material – swept and wet mopped daily
  – No cleaning while tattooing is occurring
  – Restroom required for customers
  – Facility kept clean and in good repair
• Work Rooms

  – Separate from waiting room, storage room and restrooms
  – Tattooing can only be done in the work room
  – No food, drink, smoking or animals in the work rooms
  – Hand sink required in each work station and equipped with:
    • Hot/cold running water
    • Foot, wrist or single lever controls
    • Soap, germicidal solution and hand brush
    • Single use towels or blow dryer
• Disposal of Waste

Must comply with 64CSR56 Infectious Waste Rule of WV

• Sharps containers
• Medical waste hauler
• Spill kit for clean up
Tattoo Studios

• Small Quantity Generator Spill Clean up Kit Requirements
  – 2 red bags
  – 1 pair gloves
  – 1 face mask (surgical type or equivalent)
  – 1 pair goggles or equivalent eye protection
  – Absorbent materials capable of absorbing ½ gallon of liquid (kitty litter?)
– Spray can of disinfectant effective against mycobacterium
  (What’s mycobacterium?)

– Disposable dustpan and broom highly recommended for cleaning up spilled sharps

– Should be stored in a heavy container with tight fitting lid
Tattoo Studios

• Registration Requirements, Inspections, Fees
  – Must be inspected at least once per year
  – Must obtain a WV business license and register with the local board of health
  – $200 permit fee
  – Permits must be posted in conspicuous location clearly visible to the general public
Body Piercing

• Chapter 16, Article 37
  – 64CSR80
  – Effective 7-01-01
  – Very similar to tattoo studio regulations

• Exemptions
  – Health care providers licensed under Chapter 30 of the WV Code
  – Persons who use a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear
Definitions

• Bloodborne Pathogen – pathogenic microorganisms that are present in human blood and can cause disease in humans.

• Include but not limited to:
  • Hepatitis B virus (HBV)
  • Hepatitis C virus (HCV)
  • Human Immunodeficiency virus (HIV)
Body Piercing

• Definitions

--Blood Exposure Incident

Piercing the skin through such events as needle sticks, cuts and abrasions from material contaminated with blood from a client, or eye, mouth, other mucous membrane, or non-intact skin contact with blood or blood contaminated material from a client
• Definitions

– Exposure Control Plan

A written plan of procedures for those who perform body piercing in a facility on how to implement the requirements of this rule, and that eliminates or minimizes employee and client exposure to bloodborne pathogens and other communicable diseases
• Definitions

  – Purchased Pre-sterilized
    Instruments that are sold individually packaged and sterilized. Each package shall have an auditable sterilization lot number from a sterilization facility.
Body Piercing

• Definitions

– Sanitization
  The effective bactericidal and viricidal treatment of clean equipment surfaces by a process that has been approved by the Director as being effective in destroying pathogens and different than sterilization

– Sterilization
  The destruction of all living organisms including spores
Body Piercing

• Differences from Tattoo Studio Law
  – All body piercing studio business in operation at time the rule becomes effective shall meet **ALL** applicable requirements of this rule
  – Definition of sterilization
  – Specific guidelines for temporary and mobile body piercing facilities are defined
  – Certificate of Registration required before beginning any body piercing
• Certificates

  – Certificate is good for one year

  – Must be prominently displayed at work station in every shop he/she works

  – Not transferable

  – Must apply to OEHS

  – $100 annual fee
Body Piercing Technician Certificate of Registration Application

Last Name ___________________________ First Name ___________________________ MI ____________
Social Security Number ____________ - ____________ - ____________ Date of Birth ________ / _______ / ________
Home Address __________________________
City __________________________ State ____________ Zip Code ____________
Home Phone Number (___) ____________ - ____________ Fax Number (___) ____________ - ____________ County ____________

List all Body Piercing Studios at which you intend to work. List any additional on the back of this application.

1. Name __________________________ Address __________________________ City __________________________ Phone Number ____________

2. Name __________________________ Address __________________________ City __________________________ Phone Number ____________

3. Name __________________________ Address __________________________ City __________________________ Phone Number ____________

I have attached written documentation of the following: (check one box only for each)

- Hepatitis B vaccination status:
  - A certificate of a completed vaccination;
  - Laboratory evidence of immunity;
  - A signed statement of vaccination declination.

- Exposure Control Training:
  - Red Cross - Preventing Disease Transmission
  - OSHA-Based Bloodborne Pathogen Course
  - Professional Body Art / Equipment Mgmt. Course

I understand that I must have exposure control training in accordance with Section 9 of the Body Piercing Studio Business Rule 64 CSR 80 and I have provided a copy of documentation verifying such training to the Division. I certify that I have received a copy of the Body Piercing Studio Business Rule (64 CSR 80) and that I have read and do hereby agree to comply with the requirements contained therein. A copy of the Body Piercing Studio Business Rule may be obtained from the Secretary of State's Web page at http://www.wvweb.com/secretary/index.jsp?TitleName=64.80.

Date of Application __________________________

Signature of Applicant __________________________

Checks should be made payable to the WV Bureau for Public Health. This application along with the required registration fee of $100.00 must be mailed to: Office of Environmental Health Services / Public Health Sanitation Division 350 Capitol Street; Room 313; Charleston, West Virginia 25301-3713.

For Department Use only

Date received ___/___/____ Fee included (yes / no)
If no, Date of letter requesting fee and/or documentation ___/___/____ Response date ___/___/____
Data Certificate denied ___/___/____ Data denial letter sent ___/___/____ Letter file name ____________
Data Certificate issued ___/___/____ Date Expired ___/___/____ Date Mailed ___/___/____
Certificate number BPSB-98- ______ Date in database ___/___/____
Body Piercing

State of West Virginia
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

BODY PIERCING
CERTIFICATE OF REGISTRATION

Michelle Cochran

815 Quarrier Street, Suite 418
Charleston, WV 25305

IS HEREBY ISSUED THIS BODY PIERCING CERTIFICATE OF REGISTRATION IN ACCORDANCE WITH SECTION 3.4 OF 64 CSR 80. THIS CERTIFICATE IS NOT TRANSFERABLE.

DATE ISSUED 1/7/2001
DATE EXPIRES 1/7/2002
CERTIFICATE NUMBER BPSB-99-01-R0999

Barbara S. Taylor, Director
Office of Environmental Health Services

39
Body Piercing

• Facility Requirements
  – Concrete walls shall be covered or made smooth and sealed for cleanability
  – Must have a separate cleaning room
  – Must have separate sink for cleaning purposes only .... This sink CANNOT be used for mop water
  – Ultrasonic unit must have bio-hazard label
• Facility requirements continued
  
  – Ultrasonic unit not to be placed beside sterilizer
  
  – Must have foot operated waste receptacles
  
  – Body piercing activities shall be separated from any other activities by a solid wall
Body Piercing

• Exposure Control Plans and training

  – All facilities shall have a written exposure control plan

  – All technicians must have exposure control training within 1 year of the effective date of the rule and updated every 3 years thereafter
Body Piercing

• Several types of training considered acceptable:

  – American Red Cross course on Preventing Disease Transmission

  – OSHA course on Bloodborne pathogens

  – Equivalent training provided by professional body art organizations or equipment manufacturers

  • Must be approved
• Testing of Sterilization Equipment

  – Tested monthly (unless otherwise specified by manufacturer) and records kept for 3 years

  – Must use a commercial biological monitoring system that utilizes Bacillus stearothermophilus spores

    • The use of Bacillus stearothermophilus ensures that all microorganisms including spores have been destroyed
Body Piercing

• Clients

– Persons under the age of 18 must be accompanied by a parent or guardian

– Must have a picture ID

– Must have signed written consent

– Nipple and genital piercing is prohibited on minors regardless of parent consent
• Procedures

  – Must have discussion of risks with client prior to procedure

  – Technician must discuss after care instructions and initial form

  – Client must complete and sign information and consent form
    • One copy of each form shall be kept at facility and other copy given to client
• Procedures

- No eating, drinking, or smoking at work station or cleaning room or between procedures by technician.

Client may consume prepackaged beverages or snacks

– Technician shall thoroughly wash hands and forearms with soap and warm water before and after each client. Thoroughly dry with clean single use paper towels
Body Piercing

• Procedures

– Technician shall wear new clean disposable examination gloves for every client

• If a glove is pierced, torn or contaminated by coming into contact with any other person or noncleanable surface: both gloves shall be removed and discarded
• Procedures

– Technician shall use freshly laundered linens or new disposable dental bibs or drapes for each client. They shall be stored in a closed cabinet or container. Used disposable ones shall be stored in a closed, lined container for disposal at end of each day. Ones for laundry must be stored in lined, closed hamper. Liners must be plastic bags.
• Procedures

– Technician shall use only jewelry made of implant grade ASTM and ISO 5832-1 implant grade stainless steel, solid 14K thru 24K gold, niobium, titanium, platinum or other materials approved by the Director in newly pierced skin
Body Piercing

• Procedures

– Technician shall review verbally the printed after care instructions. After care instructions shall include:
  • Care specific to site
  • Info regarding tightness to prevent accidental ingestion of imbedding of certain jewelry
  • Restrictions
  • Signs and symptoms of infection
  • Instructions to consult a physician if infection occurs
Body Piercing

**Records**
- Shall keep a record of all body piercing procedures performed

**Info shall include:**
- client’s name,
- date of birth,
- address,
- date of piercing,
- type and location of each procedure performed,
- name of technician,
- signature of client,
- Consent forms,
- Client release form,
- Aftercare form
- Must be kept for 3 years
CLIENT INFORMATION AND NOTIFICATION FORM

NOTE: THIS IS A SAMPLE OF MINIMUM INFORMATION THAT MUST
BE RECORDED FOR EVERY BODY PIERCING PERFORMED

Business Name: ____________________________________________
Address: ____________________________________________ Phone Number: ____________________

Client Information
Client Name: __________________________ Date Of Birth: __________________________
Address: __________________________

Type And Location Of Procedure: ____________________________________________

Client Drug And Alcohol Verification
I hereby certify that I am not under the influence of any drugs or alcohol. Client Initials: __________

Health Risk and Aftercare Notification Verification
I hereby certify that I freely and voluntarily submit myself to this body piercing procedure after receiving
both oral and written notification of the health risks associated with this piercing which includes pain, bleeding,
swelling, infection, scarring, and nerve damage. I also certify that I have received both oral and written piercing
after care instructions.

Signature of the person receiving the piercing __________________ Date __________
Signature of guardian if a minor __________________ Date __________

I certify that I have provided the person who’s signature appears above with oral and written notification
of the health risks associated with the piercing they are about to receive and that I have provided them with both
oral and written after care instructions appropriate to the piercing received.

Signature of Piercing Technician __________________ Date __________
Body Piercing

• Inspections and Permit

  – Facility inspected at least once a year
  
  – Permit fee $200. Is in addition to tattoo permit if conducting both activities in the same studio location

  – Director is charged with the enforcement of all provisions of this rule. Director may enter, inspect, impound, copy records, and secure any samples, photographs, or other evidence from any body piercing shop, or any facility suspected of being a body piercing shop for the purpose of enforcing this rule
Public Notice 64-80A

Public Notice

Body Piercing Disclosure Statement

THE WEST VIRGINIA BUREAU FOR PUBLIC HEALTH AND YOUR LOCAL HEALTH DEPARTMENT DO NOT ENDORSE OR RECOMMEND BODY PIERCING IN ANY FORM.

HEALTH DEPARTMENT PERMITS SIGNIFY SANITATION OF EQUIPMENT AND THE UTILIZATION OF PROPER PROCEDURES ONLY.

As with any invasive procedure, body piercing may involve possible health risks. Body piercing could result in:

1. Pain, bleeding, swelling, infection, scarring of the pierced area and nerve damage.

The Piercing Technician should:

- Properly cleanse the piercing site before piercing;
- Use sterilized equipment;
- Use sterile piercing techniques; and
- Inform the client of proper aftercare of the pierced area.

For complaints or comments, please contact the Bureau for Public Health at (304) 538-3581, your local health department, or mail comments to 250 Capital Street, Suite 313, Charleston, WV 25301.
http://intranet.wvdhhr.org/phs/forms/index.asp