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## Final Regulation Agency Background Document

<b>Agency name</b>	Board for Barbers and Cosmetology
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC41-50 18 VAC41-60
<b>VAC Chapter title(s)</b>	Tattoo Regulations Body-Piercing Regulations
<b>Action title</b>	General Review 2017
<b>Date this document prepared</b>	December 6, 2021

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

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

The proposed regulations also significantly change the limited term tattooer license structure. In response to public comments, the Board seeks to eliminate the current five-day limited term tattooer license and replace it with a two-week guest tattooer license. The Board will also update training

requirements for schools and instructors, as well as create 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.*

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

"Board" means the Board for Barbers and Cosmetology.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

At its meeting September 20, 2021, the Board for Barbers and Cosmetology adopted as final these regulations that amend the Tattoo Regulations (18 VAC 41-50) and Body-Piercing Regulations (18 VAC 41-60).

### 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.*

Based on review of the repropoed regulations, the board made various typographical and clarifying changes, and made one substantive change incorporating scalp micropigmentation into the permanent cosmetic tattoo training program. This change incorporates Board guidance regarding scalp micropigmentation approved at the July 2021 Board meeting.

### 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.*

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

## 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 unnecessary regulatory obstacles while still protecting the health, safety, and welfare of the public. The Board had not done a comprehensive review of the regulations since they were created in 2005 and 2006. Additionally, the Board seeks to ensure regulations are clearly written and easily understandable, and are representative of the current advancements and standards of the industries.

## 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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Throughout the regulations, 18 VAC 41-50 and 18 VAC 41-60, all pertinent sections have been updated with clarifying and typographical changes.

### **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, permanent cosmetic tattooer, 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 from former sections 50 and 60. The proposed amendments also add requirements that if an applicant does not apply for licensure within five years of passing both exams, they will be required to retake the exam, and that the Board will only retain examination records for 'non-licensees' 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 guest tattooer sponsors must identify themselves as the host 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. An applicant may obtain up to five guest tattooer licenses per calendar year.

18 VAC 41-50-92. Guest tattooer sponsor. The proposed amendments create requirements for parlor and salons to sponsor a guest tattooer, 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 a specified period.

18 VAC 41-50-260. Hour reported. The proposed amendments repeal this regulation as it was duplicative of language in section 100.

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 awarded 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 as duplicative of requirements in section 100.

18 VAC 41-50-340. Hour reported. The proposed amendments repeal this regulation and incorporate the requirement into section 100.

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 must be displayed from the reception area to the licensee's 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.

8 VAC 41-50-420. Grounds for license revocation or suspension; denial of application, renewal, 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 when failing to report 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 and Temporary location have 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 to 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 in the event of certain criminal convictions and failing to report convictions within a certain 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.*

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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 students. These changes address both the length of the program and the qualifications of the instructors, in an effort to help students' complete 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 regulants are 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 that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

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.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. 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.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Fred Safford	Concerns regarding the allowable metals used in the piercing process and offered their assistance in the development of future regulations.	Neither the Board’s current or proposed regulations reference the quality or type of metal that can be used in the jewelry. Moreover, the Board does not regulate the sale of jewelry. The Board’s regulations speak only to the piercing service.  The Board appreciates the offer of assistance in the development of regulations and welcome any suggestions and will take any suggestions under advisement.
Danny Fowler	Does not believe DPOR is enforcing the regulations, therefore the public will never be safe. He states there are multiple unlicensed individuals tattooing in the Roanoke, VA area. Expresses a need for more proactive inspection of tattoo parlors by the Department concerning compliance with the regulations.	DPOR inspections at this point in time are complaint driven. The Board is exploring a more proactive inspection program, yet to be implemented. However, at any given time, the Board must balance its resources to focus on the most pressing critical needs that best meet its mission of protecting the health, safety, and welfare of the public.

	<p>Suggests that tattooer get nothing for the assessed fees by DPOR.</p>	<p>The Board's fees are set in accordance with the Callahan Act which requires the Board to set the fees such that expenditures and revenues are balanced. The fees paid by the licensees are sufficient to cover all of the Boards current operating expenses. An increase in the inspection expenditures would likely result in an increase in the licensing fees.</p>
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**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 and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* 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>
<p>18 VAC 41-51-10</p>		<p>New and expanded definitions were incorporated to more accurately include intent of the Board and subsequent regulations</p>	<p>Updates were added to conform with the proposed regulations as written</p>	<p>The definition of "Direct Supervision" is amended to incorporate additional situations requiring supervision. This is to clarify what could be included within "direct supervision"</p> <p>The definition of "Endorsement" is amended to incorporate any jurisdiction of the United States. This expands eligibility to anyone with a license in the United States, including Puerto Rico and Guam.</p> <p>"Guest Tattooer" is amended to also include master cosmetic tattooer as a "guest tattooer."</p> <p>"Permanent cosmetic tattooer" is amended to also include scalp micropigmentation.</p>

				<p>“Postsecondary education level” is amended to eliminate superfluous verbiage.</p> <p>“Temporary location” is amended removing superfluous language.</p>
18 VAC 41-50-20		<p>Expanded the General requirements for tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.</p>	<p>Eliminated old wording and verbiage from the former regulations.</p> <p>Edited requirements to conform to the new laws concerning prior marijuana distribution convictions.</p> <p>Updated certain requirements to conform to the standard definitions found under 18 VAC 41-50-20</p>	<p>Section A is amended to remove references to convention tattooer. There is no definition for a “convention tattooer,” so this term was replace with “guest tattooer.”</p> <p>Subsection A.4.a is amended to reflect the new regulatory language excluding marijuana conviction from disclosure. Updated disclosure requirement to include only non-marijuana drug distribution offenses.</p> <p>Section B is amended to reflect the incorporation of master permanent cosmetic tattooing approved programs and correct grammatical terms due to this addition.</p>
18 VAC 41-50-80		<p>Expanded the General requirements for a tattoo parlor, event tattoo parlor, and permanent cosmetic tattoo</p>	<p>Added defined terms for consistency.</p> <p>Edited requirements to conform to the new laws concerning prior marijuana distribution convictions.</p> <p>Eliminated old wording and verbiage from the former regulations.</p>	<p>Section A is amended to remove reference to “limited term tattoo parlor” and replaced with the defined term “event tattoo parlor”</p> <p>Subsection A.4.a is amended to reflect the new regulatory language excluding marijuana conviction from disclosure. This is consistent with new regulatory language reflecting a July 1, 2021 statutory change prohibiting the Board from inquiring into certain drug convictions.</p>

				<p>Section B is amended to remove reference to “limited term tattoo parlor” and replaced with the defined term “event tattoo parlor.” And the term “owner” was replaced with the defined term “responsible management.”</p> <p>Sections F through H were amended to remove reference to “limited term tattoo parlor” and replaced with the defined term “event tattoo parlor”</p>
18VAC 41-50- 92			Corrected for passive voice by clarifying the obligations incurred by the act of sponsoring a guest tattooer.	<p>Section A is amended to remove the inexact phrasing of “agrees to sponsor.” The licensed tattoo parlor is obliged to ensure certain requirements are met when sponsoring a guest tattooer.</p> <p>Section B is amended to remove the inexact phrasing of “agrees to sponsor.” The licensed permanent cosmetic tattoo salon is obliged to ensure certain requirements are met when sponsoring a guest tattooer.</p>
18 VAC 41-50- 100			Edited requirements to conform to the new laws concerning prior marijuana distribution convictions.	Subsection A.4.a is amended to reflect the new regulatory language excluding marijuana conviction from disclosure. Updated disclosure requirement to include only non-marijuana drug distribution offenses.
18 VAC 41-50- 110			Clarified that documentation of five years of tattooing experience must have been legal tattooing experience.	Subsection A.2 is amended to reflect the intent of the Board to require five years of legal tattooing experience when applying for an instructor certificate.

<p>18 VAC 41-50- 150</p>			<p>Corrected the title name under Part IV and removed the term “license” when the term “certificate” should have been used.</p> <p>Removed the convention tattooer license expiration statement.</p>	<p>Section A is amended to reflect the instructor qualification is a “certificate” not a “license.” And to also clarifying that “permanent cosmetic tattooing instructor certificates” must be renewed.</p> <p>Subsection A.2 was eliminated as the “convention tattooer” license was eliminated from the proposed regulations.</p>
<p>18 VAC 40-50- 180</p>			<p>Updated the renewal application regulations to clarify that the school’s “license” was at issue.</p>	<p>Section C is amended for clarity, as the Board cannot reinstate a school. Rather the Board can reinstate a school’s license.</p>
<p>18 VAC 41-50- 230</p>			<p>Updated the general requirements for a tattoo school license, clarification was needed regarding the requirements for licenses and those who are students.</p>	<p>Subsection A. 3 is amended to require schools to employ a staff of licensed and “certified” tattooing instructors.</p> <p>Subsection A. 8.is amended to require instruction and training of “students” under the direct supervision of a “licensed” and certified tattooing instructor.</p>
<p>18 VAC 41-50- 280</p>			<p>Updated the subdivide training needed within tattooing program.</p> <p>Added the assessment of student competences to give credit toward the hour requirements as permitted within other licensing sections.</p>	<p>Subsections B. 7. i.1-3 is amended to require subdivided training on needle grouping, needle properties, and needle making.</p> <p>Section C is amended to allow a tattoo school to assess a student’s competences and give credit toward the hour requirements. This amendment also details the method in which a school may conduct the assessment and give credit.</p>

<p>18 VAC 41-50- 310</p>			<p>Updated the general requirements for a permanent cosmetic tattooing school license, clarification was needed regarding the requirements for licenses and those who are students.</p>	<p>All changes in this section are provided to add clarity that instructors need to be both licensed and certified.</p> <p>Subsection 3 Is amended to require permanent cosmetic tattooing schools to employ a staff of “licensed” and certified permanent cosmetic tattooing instructors, or “licensed” and certified master permanent cosmetic tattooing instructors.</p> <p>Subsection 8 is amended to require permanent cosmetic tattooing schools to provide all instruction under the direct supervision of a “licensed” and certified permanent cosmetic tattooing instructor or a “licensed” and certified master permanent cosmetic tattooing instructor.</p> <p>Subsection 9 is amended to require all instruction of training of master permanent cosmetic tattooers by “licensed” and certified master permanent cosmetic tattooing instructors.</p>
<p>18 VAC 41-50- 360</p>			<p>Additional required subtopics were included under the permanent cosmetic tattooing curriculum.</p> <p>Spelling corrections were also needed.</p>	<p>Subsection B. 14. e is amended to add “drawing and mapping.”</p> <p>Subsection B. 14. o is amended to add “scalp micropigmentation.”</p> <p>Subsection C. 7. c. 1 and C. 7. c. 2. is amended to use the correct professional phrasing of the terms “Deep Inferior Epigastric Artery Perforator (DIEP) Flap” and “Superior Gluteal</p>

				<p>Artery Perforator (SGAP) Flap.”</p> <p>Subsection C. 7. e. 6 is amended to correct the spelling of Lymphedema.</p> <p>Subsection C. 9. j. 1 is amended to correct the spelling of “Tegaderm.”</p> <p>Subsection C. 14. c is amended to remove the word “scalp.”</p>
18 VAC 41-50-370			<p>Clarification was needed regarding the exact number of hours required for a permanent cosmetic tattooing program.</p> <p>A grammatical correction was made within the enumerated performances required for master permanent cosmetic tattooing instruction, as well as the deletion of “scalp repigmentation” as this is a requirement of the permanent cosmetic tattooing instruction program.</p> <p>A final grandfather clause was added to allow those who enroll in a program before July 1, 2022, may complete the program at the hours in effect at the time they enrolled.</p>	<p>Section A is amended to delineate 200 hours is required for a permanent cosmetic tattooing program and 200 hours are required for a master permanent cosmetic tattooing program.</p> <p>Section C is amended to correct, “Lip (cleft lip repigmentation)” and to delete “scalp repigmentation” from the required performances as this was added to the permanent cosmetic tattoo curriculum.</p> <p>Section E is amended to allow individuals enrolled in a program prior to July 1, 2022 to complete the program at the hours in effect at the time they were enrolled.</p>
18 VAC 41-50-380			<p>Clarification was needed so that the responsible management was responsible for the display of the license.</p>	<p>Section A., section B, section C, and section D is amended by the deletion of the term “owner” and the use of the defined term “responsible management.” The use of “owner” was overlooked in previous stages of this</p>

				action and the language is updated to be consistent with the new responsible management terminology.
18 VAC 41-50-400			Correction of the terms "owner," "health care," "pigments," and "nondisposable."	<p>Section A. is amended by deleting the term "owner" and then using of the defined term "responsible management." The use of "owner" was overlooked in previous stages of this action and the language is updated to be consistent with the new responsible management terminology.</p> <p>Section F is amended by the spelling correction of "healthcare."</p>
18 VAC 41-50-420			Corrected the term from "owner," to "responsible management." Added "non-marijuana" to the drug distribution disclosure requirements, and added "master permanent cosmetic tattooer."	<p>Section 8 is amended by the deletion of the term "owner" and the use of the defined term "responsible management."</p> <p>Section 12 is amended to reflect the new regulatory language excluding marijuana conviction from required disclosure. Updated disclosure requirement to include only non-marijuana drug distribution offenses.</p> <p>Section 14 is amended to include both permanent cosmetic tattooers and master permanent cosmetic tattooers.</p> <p>Section 16 is amended to correctly use the term "permanent cosmetic tattooing salon."</p>
18 VAC 41-60-10			Corrected definitions	The definition of "Endorsement" is amended to incorporate any jurisdiction of the United States. This is expand eligibility to anyone with a license in the United States, including Puerto Rico and Guam.



				Temporary location is amended removing superfluous language.
18 VAC 41-60-20			Added “non-marijuana” to the drug distribution disclosure requirements.	Subsection A. 4. a. is amended to reflect the new regulatory language excluding marijuana conviction from disclosure. Updated disclosure requirement to include only non-marijuana drug distribution offenses.  Subsection B. 2 is amended to correctly identify the United States and “jurisdiction of the United States.”
18 VAC 41-60-80			Added “non-marijuana” to the drug distribution disclosure requirements.  Corrected for terminology use and application.	Subsection A. 4. a. is amended to reflect the new regulatory language excluding marijuana conviction from disclosure. Updated disclosure requirement to include only non-marijuana drug distribution offenses.  Section B is amended to refer to the business “entity” to be consistent with the defined term, and uses “responsible management” rather than “owner” thereby clarifying the requirements to apply for a new license rather than just reporting a change.
18 VAC 41-60-200			Corrected for the terminology use pursuant to the definition section.	Section A is amended by deleting “owner” and replacing with “responsible management.”
18 VAC 41-60-220			Corrected the terminology use pursuant to the definition section.  Added “non-marijuana” to the drug distribution disclosure requirements.	Section 8 is amended by deletion of the word “owner” for the defined term responsible management.  Section 12 is amended to reflect the new regulatory language excluding marijuana conviction from

				disclosure. Updated disclosure requirement to include only non-marijuana drug distribution offenses.
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**Detail of All Changes Proposed in this Regulatory Action**

*List all changes proposed in this action and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
18 VAC 41-50-10		Establishes definitions of terms used throughout the Chapter.	<p>“Business Entity” is added to provide a comprehensive list of the forms of legal organization permitted under law. Adding this definition precludes the need to consistently repeat this language.</p> <p>The definition of “Direct Supervision” is amended to incorporate additional situations requiring supervision. This is to clarify what could be included within “direct supervision.”</p> <p>The definition of “Endorsement” is amended to incorporate any jurisdiction of the United States. This is expand eligibility to anyone with a license in the United States, including Puerto Rico and Guam.</p> <p>“Firm” is added to provide a short hand explanation of business entities recognized under the laws of the Commonwealth. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Guest tattooer” is added to identify the scope and duration of the guest tattooer license.</p>

			<p>“Guest tattooer sponsor” is added to identify the scope and meaning of a guest tattoo sponsor.</p> <p>“Licensee” is amended to reflect all business entities allowed under the laws of the Commonwealth.</p> <p>“Limited term tattooer” is removed as it is being replaced by guest tattooer.</p> <p>“Permanent cosmetic tattooer” is amended to also include “scalp micropigmentation.”</p> <p>“Post-Secondary educational level” is added to distinguish educational levels and recognize accredited colleges or universities.</p> <p>“Responsible Management” is added to identify those who are responsible for the business and regulatory activity of a firm. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Sole Proprietorship” is added to distinguish an individual, not a corporation, trading under his own name or an assumed name.</p> <p>“Tattoo convention” is added to identify what events qualify as tattoo conventions at which convention tattooers are licensed to work.</p> <p>Temporary location” is amended removing superfluous language.</p> <p>These changes reflect the addition of the responsible management system and evolution of the limited term tattooer license, now known as the guest tattooer license, to reflect the needs and realities of the industry.</p>
<p>18 VAC 41-50-20</p>		<p>Establishes the general requirements for tattooers, guest tattooers, permanent cosmetic tattooers or master permanent cosmetic tattooers.</p>	<p>Subsection A.1 is reworded for greater clarity. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing individuals who are</p>

			<p>minimally competent to engage in the profession.</p> <p>Subsection A.3 is reworded for clarity.</p> <p>Subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years, excluding marijuana convictions and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>Section A.6 is removed as it concerns a statutory grandfathering period which expired on September 30, 2007.</p> <p>Section B is amended to reflect the incorporation of master permanent cosmetic tattooing approved programs and correct grammatical terms due to this addition.</p> <p>Section B.1.b is amended to correct a typographical omission.</p> <p>Section B.2.a is amended for consistent spelling of “bloodborne pathogens.”</p> <p>Section B.2.b is amended to correct a typographical omission.</p>
18 VAC 41-50-30		Establishes licensure by endorsement for certain individuals.	This section is amended for added clarity, reflecting that tattooers and permanent cosmetic tattooers may only endorse into their respective professions.
18 VAC 41-50-40		Establishes the examination requirements and fees.	New sections C, D, E and F incorporate requirements formerly set out in 18 VAC 41-50-50 and 18 VAC 41-50-60. These regulations are consolidated for greater clarity. No new requirements are created or changed.
18 VAC 41-50-50		Establishes the reexamination requirements.	This section is repealed and its content moved to new subsection 18 VAC 41-50-40.D.

<p>18 VAC 41-50-60</p>		<p>Examination administration requirements.</p>	<p>This section is repealed and its content moved to new subsection 18 VAC 41-50-40.C, E., and F.</p>
<p>18 VAC 41-50-80</p>		<p>Establishes the tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon license requirements.</p>	<p>Section A is amended to remove reference to “limited term tattoo parlor” and replaced with the defined term “event tattoo parlor”</p> <p>Subsection A.1 is amended to add the requirement that the applicant and members of responsible management be in good standing as a licensed parlor, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing parlors and salons, which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia’s laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p>

			<p>New subsection A.5 requires the applicant to disclose the firm’s responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Section B is amended to remove reference to “limited term tattoo parlor” and replaced with the defined term “event tattoo parlor.” And the term “owner” was replaced with the defined term “responsible management.” It is also amended to read with greater clarity and reflect that licenses are not transferable. This requirement ensures that every applicant is aware that it is responsible for updating its address with the Board.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>New subsection D requires that any change to officers, managers, or directors of certain business entities be reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>New subsection E requires the parlor/salon hosting a guest tattooer must identify itself as the guest tattooer sponsor on the guest tattooer’s application and must provide director supervision of the guest tattooer. This addition ensures that guest tattooers will be supervised by licensees of the Board. This is particularly important if the Board is to fulfill its duty to protect the health, safety, and welfare of the public.</p> <p>Old subsections D, E, F, and G are renumbered and amended to reflect the new responsible management system.</p>
<p>18 VAC 41-50-90</p>		<p>Establishes the requirements for a limited term tattooer license.</p>	<p>This section is repealed. The limited term tattooer license is being replaced by guest tattooer licenses to better reflect the current state and needs of the industry.</p>

	18 VAC 41-50-91		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. An applicant may obtain up to five guest tattooer licenses per calendar year.
	18 VAC 41-50-92		The proposed amendments create requirements for parlor and salons to sponsor guest tattooers, including direct supervision by a licensee.
18 VAC 41-50-100		Establishes the school license requirements.	<p>Subsection A.1 is amended to add the requirement that the applicant and members of responsible management be in good standing as a licensed school, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing schools, which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia's laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by § 54.1-204 of the</p>

			<p>Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>New subsection A.5 requires the applicant to disclose the firm’s responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>Subsection D is reworded to incorporate the requirement of schools to provide hours and performances of non-completing student upon closing. This incorporates and consolidates the requirement in repealed section 18 VAC 41-50-260.</p> <p>New subsection E requires that any change to officers, managers, or directors of certain business entities are reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the school.</p>
<p>18 VAC 41-50-110</p>		<p>Requirements for the tattoo instructor certificate.</p>	<p>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</p>



			<p>tattooing but do not have the required experience.</p> <p>New subsection A.3 is added to require tattoo instructor applicants to have completed a course on teaching techniques at the post-secondary level. This addition incorporates a request from the licensees and ensures that instructors have a minimum level of competence to engage in academic instruction.</p>
18 VAC 41-50-120		Requirements for the permanent cosmetic tattoo instructor certificate.	<p>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 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.</p> <p>New subsection A.3 is added to require permanent cosmetic tattoo instructor applicants to have completed a course on teaching techniques at the post-secondary level. This addition incorporates a request from the licensees and ensures that instructors have a minimum level of competence to engage in academic instruction.</p>
18 VAC 41-50-130		Fees.	<p>This section is amended to remove reference to license by endorsement for instructors, as instructors are not and have not been able to obtain a license by endorsement.</p>
18 VAC 41-50-150		Requirements for license renewal.	<p>This section is amended to reflect the license expiration requirements for guest tattooers.</p> <p>Section A is amended to reflect the instructor qualification is a "certificate"</p>

			<p>not a “license.” In addition, to also clarify that “permanent cosmetic tattooing instructor certificates” must be renewed.</p> <p>New subsection B lists the licensing period for guest tattooers.</p>
18 VAC 41-50-160		Continuing Education Requirement	<p>The amendment to this section removes the hours requirement from the continuing education requirement at renewal. The Board was not concerned about the specific hours towards each topic, just that training in each topic was completed.</p>
18 VAC 41-50-180		Establishes provision for when licensees fail to renew.	<p>Subsection A is amended with simplified language and adds business entities to the requirements.</p> <p>Subsection B is amended with simplified language and adds business entities to the requirements.</p> <p>Old subsection C is removed and incorporated into subsection B.</p> <p>New subsection C incorporates requirements from old subsection E and F and the requirements all other schools licensed by the Board must meet in order to reinstate. This change creates more consistency and better oversight of tattoo schools.</p> <p>Subsections D, E, and F are removed as duplicative after their requirements are incorporated in subsections B and C.</p> <p>Old subsection G is renumbered as new subsection D.</p> <p>Old subsection H is renumbered as new subsection E and changes the reinstatement effective date, as individuals who reinstate will be given a full two-year license, rather than whatever amount of two years was left since the original expiration of the license.</p> <p>Old subsection I is renumbered as new subsection F and reworded for greater clarity.</p>

			Old subsection J is renumbered as new subsection G and reworded for greater clarity.
18 VAC 41-50-210		Hours of Instruction and Performances	Subsection A.3 is revised to reflect the performances number is a minimum rather than a fixed amount. Schools may require more performances if they wish.
18 VAC 41-50-230		Establishes general requirements for tattoo school programs.	<p>Subsection 3 is amended to require schools to employ a staff of licensed and “certified” tattooing instructors.</p> <p>Subsection 5 is amended to remove the qualifier from the requirement to hold a parlor license “if the school receives compensation...” Code of Virginia 54.1-700 requires a parlor license regardless of compensation.</p> <p>Subsection 5 is amended to make explicit the requirement that all changes to curriculum must be approved by the Board.</p> <p>Subsection 8 is amended to require instruction and training of “students” under the direct supervision of a “licensed” and certified tattooing instructor.</p>
18 VAC 41-50-240		Establishes the requirement that schools identify themselves as teaching institutions.	This section is repealed as duplicative of 18 VAC 41-50-100.B.
18 VAC 41-50-250		Establishes recordkeeping requirements for schools.	<p>New subsection C requires that schools, within 21 days of a student’s request, to produce and provide documentation and performances completed by that student. This provision will assist students in obtaining their records and addresses a frequent complaint that schools are withholding progress documentation from their students.</p> <p>Old subsection C is renumbered as subsection D.</p> <p>Old subsection D is renumbered as subsection E.</p>
18 VAC 41-50-260		Establishes the requirement for tattoo schools to provide hours	This section is repealed and its requirement is incorporated in 18 VAC 41-50-100.

		and performances of students to the Board upon closing.	
18 VAC 41-50-270		Establishes the requirement for individuals desiring to enroll in tattoo school complete minimum health education.	This section is repealed and its requirement incorporated into new subsection 18 VAC 41-50-280.A.
18 VAC 41-50-280		Establishes the tattooing school curriculum requirements.	<p>New subsection A incorporates the requirement for individuals desiring to enroll in tattoo school complete minimum health education from 18 VAC 41-50-270.</p> <p>Subsection B.5 is reworded for consistent spelling of “bloodborne pathogens.”</p> <p>Section B.7.i is amended to add specific topics under needles that must be taught by the schools. The addition of needle topics of groupings, 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>
18 VAC 41-50-290		Establishes the hours of instruction and performances for tattoo schools.	<p>Subsection A is amended to change the total hours of instruction 1,000 for a tattooing program from 750 hours.</p> <p>Subsection A.3 is amended to change the hours of practical instruction in tattooing from 250 to 500 hours.</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</p>

			<p>schools to avoid having to repeat large portions of the training program.</p> <p>These changes reflect comments by licensees who have complained to the Board that the length of the tattoo school program is inadequate.</p>
18 VAC 41-50-310		Establishes the general requirements for permanent cosmetic tattoo schools.	<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>
18 VAC 41-50-320		Establishes the requirement that permanent cosmetic tattooing schools identify themselves as teaching institutions.	This section is repealed as duplicative of 18 VAC 41-50-100.B.
18 VAC 41-50-340		Establishes the requirement for permanent cosmetic tattoo schools to provide hours and performances of students to the Board upon closing.	This section is repealed and its requirement is incorporated in 18 VAC 41-50-100.
18 VAC 41-50-350		Establishes the requirement for individuals desiring to enroll in permanent cosmetic tattoo school complete minimum health education.	This section is repealed and its requirement incorporated into new subsection 18 VAC 41-50-360.A.
18 VAC 41-50-360		Establishes the tattooing school curriculum requirements.	New subsection A incorporates the requirement for individuals desiring to enroll in tattoo school complete minimum health education from 18 VAC 41-50-270.

			<p>Subsection B.10 is reworded for consistent spelling of “bloodborne pathogens.”</p> <p>Subsection B.14 is amended to add additional training topics, including microblading, and scalp micropigmentation. Microblading is a new technique for tattooing eyebrows that is driving much of the growth in the permanent makeup industry. Scalp micropigmentation is a new technique that simulates hair grown on the scalp. The curriculum is modified so that all students are trained to be competent in these procedures.</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>
<p>18 VAC 41-50-370</p>		<p>Establishes hours of instruction and performances</p>	<p>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> <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</p>

			<p>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> <p>Section E amended to allow individuals enrolled in a program prior to July 1, 2022 to complete the program at the hours in effect at the time they were enrolled.</p>
18 VAC 41-50-380		Establishes requirements for display of license.	<p>All sections are amended by the deletion of the term “owner” and the use of the defined term “responsible management.” The use of “owner” was overlooked in previous stages of this action and the language is updated to be consistent with the new responsible management terminology.</p> <p>Section A is amended to replace reception area with licensee’s station as an option for where to display the practitioner’s license. This change was requested by the industry, as many parlors do not have a defined reception area.</p>
18 VAC 41-50-390		Establishes the requirements for parlors and schools.	<p>The proposed amendments update this section to further clarify and standardize the regulations.</p> <p>Section E is amended to remove references to dyes and carbon stencils. These changes were requested by the industry, as these terms are considered obsolete.</p>
18 VAC 41-50-400		Establishes the responsibilities for individual practitioners.	<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 clarify change as the term owner is not used in the proposed regulations.</p> <p>Section E is amended for grammatical purposes.</p> <p>Section F is amended by the spelling correction of "healthcare."</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 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>
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			<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 V 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 W 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 41-50-410</p>		<p>Establishes the client qualifications, disclosure requirements, and record keeping.</p>	<p>Section D is amended to limit tattooing over certain moles. The change was requested by the industry to prevent tattooers from knowingly tattooing or camouflaging skin with symptoms of cancer.</p>
<p>18 VAC 41-50-420</p>		<p>Establishes grounds for disciplinary action.</p>	<p>This section is reworded to read with greater clarity.</p> <p>New prohibited acts are added to better enable the Board to prevent fraud, investigate regulatory violations, and better protect the public.</p> <p>Subsection 1 is amended to remove limited term tattooer references and incorporate parlors, salons, and schools.</p> <p>Subsection 2 is amended to provide consistency with other professions regulated by the Board that schools could be disciplined for failing to teach the approved curriculum.</p> <p>New subsection 5 adds the grounds for discipline of bribing a public official.</p>

			<p>New subsection 6 adds the grounds for discipline of failing to respond to the Board, or providing false, misleading, or incomplete information to an inquiry of the Board.</p> <p>New subsection 7 adds the grounds for discipline of failing or refusing to allow the Board or its agent to inspect any licensed parlor, salon, or school.</p> <p>Old subsection 5 is renumbered.</p> <p><b>Old subsection 6 is re-numbered and a portion of it is moved to section 120.B.</b></p> <p>Old subsection 7 is re-numbered and adds the ground for discipline of making a misrepresentation.</p> <p>Section 8 is amended by the deletion of the term “owner” and the use of the defined term “responsible management.”</p> <p><b>Old subsection 9 is renumbered.</b></p> <p><b>Old subsection 9 is repealed. This section was duplicative with old section 20.A.4.</b></p> <p>New subsection 12 adds grounds for discipline for having been convicted of certain misdemeanors and any felony.</p> <p>New subsection 13 adds grounds for discipline for failing to report to the Board any conviction within 30 days of being convicted.</p> <p>New subsection 14 adds the grounds for discipline for any parlor, salon, or school responsible management who allows an unlicensed person to practice, unless that person is a registered apprentice. It also is amended to include both permanent cosmetic tattooers and master permanent cosmetic tattooers.</p> <p>New subsection 15 adds the grounds for discipline for the responsible management of a school who allows</p>
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			<p>the practice of an unlicensed instructor.</p> <p>New subsection 16 adds the grounds for discipline of failing to take sufficient measures to prevent the transmission of communicable diseases or fails to comply with laws and regulations pertaining to sanitation and safety and incorporates permanent cosmetic tattoo salons.</p> <p>New subsection 17 adds the grounds for discipline of failing to comply with procedures established by the Board and testing service with regard to conduct during examination.</p>
<p>18 VAC 41-60-10</p>		<p>Establishes definitions of terms used throughout the Chapter.</p>	<p>“Body-Piercing ear only” is amended to create consistent use of the correct term “body piercing.”</p> <p>“Business Entity” is added to provide a comprehensive list of the forms of legal organization permitted under law. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Endorsement” is amended to incorporate any jurisdiction of the United States. This is expand eligibility to anyone with a license in the United States, including Puerto Rico and Guam.</p> <p>“Firm” is added to provide a short hand explanation of business entities recognized under the laws of the Commonwealth. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Licensee” is amended to reflect all business entities allowed under the laws of the Commonwealth.</p> <p>“Responsible Management” is added to identify those who are responsible for the business and regulatory activity of a firm. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Sole Proprietorship” is added to distinguish an individual, not a</p>

			<p>corporation, trading under his own, or an assumed name.</p> <p>“Temporary location” is amended removing superfluous language.</p> <p>These changes reflect the addition of the responsible management system and evolution of the body piercing license to better reflect the needs and realities of the industry.</p>
<p>18 VAC 41-60-20</p>		<p>Establishes the general requirements for body piercers.</p>	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing” when not used as an adjective.</p> <p>Subsection A.1 is reworded for greater clarity. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing individuals who are minimally competent to engage in the profession.</p> <p>Subsection A.3 is reworded for clarity.</p> <p>Subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>Section A.6 is removed as it concerns a grandfathering period, which expired on March 31, 2008.</p> <p>Subsection B. 2 is amended to correctly identify the United States and “jurisdiction of the United States.”</p> <p>Subsection C.5 is reworded to restrict the criminal convictions that must be disclosed to the board to certain</p>

			<p>misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p>
18 VAC 41-60-30		Establishes licensure by endorsement individuals.	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing” when appropriate.</p>
18 VAC 41-60-40		Establishes the examination requirements and fees.	<p>New sections C, D, E and F incorporate requirements formerly set out in 18 VAC 41-60-50 and 18 VAC 41-60-60. These regulations are consolidated for greater clarity. No new requirements are created or changed.</p>
18 VAC 41-60-50		Establishes the reexamination requirements.	<p>This section is repealed and its content moved to new subsection 18 VAC 41-50-40.D.</p>
18 VAC 41-60-60		Examination administration requirements.	<p>This section is repealed and its content moved to new subsection 18 VAC 41-50-40.C, E., and F.</p>
18 VAC 41-60-80		Establishes the body piercing and body piercing ear only salon license requirements.	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing” when appropriate.</p> <p>Subsection A.1 is amended to add the requirement that the applicant and members of responsible management be in good standing as a licensed salon, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing salons which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can</p>

		<p>maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia’s laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 is reworded to restrict the criminal convictions that must be disclosed to the board to certain misdemeanors in the last two years and felonies within the last 20 years. In order to conduct the proper analysis required by § 54.1-204 of the Virginia Code, the Board needs to be aware of each applicant’s criminal history. This change reflects the requirements of other professions under the Board.</p> <p>New subsection A.5 requires the applicant to disclose the firm’s responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection B is amended to read with greater clarity and reflect that licenses are not transferable. This requirement ensures that every applicant is aware that it is responsible for updating its address with the Board.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>New subsection D requires that any change to officers, managers, or directors of certain business entities be reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Old subsection D is changed to subsection E and is updated to reflect the responsible management system.</p>
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18 VAC 41-60-110		Requirements for license renewal.	This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing” when appropriate.
18 VAC 41-60-120		Establishes requirements for continuing education.	This section is amended throughout to create consistent usage of the term “bloodborne pathogens.”
18 VAC 41-60-140		Establishes provision for when licensees fail to renew.	<p>Subsection A is amended with simplified language and adds business entities to the requirements.</p> <p>Subsection B is amended with simplified language and adds business entities to the requirements.</p> <p>Old subsection C is removed as it is incorporated into subsection B.</p> <p>Old subsection D is removed as it is incorporated into subsection B.</p> <p>Subsections D, E, and F are removed as duplicative after their requirements are incorporated in subsections B and C.</p> <p>Subsection F is amended to change the reinstatement effective date, as individuals who reinstate will be given a full two-year license, rather than whatever amount of two years was left since the original expiration of the license.</p>
18 VAC 41-60-190		Establishes the physical facility requirements.	This section is amended throughout with typographical corrections and to replace the term “body-piercing” with the common usage term “body piercing” when appropriate.
18 VAC 41-60-200		Establishes the practitioner responsibilities.	This section is amended to incorporate the use of the term responsible management.
18 VAC 41-60-210		Establishes requirements for body piercing client qualifications, disclosures, and records.	<p>This section is amended throughout to replace the term “body-piercing” with the common usage term “body piercing” when appropriate.</p> <p>Sections N, O, and S are amended to clarify the requirement applies to nondisposable instruments.</p>
18 VAC 41-60-220		Establishes grounds for disciplinary action.	This section is amended throughout to replace the term “body-piercing” with

			<p>the common usage term “body piercing” when appropriate. This section is also reworded to read with greater clarity.</p> <p>New prohibited acts are added to better enable the Board to prevent fraud, investigate regulatory violations, and better protect the public.</p> <p>Subsection 1 is amended to remove limited term tattooer references and incorporate salons.</p> <p>New subsection 5 adds the grounds for discipline of bribing a public official.</p> <p>New subsection 6 adds the grounds for discipline of failing to respond to the Board, or providing false, misleading, or incomplete information to an inquiry of the Board.</p> <p>New subsection 7 adds the grounds for discipline of failing or refusing to allow the Board or its agent to inspect any licensed salon.</p> <p>Old subsection 5 is renumbered.</p> <p>Old subsection 6 is re-numbered and a portion of it is moved to section 120.B.</p> <p>Old subsection 7 is re-numbered and adds the ground for discipline of making a misrepresentation.</p> <p>Old subsection 8 is renumbered.</p> <p>Section 8 is amended by deletion of the word “owner” for the defined term responsible management.</p> <p>Old subsection 9 is repealed. This section was duplicative with old section 20.A.4.</p> <p>New subsection 12 adds grounds for discipline for having been convicted of certain misdemeanor and any felony.</p> <p>Old subsection 10 is repealed.</p>
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			<p>New subsection 13 adds grounds for discipline for failing to report to the Board any conviction within 30 days of being convicted.</p> <p>New subsection 14 adds the grounds for discipline for a salon's responsible management who allows an unlicensed person to practice, unless that person is a registered apprentice.</p> <p>New subsection 15 adds the grounds for discipline of failing to take sufficient measures to prevent the transmission of communicable diseases or fails to comply with laws and regulations pertaining to sanitation and safety.</p> <p>New subsection 16 adds the grounds for discipline of failing to comply with procedures established by the Board and testing service with regard to conduct during examination.</p>
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