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## Revised Proposed Regulation Agency Background Document

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| <b>Agency name</b>  | Board for Barbers and Cosmetology                  |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 18 VAC 41-50<br>18 VAC 41-60                       |
| <b>VAC Chapter title(s)</b>                                   | Tattooing Regulations<br>Body-Piercing Regulations |
| <b>Action title</b>   | General Review                                     |
| <b>Date this document prepared</b>                            | March 20, 2020 (rev. April 13, 2020)               |

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 (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

### Brief Summary

*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 Board's revised proposed regulations are the result of a periodic review. There have been no non-fee related regulatory changes since the programs' 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 revised proposed regulations significantly change the limited-term tattooer license structure. In response to public comments, the Board eliminates the five-day limited-term tattooer license and replaces it with a two-week guest tattooer license. The Board also updates training requirements for schools and instructors, as well as creates a curriculum for master permanent cosmetic tattooing instruction.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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"Board" means the Board for Barbers and Cosmetology.

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

## Mandate and Impetus

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.*

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The impetus for conducting a revised proposed phase is that the Board received substantial feedback from industry stakeholders, as well as two new board members who have tattooing licenses, after the proposed regulations were initially approved by the Board. The changes were of a significant nature and should be brought back before the licensed community for public comment and opportunities for feedback to be incorporated into the regulations.

## Legal Basis

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

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Va. Code § 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.

## Purpose

*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.*

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The Board seeks to amend its current regulations to ensure they are as least intrusive and burdensome as possible, in order to assist in providing an environment with the most minimal regulations necessary to protect the health, safety, and welfare of the public. Additionally, to ensure regulations are clearly written and easily understandable, and are representative of current industry advancements and standards.

## Substance

*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.*

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### Tattooing

18 VAC 41-50-10. Definitions. New definitions of business entity, firm, guest tattooer, guest tattooer sponsor, pigments, 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 and limited term tattoo parlor has been changed to event parlor.

18 VAC 41-50-20. General Requirements for tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. The proposed amendments update this section to further clarify and standardize entry requirements, including changing the limited term tattooer license into a guest tattooer license. 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 change the exam eligibility requirements for master permanent cosmetic tattooers.

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, event tattoo parlor, or permanent cosmetic tattoo salon license. The proposed amendments update this section to further clarify and standardize the regulations, including changing the limited term tattoo parlor license into an event tattoo parlor license. 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 amendments 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. 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 five guest tattooer licenses may be obtained per calendar year.

18 VAC 41-50-92. 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 and increase the experience requirement from three to five years.

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 and increase the experience requirement from three to five years.

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 guest tattooer licenses.

18 VAC 41-50-160. Continuing education requirement. The proposed amendment removes the clock hour requirement from the health education needed to renew a license.

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 41-50-210. Hours of instruction and performances. The amendment changes the performances requirement from "total" amount to a "minimum" amount.

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. Apprenticeship curriculum requirements. 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. Hour 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. It also adds a method for tattooer schools to award credits to transfer students.

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 and changes the amount of hours that can be award for prior training and experience.

18 VAC 41-50-310. General Requirements. The proposed amendments incorporate the addition of the master permanent cosmetic tattooing program and instructor requirements for schools.

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

18 VAC 41-50-340. Hour 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. It also adds a method for tattooer schools to award credits to transfer students and creates a curriculum for the master permanent cosmetic tattooer program.

18 VAC 41-50-370. Hours of instruction and performances. The proposed amendments revise the clock hour length and performances requirements of the permanent cosmetic tattooing program, and create hours and performances requirements for the master permanent cosmetic tattooing program.

18 VAC 41-50-380. Display of License. The proposed amendments change the location where licenses are to be displayed from the reception area to the licensees station.

18 VAC 41-50-390. Physical facilities. The proposed amendments update this section to further clarify and standardize the regulations.

18 VAC 41-50-400. Tattooer or permanent cosmetic tattooer or master permanent cosmetic tattooer responsibilities. The proposed amendments update this section to further clarify and standardize the regulations. The amendments also provide new requirements for wrapping multiuse equipment in a nonporous disposable barrier and added disinfection requirements for multiuse equipment. They also add the requirement to maintain a dirty tube receptacle and sharps containers.

18 VAC 41-50-410. Client qualifications, disclosures, and records. The proposed amendments add a prohibition of tattooing on skin that manifests any asymmetrical, irregular, blurred, or multi-colored mole.

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 41-60-70. General requirements for a body piercing apprenticeship sponsor. The proposed amendments update this section to further clarify and standardize entry requirements.

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 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 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 41-60-160. Body piercing apprenticeship curriculum requirements. The proposed amendments update this section to further clarify and standardize the requirements.

18 VAC 41-60-170. Body piercing hours of instruction and performances. 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 41-60-200. Body piercer and body piercer ear only responsibilities. The proposed amendments update this section to further clarify and standardize the regulations.

18 VAC 41-60-210. Body piercer client qualifications, disclosures, and records. 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

*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) A primary advantage of the proposed amendments to the public is the 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 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.

Another primary advantage is the improvements to the training programs. A major critique of the tattoo school programs from public comment was that they do not adequately train tattooers. These changes address both the length of the program and the qualifications of the instructors, in an effort to reach minimally competent training. These amendments also create a much-needed master permanent cosmetic tattooing training program. The services under this license are growing in demand, but there has not been a formal training curriculum in place, and individuals have had a hard time finding training in these services.

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 disadvantages to the public that have been identified.

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 adding a new type of training program, 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 licenses, the master permanent cosmetic tattooing curriculum, and increasing the hours of training were included at the request of the regulants.

**Requirements More Restrictive than Federal**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.*

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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**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

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**Other State Agencies Particularly Affected**

There are no changes to previously reported information.

**Localities Particularly Affected**

There are no changes to previously reported information.

**Other Entities Particularly Affected**

There are no changes to previously reported information.

**Economic Impact**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding all specific economic impacts (costs and/or benefits), anticipated to result from*



*the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

**Impact on State Agencies**

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| <p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:<br/>                 a) fund source / fund detail;<br/>                 b) delineation of one-time versus on-going expenditures; and<br/>                 c) whether any costs or revenue loss can be absorbed within existing resources</p> | <p>No additional cost to the state is projected to implement the regulation change.</p> |
| <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>  | <p>No changes to previously reported information.</p>                                   |
| <p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>  | <p>No changes to previously reported information.</p>                                   |

**Impact on Localities**

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| <p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p> | <p>No changes to previously reported information.</p> |
| <p>Benefits the regulatory change is designed to produce.</p>                           | <p>No changes to previously reported information.</p> |

**Impact on Other Entities**

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| <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>  | <p>No changes to previously reported information.</p>   |
| <p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:<br/>                 a) is independently owned and operated and;<br/>                 b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p> | <p>As of April 1, 2021, the Board regulates 704 tattooers; 266 tattoo parlors; 15 tattooing instructors; 7 tattoo schools; and 599 permanent cosmetic tattooers; 10 master permanent cosmetic tattooers; 32 permanent cosmetic tattoo instructors; 187 permanent cosmetic tattoo salons; and 19 permanent cosmetic tattooing schools. The Board also issues around 200 limited-term tattooer licenses each year.</p> <p>All licensees will be affected.</p> |
| <p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:<br/>                 a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</p>   | <p>No changes to previously reported information.</p>   |

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| b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;<br>c) fees;<br>d) purchases of equipment or services; and<br>e) time required to comply with the requirements. |  |
| Benefits the regulatory change is designed to produce.  | No changes to previously reported information. |

### Alternatives to Regulation

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. If there are no changes to previously reported information, include a specific statement to that effect.*

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 considered alternatives to the changes to the school hours. The Board received many complaints that school training was not adequate, and graduates were not employable due to poor tattooing skills. The Board determined it was not protecting the health, safety, and welfare of the public by allowing a program that was not producing minimally competent licensees.

The Board also rejected proposals to double the training hours, as it was not apparent that doubling the training hours was needed to reach minimum competency. Rather than double the tattoo school hours, the Board raised hours minimally, and increased instructor training requirements, to improve the schools in the least burdensome way.

### Regulatory Flexibility Analysis

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding 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. If there are no changes to previously reported information, include a specific statement to that effect.*

There are no changes from previously reported information.

### Public Comment

*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. If no comment was received, enter a specific statement to that effect.*

| Commenter             | Comment   | Agency response   |
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| <p>Abigail Thomas</p> | <p>Recommended one temporary license that would cover a two-week period and include conventions and guest artist appearances.</p> <p>Indicated that consensus in the tattooing community was negative towards tattoo schools and that schools result in lower quality tattooers.</p> <p>Recommended that tattoo schools and instructors should have the same standards and hours requirement as tattoo apprenticeships and sponsors.</p> <p>Stated there should be a separate regulatory board for tattooing and body piercing.</p> | <p>The Board concurs with the recommendation for a two week guest artist license rather than two different types of temporary permits and has changed the proposed regulations to reflect a two week guest artist license that could be used at conventions or guest artist appearances.</p> <p>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. Tattoo schools have been a board approved training method since the licensing program was established. Schools serve as an alternative training method for those who wish to enter the profession but are unable to participate in an apprenticeship. The Board is not willing to remove this training option at this time and further limit access to the profession.</p> <p>The Board concurs that tattooing school hours are inadequate and is recommending the program length be increased from 750 hours to 1,000 hours. Additionally, the Board concurs that tattooing instructors should have more experience, and is increasing the required experience in the profession to match the requirement for apprenticeship sponsors.</p> <p>The professions regulated by the Board are determined by the General Assembly. Any change to what professions are under the Board for Barbers and Cosmetology, including creating a separate board for tattooers and body piercers, would require an act of the legislature.</p> |
| <p>Gabriel Cece</p>   | <p>Proposed regulations are a step backwards. Unlicensed parlors and tattooers create unsafe environment.</p> <p>Expressed concerns about customer service and availability of online forms and services.</p> <p>Suggested a two week temporary license.</p>  | <p>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 proposed regulations are the first significant revision of the regulations since the regulations were first developed in 2006. The industry has changed in the intervening decade, and the proposed revisions reflect changes in the industry.</p> <p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint</p>   |

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|                      | <p>Suggested the Board accept any form of health education, including online instruction.</p> <p>Requested email notification when there are regulatory changes and updates.</p> <p>Recommended a separate tattooing and body piercing Board.</p> <p>Stated the Board should avoid involving the Department of Labor and Industry in the apprenticeship program.</p> | <p>for review. The Compliance section is responsible for enforcing criminal laws under DPOR's jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth's Attorneys for prosecution.</p> <p>DPOR provides staffing and technology services, such as online services, websites, and notifications, for the Board. Concerns about customer service and technology have been referred to DPOR. Virginia Regulatory Town Hall offers email notification of regulatory changes and updates.</p> <p>The proposed regulations have been revised to create a two week temporary license as recommended by this commenter.</p> <p>The Board currently reviews health education programs and approves curriculum through a guidance document. The Board's tattooer subcommittee reviewed the proposal to accept any form of health education, and while it agreed in principle to expanding online instruction, it was not prepared to relinquish oversight of which training programs are acceptable. The Board is charged by statute with protecting the health, safety, and welfare of the public, and there is too much variation in the quality of health education providers to allow blanket approval of any program.</p> <p>The professions regulated by the Board are determined by the General Assembly. Any change to what professions are under the Board for Barbers and Cosmetology, including creating a separate board for tattooers and body piercers, would require an act of the legislature.</p> <p>The Board's proposed regulations no longer include provisions to move the apprenticeship program to the Department of Labor and Industry.</p> |
| <p>Norman Burton</p> | <p>Questioned the proposed increase of training hours for tattooer schools from 750 to 1,000. Also questioned the training hour disparity between tattooers (750 hours) and permanent cosmetic tattooers (90).</p> <p>Stated that there is a perception in the industry that tattooing is under</p>  | <p>The Board's proposed change of the tattooing school hours is in response to complaints received by the Board as well as suggestions during the regulatory review process. The Board has received comments from tattoo parlors/employers that tattoo school graduates often do not possess the minimum skill necessary to practice on the public.</p>  |

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|                       | <p>attack by the Board and the Board is not supportive of the industry.</p> <p>He stated tattoo schools will go away if the school curriculum is increased from 750 hours to 1,000 hours.</p>   | <p>During the public hearing in 2018, many tattooers, including tattoo school instructors, indicated training length should be increased. Based on industry recommendations and concerns that school graduates are not minimally competent, the Board proposes to add an additional 250 hours of training to the school programs.</p> <p>The Board concurs that permanent cosmetic tattooing curriculum is also too short, and is recommending increasing the hours from 90 hours to 200 hours.</p> <p>Since starting this regulatory action in 2017, the Board has taken many steps to reach out to the tattooing and body piercing community to ensure that their feedback and perspective were incorporated in the process. The board has held several public forums and reached out to all tattooers and body piercers, in excess of the statutory and regulatory public notice requirements.</p> <p>Board staff and the Board’s tattooing committee have met with industry professionals and stakeholder groups to review all of the regulations. The revised proposed regulations have incorporated much of the feedback from the tattooer community and represent a collaborative effort between the industry and the Board.</p> |
| <p>Abigail Thomas</p> | <p>Would like a specific list of shop owners and convention coordinators that could sign off on guest tattoo artists. Convention and guest tattooers should be one license. Would like a temporary license for endorsement candidates. Should change limited term parlors into “event tattoo parlors.” Suggested increasing the duration of the limited term parlor licenses and guest tattooer licenses. Add an itinerary of conventions and parlors for guest tattooers, including parlor/sponsor requirements. Tattoo instructors should have a minimum of eight to ten years’ experience. School hours of instruction should be equal to apprenticeship hours. Recommended removing references to dyes and carbon stencils. Recommended removing requirement for puncture</p> | <p>The Board concurs that the guest and convention proposals needed to be revised. The proposed guest and convention tattooer regulation has been revised to create a single, two week guest tattooer license, which can be renewed up to five times per year. Any licensed tattoo parlor can sponsor a tattooer, and guest tattooers would be required to file itineraries of all shops they will work in under the license.</p> <p>The Board has taken the comments regarding temporary permits for endorsement candidates under advisement.</p> <p>The Board concurs with the proposed renaming of limited term tattoo parlors to “event tattoo parlors.”</p> <p>The Board concurs that tattooing instructors need more experience, and has revised the experience requirement from three years to five years.</p>   |

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|                     | <p>resistance containers for razors. All equipment that may touch contaminated gloves or body parts should be wrapped in a plastic disposable barrier. Recommended removing autoclave requirements or rewriting 18 VAC 41-50-400.M-S.</p>   | <p>While the Board concurs that tattoo school hours should be increased, it did not have evidence to indicate it was necessary to double the length of the school curriculum to 1,500 hours. The Board believes that increase the course length by 250 hours and increasing the instructor experience and training requirements, school programs will be able to produce minimally competent tattooers.</p> <p>The Board concurs with the suggested changes regarding dyes, carbon stencils, containers for razors and protective barriers for equipment, and has incorporated these suggestions.</p> <p>The Board has reviewed proposals regarding the autoclave requirements and has determined to retain this section as is.</p>   |
| <p>Gabriel Cece</p> | <p>Proposed regulations are a step backwards. The industry is self-regulating, but understands that some regulation is needed. DPOR, DOLI and the Commonwealth need to know tattooer perspective. Concerns lie with the procedure for properly obtaining license while others operate without a license. Concerned that tattoo schools are not held to the same standards as apprenticeship sponsors. Feel the temporary permit requirements are more complicated than before, not less. Online forms and customer service from DPOR need to be improved. Expressed concerns about unlicensed individuals. Wants one guest tattooer license and out-of-state health education should be accepted. Would like direct email notification of changes to laws and regulations. Would like separate board for tattooers and body piercers.</p> | <p>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 proposed regulations are the first significant revision of the regulations since the regulations were first developed in 2006. The industry has changed in the intervening decade, and the proposed revisions reflect changes in the industry.</p> <p>Since starting this regulatory action in 2017, the Board has taken many steps to reach out to the tattooing and body piercing community to ensure that their feedback and perspective were incorporated in the process. The board has held several public forums and reached out to all tattooers and body piercers, in excess of the statutory and regulatory public notice requirements. Board staff and the Board's tattooing committee have met with industry professionals and stakeholder groups to review all of the regulations. The revised proposed regulations have incorporated much of the feedback from the tattooer community and represent a collaborative effort between the industry and the Board.</p> <p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR's jurisdiction, including practicing without a license. After investigation, criminal</p> |

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|              |  | <p>matters are referred to local Commonwealth's Attorneys for prosecution.</p> <p>While the Board concurs that tattoo school hours should be increased, it did not have evidence to indicate it was necessary to double the length of the school curriculum to 1,500 hours. The Board believes that increase the course length by 250 hours and increasing the instructor experience and training requirements, school programs will be able to produce minimally competent tattooers.</p> <p>The Board concurs that the guest and convention proposals needed to be revised. The proposed guest and convention tattooer regulation has been revised to create a single, two week guest tattooer license, which can be renewed up to five times per year.</p> <p>The Department of Professional and Occupational Regulation (DPOR) provides staffing and technology services, such as online services, websites, and notifications, for the Board. Concerns about customer service and technology have been referred to DPOR.</p> <p>The Board currently reviews health education programs and approves curriculum through a guidance document. The Board's tattooer subcommittee reviewed the proposal to accept any form of health education, and while it agreed in principle to expanding online instruction, it was not prepared to relinquish oversight of which training programs are acceptable. The Board is charged by statute with protecting the health, safety, and welfare of the public, and there is too much variation in the quality of health education providers to allow blanket approval of any program.</p> <p>The Board does not have the authority to create a separate tattooing and body piercing Board. The General Assembly created the Board and is responsible for determining which professions are regulated by the Board.</p> |
| Gabriel Cece | <p>Tattoo schools are in the dark about practical requirements of tattooing, as learning tattooing requires significant hands on learning.</p> <p>Tattoo schools need more regulation, equal requirements as</p> | <p>While the Board concurs that tattoo school hours should be increased, it did not have evidence to indicate it was necessary to double the length of the school curriculum to 1,500 hours. The Board believes that increase the course length by 250 hours and increasing the instructor experience and</p>   |

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|                                       | <p>apprenticeships and transparency in their curriculum. Permanent cosmetic training hours should be increased. Would like notification of rule changes.</p>  | <p>training requirements, school programs will be able to produce minimally competent tattooers.</p> <p>The Board concurs that permanent cosmetic tattooing curriculum is also too short, and is recommending increasing the hours from 90 hours to 200 hours.</p> <p>Virginia Regulatory Town Hall offers email notification of regulatory changes and updates.</p>   |
| <p>Susan Rickwa</p>                   | <p>Would like to know why lash extensions and lash lifts are not permitted under the permanent cosmetic tattooing license.</p>  | <p>The Code of Virginia establishes the scope of practice for tattooers, as well as cosmetologists and estheticians. Lash extensions and lash lifts (perms) are cosmetic treatments that fall under esthetics and cosmetology. Only the General Assembly can expand the scope of practice of tattooing to include these services.</p>  |
| <p>Stitch Martinez, Primal Tattoo</p> | <p>Tattoo schools are not training students properly. We've seen tattoo school graduates who are fully licensed and are incapable of tattooing. Schools should be held to the same standard as apprentices. Tattoo school educators should also be licensed tattoo artists.</p> | <p>While the Board concurs that tattoo school hours should be increased, it did not have evidence to indicate it was necessary to double the length of the school curriculum to 1,500 hours. The Board believes that increase the course length by 250 hours and increasing the instructor experience and training requirements, school programs will be able to produce minimally competent tattooers. Tattoo school instructors are required to hold a tattoo license and have three years' experience. The proposed regulations will increase the experience requirement to five years for tattoo instructors.</p> <p>Tattoo school instructors are required to hold a tattoo license and have three years' experience. The proposed regulations will increase the experience requirement to five years for tattoo instructors.</p> |

**Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

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>.



Comments may also be submitted by mail, email or fax to:

**Stephen Kirschner, Executive Director  
Board for Barbers and Cosmetology**

**Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400, Richmond, Virginia 23233**

**Phone: (804) 367-8590 | Fax: (866) 245-9693 | E-mail: [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov)**

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 not be held following the publication of this stage of this regulatory action.

**Detail of Changes Made Since the Previous Stage**

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. \* Put an asterisk next to any substantive changes.*

| <b>Current chapter-section number</b> | <b>New chapter-section number, if applicable</b> | <b>New requirement from previous stage</b>  | <b>Updated new requirement since previous stage</b>   | <b>Change, intent, rationale, and likely impact of updated requirements</b>   |
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| 18 VAC 41-50-10                       |  | 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. | Creates definitions of pigments, removes convention tattooer*, and changes limited term tattoo parlor into event tattoo parlor. Also identifies microblading as a permanent cosmetic tattooer practice, and forehead and scalp micropigmentation as within permanent cosmetic tattooing.* | “Pigments” was added to reduce duplicative language within the regulations. There will be no impacts beyond simplified text of the regulations.<br><br>“Convention tattooer” was removed due to opposition to the license type from the industry. The Board received comments that having both convention and guest tattooers was overly confusing, and that convention tattoo licenses would not be valuable. The guest tattooer license, which is valid for two weeks, will be available to out-of-state tattooers for both conventions and guest tattooing at parlors. |

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|                        |  |   |  | <p>“Limited term tattoo parlor” was changed to event tattoo parlor in order to better reflect the purpose of the license. There will be no impact of this change.</p> <p>Microblading and forehead and scalp micropigmentation were added to permanent cosmetic tattoo definitions to reflect that these practices are generally accepted as separate services performed under that license. These services did not exist at the time the regulations were created, but fall within the scope of practice of permanent cosmetic tattooing. Adding these definitions will clarify to the industry that these services can be performed under the license.</p> |
| <p>18 VAC 41-50-20</p> |  | <p>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.</p> | <p>The updated requirements remove references to convention tattooers and limited term tattooers. It also changes the exam eligibility requirements for the master permanent cosmetic tattooer license.*</p> | <p>Convention and limited term tattooer references were removed throughout the section because the Board is only using the guest tattooer license.</p> <p>Subsections B.1.a and B.2.a are amended to include master permanent cosmetic tattooing. The master permanent cosmetic tattooing exam eligibility requirement is updated to reflect the creation of an approved master permanent cosmetic tattooing training program.</p> <p>The previous requirement of “training that is acceptable to the board” was undefined and caused significant confusion for applicants.</p>  |

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|                            |  |  |  | <p>The new curriculum requirement will afford applicants a clear understanding of what training the Board requires.</p>  |
| <p>18 VAC<br/>41-50-80</p> |  | <p>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</p> | <p>The updates change references to limited term tattoo parlor to event tattoo parlor.</p> | <p>"Limited term tattoo parlor" was changed to event tattoo parlor throughout the section in order to better reflect the purpose of the license. There will be no impact of this change.</p> |

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|                 |  | <p>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.</p> |   |  |
| 18 VAC 41-50-91 |  | <p>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.</p>  | <p>The proposed amendments replace the convention tattooer license criteria with the two week guest tattooer license from proposed section 18 VAC 41-50-92. They 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 five guest tattooers may be obtained per calendar year.</p> | <p>This move was prompted by the removal of the convention tattooer license. It is administrative in nature.</p> |
| 18 VAC 41-50-92 |  | <p>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</p>  | <p>The proposed guest tattooer license requirements were moved to 18 VAC 41-50-91 and replaced by the proposed guest tattooer sponsor requirements from proposed section 18 VAC 41-</p>   | <p>This move was prompted by the removal of the convention tattooer license. It is administrative in nature.</p> |

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|                  |  | health education in certain areas. Up to three guest tattooers may be obtained per calendar year.  | 50-93, including direct supervision by a licensee.  |  |
| 18 VAC 41-50-93  |  | The proposed amendments create requirements for parlor and salons to sponsor guest tattooers, including direct supervision by a licensee.                                  | The proposed guest tattooer sponsor requirements were moved to 18 VAC 41-50-92.   | This move was prompted by the removal of the convention tattooer license. It is administrative in nature.  |
| 18 VAC 41-50-110 |  | 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. | The updated amendments change the experience requirement for tattoo instructors from three years to five years.*                    | Section A.2 is amended to require five years of experience rather than three years of experience. The purpose of increasing the experience requirement from three years to five years is to improve the education outcomes of tattoo school students. The Board received significant feedback from the industry that tattoo school instruction was inadequate to create minimally competent practitioners. The Board received feedback from tattooers that it takes at least five years of practicing in the profession to become skillful enough to teach others. The first several years in the practice do not afford enough experience to adequately prepare an individual to instruct others in the nuances of the profession. This change may impact some practitioners who want to teach tattooing but do not have the required experience. |
| 18 VAC 41-50-120 |  | The proposed amendments update this section to add the additional requirement that instructors pass a course in teaching techniques at the                                 | The updated amendments change the experience requirement for permanent cosmetic tattoo instructors from three years to five years.* | Section A.2 is amended to require five years of experience rather than three years of experience. The purpose of increasing the experience requirement from three years to five years is to  |

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|                  |  | post-secondary education level.   |   | improve the education outcomes of permanent cosmetic tattoo school students. The Board received feedback from permanent cosmetic tattooers that it takes at least five years of practicing in the profession to become skillful enough to teach others. The first several years in the practice do not afford enough experience to adequately prepare an individual to instruct others in the nuances of the profession. This change may impact some practitioners who want to teach permanent cosmetic tattooing but do not have the required experience. |
| 18 VAC 41-50-150 |  | 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. | The updates to these amendments removes references to the convention tattooer license.                            | Section 2 is removed and replaced with old section 3. This move was prompted by the removal of the convention tattooer license. It is administrative in nature.  |
| 18 VAC 41-50-160 |  |   | The amendment to this section removes the hours requirement from the continuing education requirement at renewal. | The removal of the hours requirement was prompted by the fact that these courses are regimented and standardized across the industry. Because the courses are standardized around content, the length of time spent in the program did not have a bearing on the minimum competency of the practitioner. This change will simplify the regulations and reduce confusion among licensees.   |
| 18 VAC 41-50-280 |  | The proposed amendments update this section for consistency and add the requirement for   | The updates to this section add specificity to the tattooer curriculum item covering                              | Section B.7.i adds specific topics under needles that must be taught by the schools. The addition of needle topics of groupings,   |

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|                         |  | <p>health education from 18 VAC 41-50-270.</p>  | <p>needles, as well as provides direction to tattoo schools on how to award credit to students based on prior training.*</p>  | <p>properties, and making is meant to provide schools with specific content regarding needles that are needed for students to become minimally competent in the practice of tattooing. This should serve as a clarifying requirement and not add any additional training to the program.</p> <p>New subsection C is designed to provide schools with a procedure for awarding credit to students based on prior experience. The language is similar to requirements for other professions under the Board.</p>   |
| <p>18 VAC 41-50-290</p> |  | <p>The proposed amendments change the hours of instruction for tattooing schools from 750 to 1,000.</p> | <p>The updates to this section change the performances requirement to a minimum requirement and allow double the amount of training hours that can be transferred into a tattooing school.*</p> | <p>Section A.3 is updated to change the performances requirement from a “total” requirement to a “minimum” requirement. The purpose of this change is to reflect that schools can and may wish to have students perform more than 100 total performances as part of the training program. This change is permissive in nature and does not require any schools to change their practices unless they wish.</p> <p>Section B is updated to allow 700 hours of credit for prior training in tattooing. The purpose of this change is to increase the amount of hours that can be credited along with the increase in total program hours. This allows individuals who have obtained large amounts of training from other schools to avoid having to repeat large portions of the training program.</p> |

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| <p>18 VAC<br/>41-50-310</p> |  |  | <p>The new amendments incorporate master permanent cosmetic tattooing instructors into the school requirements.*</p>   | <p>This section is amended throughout to allow permanent cosmetic tattooing to be provided by certified master permanent cosmetic tattooing instructors. This purpose of this change is to recognize that the master permanent cosmetic tattooing instructors are competent to teach in permanent cosmetic tattooing programs.</p> <p>New section 9 provides the instructor requirements for the master permanent cosmetic tattooing program. The section is added so that school will know that only licensed and properly training individuals should instruct in that program.</p>  |
| <p>18 VAC<br/>41-50-360</p> |  | <p>The proposed amendments update this section for consistency and add the requirement for health education from 18 VAC 41-50-350.</p> | <p>The updated language adds additional curriculum items to the permanent cosmetic tattooing curriculum, establishes a master permanent cosmetic tattooing curriculum, and creates guidance on awarding credit to students based on prior training.*</p> | <p>Subsection B.14 is amended to add additional training topics, including microblading. Microblading is a new technique for tattooing eyebrows that is driving much of the growth in the permanent makeup industry. The curriculum is updated so that all students are trained to be competent in that procedure.</p> <p>New section C is added creating a curriculum for master permanent cosmetic tattooing programs. The previous training was not defined and created substantial barriers for individuals who wished to acquire the license. This new training program provides acceptable training on the service areas that are within the scope of practice of the master permanent cosmetic tattooing license.</p> |



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|                  |  |  |  | New section D provides schools with a procedure for awarding credit to students based on prior experience. The language is similar to requirements for other professions under the Board.   |
| 18 VAC 41-50-370 |  |  | The proposed amendments revise the clock hour length and performances requirements of the permanent cosmetic tattooing program, and create hours and performances requirements for the master permanent cosmetic tattooing program.* | <p>Section A is amended to change the training hours of the permanent cosmetic tattooing program from 90 hours to 200 hours. The Board received comments from the industry that the length of training was too short to adequately prepare students to be minimally competent in the profession.</p> <p>Section B is amended to specify which services must be performed during the training program. This change is meant to add microblading performance requirements and to clarify existing performance requirements.</p> <p>New section C is added to establish performances for the new master permanent cosmetic tattooer program.</p> <p>New section D is added to clarify that existing language regarding what constitutes a performance is not a performance requirement itself.</p> |
| 18 VAC 41-50-380 |  |  | The proposed amendments change the location where licenses are to be displayed from the reception area to the licensees station.   | <p>Section A is amended to replace reception area with licensees station as an option for where to display the practitioners license. This change was requested by the industry as many parlors do not have a defined reception area.</p>   |
| 18 VAC 41-50-390 |  |  | The proposed amendments update this section to further clarify and   | Section E is amended to remove references to dyes and carbon stencils. These changes were requested   |

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|                                  |  |  | <p>standardize the regulations.</p>   | <p>by the industry as these terms are considered obsolete.</p>   |
| <p>18 VAC<br/>41-50-<br/>400</p> |  |  | <p>The proposed amendments update this section to further clarify and standardize the regulations. The amendments also provide new requirements for wrapping multiuse equipment in a non-porous disposable barrier and added disinfection requirements for multiuse equipment.* They also add the requirement to maintain a dirty tube receptacle and sharps containers.*</p> | <p>Section A is amended to reflect the new responsible management requirement. This is a clarifying change as the term owner is not used in the proposed regulations.</p> <p>Section E is amended for grammatical purposes.</p> <p>Section I is amended to remove the terms inks and dyes, as they are incorporated into the new definition "pigments."</p> <p>Section J is amended to require razors be recapped before being disposed of, as well as eliminate the requirement for a puncture resistant container. This change was requested by the industry as the razors used by the industry are safety razors and not capable of puncturing any container. This will reduce the regulatory burden on licensees.</p> <p>Amended section L requires multiuse items be wrapped in a non-porous disposable barrier which should be disposed of between services. This requirement to wrap multiuse item in plastic wrap was requested by the industry as best practices for infection control. The purpose of this requirement is to reduce the likelihood of contamination of implements by adding a cheap, protective barrier that can be replaced for each client. Much of the industry already uses this</p> |

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|                                  |  |  |  | <p>sanitation technique, and industry representatives estimated this would cost \$0.20 or less per client.</p> <p>Amended section M. requires that multiuse items be disinfected with an EPA registered disinfectant that is bactericidal, virucidal, and fungicidal. The purpose of this requirement, requested by the industry, was to ensure that multiuse items are properly disinfected between clients.</p> <p>Old sections L. through U are renumbered.</p> <p>Several sections are clarified to indicate only nondisposable instruments are subject to certain sanitation requirements. This change was requested by the industry to reinforce that disposable instruments should not be reused.</p> <p>New section W is added to require sealed, puncture proof receptacle with liquid sterilant should be maintained in the biohazard or cleanup room. This change was requested by the industry to improve sanitation and safety following a tattoo procedure.</p> <p>New section X requires a sharps container located within reach of the tattooing area. This change was requested by the industry to facilitate safely disposing of used needles.</p> |
| <p>18 VAC<br/>41-50-<br/>410</p> |  |  | <p>The new amendment adds a prohibition against tattooing over</p> | <p>Section D is amended to limit tattooing over certain moles. The change was</p>  |

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|  |  |  | an asymmetrical, irregular, blurred, or multi-colored mole.* | requested by the industry to prevent tattooers from knowingly tattooing or camouflaging skin with symptoms of cancer. |
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