



# House of Representatives

**File No. 806**

General Assembly

January Session, 2013

**(Reprint of File No. 577)**

Substitute House Bill No. 6590  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 13, 2013

## **AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) As used in this section  
2 and sections 2 to 6, inclusive, of this act and subsection (c) of section  
3 19a-14 of the general statutes, as amended by this act:

4 (1) "Commissioner" means the Commissioner of Public Health.

5 (2) "Department" means the Department of Public Health.

6 (3) "Tattooing" means marking or coloring, in an indelible manner,  
7 the skin of any person by pricking in coloring matter or by producing  
8 scars.

9 (4) "Tattoo technician" means a person who is licensed under the  
10 provisions of section 2 of this act.

11 (5) "Student tattoo technician" means a person studying tattooing  
12 who is registered with the department pursuant to section 2 of this act.

13       Sec. 2. (NEW) (*Effective October 1, 2013*) (a) On and after July 1, 2014,  
14 no person shall engage in the practice of tattooing unless the person is  
15 eighteen years of age or older and has obtained a license or temporary  
16 permit from the Department of Public Health pursuant to this section.

17       (b) (1) Each person seeking licensure as a tattoo technician on or  
18 before July 1, 2014, shall make application on a form prescribed by the  
19 department, pay an application fee of two hundred fifty dollars and  
20 present to the department satisfactory evidence that the applicant: (A)  
21 Is eighteen years of age or older; (B) has successfully completed, within  
22 the three years preceding the date of application, a course on  
23 prevention of disease transmission and blood-borne pathogens that  
24 complies with the standards adopted by the federal Occupational  
25 Safety and Health Administration, as described in 29 CFR 1910.1030 et  
26 seq., as amended from time to time, and that requires the successful  
27 completion of a proficiency examination as part of such course; and (C)  
28 holds current certification by the American Red Cross or the American  
29 Heart Association in basic first aid.

30       (2) Each person seeking licensure as a tattoo technician after July 1,  
31 2014, shall, in addition to satisfying the requirements of subdivision (1)  
32 of this subsection, provide documentation to the department, in the  
33 form and manner required by the commissioner, of having (A)  
34 completed not less than two thousand hours of practical training and  
35 experience under the personal supervision and instruction of a tattoo  
36 technician, or (B) practiced tattooing continuously in this state for a  
37 period of not less than five years prior to July 1, 2014.

38       (c) Licenses issued under this section shall be subject to renewal  
39 once every two years. A license to practice tattooing shall be renewed  
40 in accordance with the provisions of section 19a-88 of the general  
41 statutes, as amended by this act, for a fee of two hundred dollars. A  
42 licensee applying for license renewal shall, as a condition of license  
43 renewal, successfully complete a course on prevention of disease  
44 transmission and blood-borne pathogens that complies with the  
45 standards adopted by the federal Occupational Safety and Health

46 Administration, as described in 29 CFR 1910.1030 et seq., as amended  
47 from time to time, and that requires the successful completion of a  
48 proficiency examination as part of such course. Each licensee applying  
49 for license renewal shall sign a statement attesting that the licensee has  
50 successfully completed such education course within the six months  
51 preceding the expiration of the license on a form prescribed by the  
52 Commissioner of Public Health. Each licensee shall retain certificates  
53 of completion that demonstrate compliance with the requirement for a  
54 minimum of four years after the year in which the course was  
55 completed and shall submit such certificates to the department for  
56 inspection not later than forty-five days after a request by the  
57 department for such certificates.

58 (d) The provisions of this section shall not apply to a physician, an  
59 advanced practice registered nurse rendering service in collaboration  
60 with a physician, a registered nurse executing the medical regimen  
61 under the direction of a licensed physician, dentist or advanced  
62 practice registered nurse, or a physician assistant rendering service  
63 under the supervision, control and responsibility of a physician.

64 (e) No person shall use the title "tattoo technician", "tattoo artist",  
65 "tattooist" or other similar titles unless the person holds a license  
66 issued in accordance with this section.

67 (f) Notwithstanding the provisions of subsection (a) of this section, a  
68 person may practice tattooing if such person has obtained a license or  
69 temporary permit pursuant to this subsection.

70 (1) The department may grant licensure to any person who is  
71 licensed at the time of application as a tattoo technician, or as a person  
72 entitled to perform similar services under a different designation, in  
73 another state of the United States, the District of Columbia or a  
74 commonwealth or territory subject to the laws of the United States and  
75 who submits evidence satisfactory to the department of (A) a current  
76 license in good standing to practice tattooing from such other state,  
77 commonwealth or territory, (B) documentation of licensed practice in

78 such state, commonwealth or territory for a period of at least two years  
79 immediately preceding application, (C) successful completion of a  
80 course on prevention of disease transmission and blood-borne  
81 pathogens that complies with the standards adopted by the federal  
82 Occupational Safety and Health Administration, as described in 29  
83 CFR 1910.1030 et seq., as amended from time to time, and (D) current  
84 certification by the American Red Cross or the American Heart  
85 Association in basic first aid. Pending approval of the application for  
86 licensure, the commissioner may issue a temporary permit to such  
87 applicant upon receipt of a completed application form, accompanied  
88 by the fee for licensure, a copy of a current license from such other  
89 state, commonwealth or territory and a notarized affidavit attesting  
90 that the license is valid and belongs to the person requesting  
91 notarization. Such temporary permit shall be valid for a period not to  
92 exceed one hundred twenty calendar days and shall not be renewable.

93 (2) The commissioner may issue a temporary permit to an applicant  
94 previously licensed in Connecticut whose license has become void  
95 pursuant to section 19a-88 of the general statutes, as amended by this  
96 act. Such applicant for a temporary permit shall submit to the  
97 department a completed application form accompanied by a fee of one  
98 hundred dollars, a copy of a current license in good standing from  
99 another state and a notarized affidavit attesting that such license is  
100 valid and belongs to the person requesting notarization. A temporary  
101 permit for an applicant previously licensed in Connecticut whose  
102 license has become void pursuant to section 19a-88 of the general  
103 statutes, as amended by this act, shall be valid for a period not to  
104 exceed one hundred twenty calendar days and shall not be renewable.

105 (3) The commissioner may issue a temporary permit to a person  
106 licensed or certified to practice tattooing in another state,  
107 commonwealth or territory for the purpose of attending an educational  
108 event, trade show in the state or participating in a product  
109 demonstration in the state. Such applicant for a temporary permit shall  
110 submit to the department, forty-five business days in advance of the  
111 date of such event, show or demonstration, a completed application

112 form accompanied by a fee of one hundred dollars. Such applicant for  
113 a temporary permit shall additionally submit a copy of a current  
114 license or certification to practice tattooing from another state of the  
115 United States, the District of Columbia or a commonwealth or territory  
116 subject to the laws of the United States and a notarized affidavit  
117 attesting that the license or certification is valid and belongs to the  
118 person requesting notarization. A temporary permit issued in  
119 accordance with this subparagraph shall be valid for a period not to  
120 exceed fourteen consecutive calendar days, shall not be renewable and  
121 a temporary permit for such applicant shall not be issued more than  
122 once in any calendar year.

123 (g) Notwithstanding the provisions of subsection (a) of this section,  
124 a student tattoo technician may practice tattooing under the personal  
125 supervision of a tattoo technician for a period not to exceed two years.  
126 A student tattoo technician shall register with the department for  
127 purposes of completing the practical training and experience required  
128 to obtain a license pursuant to this section. An application for  
129 registration shall be submitted to the department on a form prescribed  
130 by the commissioner and shall be accompanied by documentation that  
131 the applicant (1) has successfully completed a course on prevention of  
132 disease transmission and blood-borne pathogens that complies with  
133 the standards adopted by the federal Occupational Safety and Health  
134 Administration, as described in 29 CFR 1910.1030 et seq., as amended  
135 from time to time, and that requires the successful completion of a  
136 proficiency examination as part of such course, and (2) holds current  
137 certification by the American Red Cross or the American Heart  
138 Association in basic first aid. Such application shall include a notarized  
139 statement signed by a tattoo technician providing that such licensee  
140 acknowledges having responsibility for personally supervising the  
141 applicant's practical training and experience in tattooing.

142 (h) No license or temporary permit shall be issued under this section  
143 to any applicant against whom professional disciplinary action is  
144 pending or who is the subject of an unresolved complaint in any state  
145 or jurisdiction.

146 (i) The Commissioner of Public Health may, in accordance with  
147 chapter 54 of the general statutes, adopt such regulations as are  
148 necessary to implement the provisions of sections 1 to 5, inclusive, of  
149 this act.

150 Sec. 3. (NEW) (*Effective October 1, 2013*) On and after July 1, 2014, no  
151 person shall: (1) Buy, sell or fraudulently obtain or furnish any  
152 diploma, certificate, license, record or registration purporting to show  
153 that any person is qualified or authorized to practice tattooing, as  
154 provided in section 2 of this act, or participate in buying, selling,  
155 fraudulently obtaining or furnishing any such document; (2) practice  
156 or attempt or offer to practice tattooing under cover of any diploma,  
157 certificate, license, record or registration illegally or fraudulently  
158 obtained or signed, or issued unlawfully or under fraudulent  
159 representation or mistake of fact in a material regard; (3) practice or  
160 attempt or offer to practice tattooing under a name other than such  
161 person's own name or under a false or assumed name; (4) aid or abet  
162 practice by a person not lawfully licensed to practice tattooing within  
163 this state or by a person whose license to practice has been suspended  
164 or revoked; (5) use in such person's advertising the word "tattoo",  
165 "tattooing" or any description of services involving marking or  
166 coloring, in an indelible manner, the skin of any person, without  
167 having obtained a license under the provisions of section 2 of this act;  
168 or (6) practice tattooing on a person who is an unemancipated minor  
169 under eighteen years of age without the permission of such person's  
170 parent or guardian. No person shall, during the time such person's  
171 license as a tattoo technician is revoked or suspended, practice or  
172 attempt or offer or advertise to practice tattooing or be employed by,  
173 work with or assist, in any way, any person licensed to practice  
174 tattooing. Any person who violates any provision of this section shall  
175 be guilty of a class D misdemeanor.

176 Sec. 4. (NEW) (*Effective October 1, 2013*) The Department of Public  
177 Health may take any action set forth in section 19a-17 of the general  
178 statutes if a person issued a license as a tattoo technician pursuant to  
179 section 2 of this act fails to conform to the accepted standards of the

180 tattoo profession, violates any provision of this section or section 2 or 3  
181 of this act and regulations adopted in accordance with section 6 of this  
182 act or for any of the following reasons: (1) Conviction of a felony; (2)  
183 fraud and deceit in the practice of tattooing; (3) negligent, incompetent  
184 or wrongful conduct in professional activities; (4) emotional disorder  
185 or mental illness; (5) physical illness or impairment; (6) abuse or  
186 excessive use of drugs, including alcohol, narcotics or chemicals; and  
187 (7) wilful falsification of entries into any client record pertaining to  
188 tattooing. The Commissioner of Public Health may order a tattoo  
189 technician to submit to a reasonable physical or mental examination if  
190 such tattoo technician's physical or mental capacity to practice safely is  
191 the subject of an investigation. The commissioner may petition the  
192 superior court for the judicial district of Hartford to enforce such order  
193 or any action taken pursuant to section 19a-17 of the general statutes.  
194 Notice of any contemplated action under section 19a-17 of the general  
195 statutes, the cause of the action and the date of a hearing on the action  
196 shall be given to the licensee and an opportunity for hearing afforded  
197 in accordance with the provisions of chapter 54 of the general statutes.

198 Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of Public  
199 Health shall carry out the commissioner's responsibilities with respect  
200 to enforcement of the provisions of sections 2 to 4, inclusive, of this act  
201 within available appropriations.

202 Sec. 6. (NEW) (*Effective October 1, 2013*) The director of health for  
203 any town, city, borough or district department of health, or the  
204 director's authorized representative, may inspect any establishment  
205 where tattooing is practiced within the director's jurisdiction regarding  
206 the establishment's sanitary condition. The director of health, or the  
207 director's authorized representative, shall have full power to enter and  
208 inspect any such tattoo establishment during usual business hours. If  
209 any establishment, upon such inspection, is found to be in an  
210 unsanitary condition, the director of health shall make written order  
211 that such establishment be placed in a sanitary condition. The director  
212 of health may collect from the operator of any such establishment a  
213 reasonable fee, not to exceed one hundred dollars, for the cost of

214 conducting an inspection of such establishment pursuant to this  
215 section. Notwithstanding any municipal charter, home rule ordinance  
216 or special act, any fee collected by the director of health pursuant to  
217 this section shall be used by the town, city, borough or district  
218 department of health for conducting inspections pursuant to this  
219 section.

220 Sec. 7. Subsection (c) of section 19a-14 of the general statutes is  
221 repealed and the following is substituted in lieu thereof (*Effective*  
222 *October 1, 2013*):

223 (c) No board shall exist for the following professions that are  
224 licensed or otherwise regulated by the Department of Public Health:

225 (1) Speech and language pathologist and audiologist;

226 (2) Hearing instrument specialist;

227 (3) Nursing home administrator;

228 (4) Sanitarian;

229 (5) Subsurface sewage system installer or cleaner;

230 (6) Marital and family therapist;

231 (7) Nurse-midwife;

232 (8) Licensed clinical social worker;

233 (9) Respiratory care practitioner;

234 (10) Asbestos contractor and asbestos consultant;

235 (11) Massage therapist;

236 (12) Registered nurse's aide;

237 (13) Radiographer;



- 238 (14) Dental hygienist;
- 239 (15) Dietitian-Nutritionist;
- 240 (16) Asbestos abatement worker;
- 241 (17) Asbestos abatement site supervisor;
- 242 (18) Licensed or certified alcohol and drug counselor;
- 243 (19) Professional counselor;
- 244 (20) Acupuncturist;
- 245 (21) Occupational therapist and occupational therapist assistant;
- 246 (22) Lead abatement contractor, lead consultant contractor, lead  
247 consultant, lead abatement supervisor, lead abatement worker,  
248 inspector and planner-project designer;
- 249 (23) Emergency medical technician, advanced emergency medical  
250 technician, emergency medical responder and emergency medical  
251 services instructor;
- 252 (24) Paramedic;
- 253 (25) Athletic trainer;
- 254 (26) Perfusionist;
- 255 (27) Master social worker subject to the provisions of section 20-  
256 195v; [and]
- 257 (28) On and after July 1, 2011, a radiologist assistant, subject to the  
258 provisions of section 20-74tt; and
- 259 (29) Tattoo technician.

260 The department shall assume all powers and duties normally vested  
261 with a board in administering regulatory jurisdiction over such

262 professions. The uniform provisions of this chapter and chapters 368v,  
263 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a  
264 and 400c, including, but not limited to, standards for entry and  
265 renewal; grounds for professional discipline; receiving and processing  
266 complaints; and disciplinary sanctions, shall apply, except as otherwise  
267 provided by law, to the professions listed in this subsection.

268 Sec. 8. Subsection (b) of section 20-9 of the general statutes is  
269 repealed and the following is substituted in lieu thereof (*Effective July*  
270 *1, 2014*):

271 (b) The provisions of this chapter shall not apply to:

272 (1) Dentists while practicing dentistry only;

273 (2) Any person in the employ of the United States government while  
274 acting in the scope of his employment;

275 (3) Any person who furnishes medical or surgical assistance in cases  
276 of sudden emergency;

277 (4) Any person residing out of this state who is employed to come  
278 into this state to render temporary assistance to or consult with any  
279 physician or surgeon who has been licensed in conformity with the  
280 provisions of this chapter;

281 (5) Any physician or surgeon residing out of this state who holds a  
282 current license in good standing in another state and who is employed  
283 to come into this state to treat, operate or prescribe for any injury,  
284 deformity, ailment or disease from which the person who employed  
285 such physician, or the person on behalf of whom such physician is  
286 employed, is suffering at the time when such nonresident physician or  
287 surgeon is so employed, provided such physician or surgeon may  
288 practice in this state without a Connecticut license for a period not to  
289 exceed thirty consecutive days;

290 (6) Any person rendering service as (A) an advanced practice  
291 registered nurse if such service is rendered in collaboration with a

292 licensed physician, or (B) an advanced practice registered nurse  
293 maintaining classification from the American Association of Nurse  
294 Anesthetists if such service is under the direction of a licensed  
295 physician;

296 (7) Any nurse-midwife practicing nurse-midwifery in accordance  
297 with the provisions of chapter 377;

298 (8) Any podiatrist licensed in accordance with the provisions of  
299 chapter 375;

300 (9) Any Christian Science practitioner who does not use or prescribe  
301 in his practice any drugs, poisons, medicines, chemicals, nostrums or  
302 surgery;

303 (10) Any person licensed to practice any of the healing arts named  
304 in section 20-1, who does not use or prescribe in his practice any drugs,  
305 medicines, poisons, chemicals, nostrums or surgery;

306 (11) Any graduate of any school or institution giving instruction in  
307 the healing arts who has been issued a permit in accordance with  
308 subsection (a) of section 20-11a and who is serving as an intern,  
309 resident or medical officer candidate in a hospital;

310 (12) Any student participating in a clinical clerkship program who  
311 has the qualifications specified in subsection (b) of section 20-11a;

312 (13) Any person, otherwise qualified to practice medicine in this  
313 state except that he is a graduate of a medical school located outside of  
314 the United States or the Dominion of Canada which school is  
315 recognized by the American Medical Association or the World Health  
316 Organization, to whom the Connecticut Medical Examining Board,  
317 subject to such regulations as the Commissioner of Public Health, with  
318 advice and assistance from the board, prescribes, has issued a permit  
319 to serve as an intern or resident in a hospital in this state for the  
320 purpose of extending his education;

321 (14) Any person rendering service as a physician assistant licensed

322 pursuant to section 20-12b, a registered nurse, a licensed practical  
323 nurse or a paramedic, as defined in subdivision (15) of section 19a-175,  
324 acting within the scope of regulations adopted pursuant to section 19a-  
325 179, if such service is rendered under the supervision, control and  
326 responsibility of a licensed physician;

327 (15) Any student enrolled in an accredited physician assistant  
328 program or paramedic program approved in accordance with  
329 regulations adopted pursuant to section 19a-179, who is performing  
330 such work as is incidental to his course of study;

331 (16) Any person who, on June 1, 1993, has worked continuously in  
332 this state since 1979 performing diagnostic radiology services and who,  
333 as of October 31, 1997, continued to render such services under the  
334 supervision, control and responsibility of a licensed physician solely  
335 within the setting where such person was employed on June 1, 1993;

336 (17) Any person practicing athletic training, as defined in section 20-  
337 65f;

338 (18) When deemed by the Connecticut Medical Examining Board to  
339 be in the public's interest, based on such considerations as academic  
340 attainments, specialty board certification and years of experience, to a  
341 foreign physician or surgeon whose professional activities shall be  
342 confined within the confines of a recognized medical school;

343 (19) Any technician engaging in tattooing in accordance with the  
344 provisions of section [19a-92a] section 1 or 2 of this act and any  
345 regulations adopted thereunder;

346 (20) Any person practicing perfusion, as defined in section 20-162aa;  
347 or

348 (21) Any foreign physician or surgeon (A) participating in  
349 supervised clinical training under the direct supervision and control of  
350 a physician or surgeon licensed in accordance with the provisions of  
351 this chapter, and (B) whose professional activities are confined to a

352 licensed hospital that has a residency program accredited by the  
353 Accreditation Council for Graduate Medical Education or that is a  
354 primary affiliated teaching hospital of a medical school accredited by  
355 the Liaison Committee on Medical Education. Such hospital shall  
356 verify that the foreign physician or surgeon holds a current valid  
357 license in another country.

358 Sec. 9. Subsection (e) of section 19a-88 of the general statutes is  
359 repealed and the following is substituted in lieu thereof (*Effective*  
360 *October 1, 2013*):

361 (e) (1) Each person holding a license or certificate issued under  
362 section 19a-514, 20-65k, 20-74s, 20-195cc or 20-206ll and chapters 370 to  
363 373, inclusive, 375, 378 to 381a, inclusive, 383 to 383c, inclusive, 384,  
364 384b, 384d, 385, 393a, 395, 399 or 400a and section 20-206n or 20-206o  
365 shall, annually, during the month of such person's birth, apply for  
366 renewal of such license or certificate to the Department of Public  
367 Health, giving such person's name in full, such person's residence and  
368 business address and such other information as the department  
369 requests.

370 (2) Each person holding a license or certificate issued under section  
371 19a-514, section 2 of this act and chapters 384a, 384c, 386, 387, 388 and  
372 398 shall apply for renewal of such license or certificate once every two  
373 years, during the month of such person's birth, giving such person's  
374 name in full, such person's residence and business address and such  
375 other information as the department requests.

376 (3) Each person holding a license or certificate issued pursuant to  
377 section 20-475 or 20-476 shall, annually, during the month of such  
378 person's birth, apply for renewal of such license or certificate to the  
379 department.

380 (4) Each entity holding a license issued pursuant to section 20-475  
381 shall, annually, during the anniversary month of initial licensure,  
382 apply for renewal of such license or certificate to the department.

383 (5) Each person holding a license issued pursuant to section 20-  
 384 162bb shall, annually, during the month of such person's birth, apply  
 385 for renewal of such license to the Department of Public Health, upon  
 386 payment of a fee of three hundred fifteen dollars, giving such person's  
 387 name in full, such person's residence and business address and such  
 388 other information as the department requests.

389 Sec. 10. Section 19a-92a of the general statutes is repealed. (*Effective*  
 390 *July 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	19a-14(c)
Sec. 8	<i>July 1, 2014</i>	20-9(b)
Sec. 9	<i>October 1, 2013</i>	19a-88(e)
Sec. 10	<i>July 1, 2014</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	less than 1,250	less than 1,250
Public Health, Dept.	GF - Potential Cost	44,000	95,000
Public Health, Dept.	GF - Potential Revenue Gain	20,000 - 26,000	20,000 - 26,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	14,000	31,000

**Municipal Impact:**

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	Potential Revenue Gain	Minimal	Minimal

**Explanation**

The bill could create a new tattoo technician licensure category that is estimated to result in a net state cost of approximately \$31,000 to \$37,000 in FY 14 and \$99,000 to \$105,000 in FY 15. Section 5 of the bill specifies that the Department of Public Health (DPH) implement this licensure category within available appropriations. However, if DPH were to do so, costs to DPH of \$44,000 in FY 14 and \$95,000 in FY 15 and costs to the State Comptroller – Fringe Benefits of \$14,000 in FY 14 and \$31,000 in FY 15 are anticipated. These costs are partially offset by an estimated potential DPH General Fund (GF) revenue gain of between \$20,000 and \$26,000 in both FY 14 and FY 15, a potential

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

Judicial Department GF revenue gain of less than \$1,250 in both FY 14 and FY 15, and a potential municipal revenue gain to the extent that tattoo establishments are inspected by local directors of health and charged a fee of up to \$100 per inspection.

Per the 2007 U.S. Census, there are 34 tattoo parlor establishments in Connecticut categorized under NAICS code 812199 - Other Personal Care Services: Tattoo Services. Based on the employment data under NAICS code 812199, it is estimated that there are approximately 204 tattoo technicians at tattoo parlor establishments in Connecticut. Costs to DPH to license these individuals are reflected partially in FY 14 as the bill is effective 10/1/13 and the requirement to hold a tattoo technician license if engaging in the practice of tattooing is not effective until 7/1/14. As such, a part-time Special Investigator and a part-time Health Program Assistant I are reflected in the cost estimate with a 10/1/13 start date. These positions result in a cost of \$40,000 to DPH (plus associated expenses) and a cost of \$14,000 to the State Comptroller - Fringe Benefits in FY 14 and a cost of \$53,000 to DPH (plus associated expenses) and a cost of \$31,000 to State Comptroller - Fringe Benefits in FY 15. Costs for a part-time DPH Staff Attorney I to act as a complaint hearing officer and prosecutor (at a cost of \$38,000 plus associated expenses to DPH and a cost of \$13,000 to the State Comptroller - Fringe Benefits) are not anticipated to be incurred until FY 15 when the licensure requirement becomes active.

Should DPH choose to implement the new licensure category, there is also a potential GF revenue gain of approximately \$20,000 to \$26,000 under the bill associated with the fee for initial tattoo technician licensure of \$250, the biannual fee for license renewal of \$200 and the fee for a temporary permit of \$100. (There is no fee for student tattoo technicians to register with DPH for a period not to exceed two years.) The bill makes it an offense to violate provisions of the licensing requirement. The number of potential offenders for this new offense is unknown but anticipated to be less than five, resulting in a potential revenue gain of less than \$1,250 to the Judicial Department for fines associated with this provision. Section 6 of the bill results in a



potential municipal revenue gain to the extent that local directors of health inspect tattoo establishments and those directors charge a fee of \$100 or less per inspection. It is anticipated that these inspections will occur to the extent that resources are currently available.

House "A" struck the language of the underlying bill and its associated fiscal impact, replacing it with language resulting in the potential fiscal impacts described above.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to implementation of the licensure category by DPH.

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**OLR Bill Analysis****sHB 6590 (as amended by House "A")\******AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS.*****SUMMARY:**

This bill creates a new license category for tattoo artists (called "tattoo technician") administered by the Department of Public Health (DPH). Starting July 1, 2014, the bill prohibits anyone from engaging in the practice of tattooing unless they are age 18 or older and obtain this license. The bill:

1. establishes licensure requirements and sets fees for initial licenses and renewals;
2. establishes a continuing education requirement;
3. provides for temporary permits to practice;
4. allows student tattoo technicians, under certain conditions, to practice tattooing under the personal supervision of a licensed tattoo technician for up to two years;
5. allows DPH to take certain enforcement actions against a licensee who engages in certain conduct or fails to comply with the bill's provisions, DPH regulations, or accepted professional standards;
6. allows local and district health departments to inspect tattoo establishments and collect an inspection fee of up to \$100;
7. allows DPH to adopt regulations to implement the licensure program; and

8. makes technical and conforming changes, including repealing a statute regarding tattooing by specified medical professionals or people acting under a physician's supervision in accordance with DPH regulations.

The bill specifies that (1) the DPH commissioner must enforce the bill only if appropriations are available and (2) no new regulatory board is established for tattoo technicians.

The bill's licensing requirement does not apply to (1) physicians; (2) advanced practice registered nurses (APRNs) working in collaboration with a physician; (3) registered nurses working under the direction of a licensed physician, dentist, or APRN, or (4) physician assistants working under a physician's supervision, control, or responsibility.

\*House Amendment "A" replaces the original bill (File 577), which also created a new tattoo technician license category administered by DPH.

EFFECTIVE DATE: October 1, 2013, except for the repealer provision and an associated conforming change, which take effect July 1, 2014.

## **TATTOO TECHNICIANS**

### **§ 1 — Definition**

The bill defines "tattooing" as marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

### **§§ 2 & 9 — Licensure Requirements**

The bill requires a person who applies for a tattoo technician license on or before July 1, 2014 to provide DPH with satisfactory evidence that he or she:

1. is age 18 or older;
2. successfully completed, within three years preceding the

application date, a course on preventing disease transmission and blood-borne pathogens that (a) complies with federal Occupational Safety and Health Administration (OSHA) standards and (b) requires successful completion of a proficiency examination; and

3. is currently certified in basic first aid by the American Red Cross or the American Heart Association.

An applicant seeking licensure after July 1, 2014 must also provide DPH, in a form and manner the department prescribes, documentation that he or she (1) completed at least 2,000 hours of practical training and experience under the personal supervision and instruction of a tattoo technician or (2) practiced tattooing continuously in Connecticut for at least five years prior to July 1, 2014.

The license application fee is \$250. Licenses must be renewed biennially for a fee of \$200. No license or temporary permit (see below) can be issued if the applicant is facing pending disciplinary action or is the subject of an unresolved complaint in Connecticut or another state or jurisdiction. A person is prohibited from using the title "tattoo technician," "tattoo artist," "tattooist," or similar title unless they have a Connecticut-issued tattoo technician license.

## **§ 2 — Licensure Requirements For Out-of-State Licensees**

Notwithstanding the above licensure requirements, the bill allows DPH to issue a license to an applicant who is licensed as a tattoo technician or to perform similar services in another state or jurisdiction who submits to DPH satisfactory evidence that he or she:

1. is currently licensed in good standing to practice tattooing in another state or jurisdiction;
2. has documentation of licensed practice in another state or jurisdiction for at least two years immediately preceding the application date;

3. successfully completed a course on preventing disease transmission and blood-borne pathogens that complies with OSHA standards; and
4. is currently certified in basic first aid by the American Red Cross or the American Heart Association.

**§ 2 — Continuing Education**

The bill requires tattoo technicians to meet a continuing education requirement to have their licenses renewed. Specifically, it requires licensees to successfully complete a course on preventing disease transmission and blood-borne pathogens that (1) complies with OSHA standards and (2) requires successful completion of a proficiency examination.

Each licensee must sign a statement attesting that he or she successfully completed the course within six months before the license expires. He or she must obtain a certificate of completion from the continuing education provider and retain it for at least four years after completing the course. The licensee must submit the certificate to DPH within 45 days after the department requests it.

**§ 2 — Temporary Permits**

The bill allows the DPH commissioner to issue a temporary permit to:

1. an applicant who is licensed to practice tattooing in another state and is awaiting DPH approval of his or her license application;
2. an applicant previously licensed in Connecticut whose license is void; and
3. a person licensed or certified to practice tattooing in another state who is in Connecticut to attend an educational event or trade show or to participate in a product demonstration.

Applicants for a temporary permit must submit to DPH a:

1. completed application form,
2. copy of a current license or certification to practice tattooing from another state or jurisdiction,
3. notarized affidavit attesting that the license or certification is valid and belongs to the applicant, and
4. \$100 fee, except for out-of-state licensees awaiting Connecticut licensure approval, who must submit a \$250 fee.

Applicants in Connecticut for the educational and professional purposes specified above must do this at least 45 business days before the event occurs.

The temporary permit, which is not renewable, authorizes the holder to work as a tattoo technician for up to 120 calendar days except that such permits issued to people licensed in another state who are in Connecticut for educational and professional purposes are valid for up to 14 consecutive calendar days and can be issued once each year.

## **§ 2 — Student Tattoo Technicians**

The bill allows a student tattoo technician to practice tattooing under the personal supervision of a licensed tattoo technician for up to two years. The student must register with DPH for purposes of completing the practical training and experience required to obtain a tattoo technician license. The student must submit a registration application to DPH on a form the commissioner prescribes that includes:

1. documentation of the student's successful completion of a course on preventing disease transmission and blood-borne pathogens that (a) complies with OSHA standards and (b) requires successful completion of a proficiency examination;
2. documentation that the student is currently certified in basic first aid by the American Red Cross or the American Heart

Association; and

3. a notarized statement signed by a licensed tattoo technician acknowledging that he or she is personally responsible for supervising the student's practical training and experience.

### **§ 3 — Title Protection**

On and after July 1, 2014, the bill prohibits anyone from:

1. buying, selling, or fraudulently obtaining or furnishing any diploma, certificate, license, record, or registration showing that a person is qualified or authorized to practice tattooing or participating in such actions;
2. practicing or attempting or offering to practice tattooing (a) under the cover of any of the above documents or (b) under a name other than his or her own;
3. aiding or abetting tattooing by a person not licensed in Connecticut or whose license is suspended or revoked;
4. advertising services under the description of tattooing or using the word "tattoo" or "tattooing" without a Connecticut-issued tattoo technician license;
5. practicing tattooing on an unemancipated minor under age 18 without permission of the minor's parent or guardian; or
6. during a period of license suspension or revocation, (a) practicing or attempting, offering, or advertising to practice tattooing or (b) working for or assisting a licensed tattoo technician.

A person who violates any of these prohibitions is guilty of a class D misdemeanor, which is punishable by a fine of up to \$250, imprisonment for up to 30 days, or both.

### **§ 4 — Disciplinary Action**

The bill allows DPH to take disciplinary action against a licensed tattoo technician for:

1. failing to conform to accepted professional standards;
2. violating the bill's requirements or subsequent DPH regulations;
3. a felony conviction;
4. fraudulent or deceptive tattooing practices;
5. negligent, incompetent, or wrongful conduct in professional activities;
6. emotional, mental, physical, or substance use disorders or illnesses; or
7. willfully falsifying client records.

By law, disciplinary actions available to DPH include license revocation or suspension; censure; a letter of reprimand; probation; or a civil penalty. The department can also order a licensee to undergo a reasonable physical or mental examination if there is an investigation of his or her physical or mental capacity to practice safely (CGS § 19a-17).

The bill allows the DPH commissioner to petition the Hartford Superior Court to enforce any disciplinary action it takes. The department must notify the licensee of any contemplated disciplinary action and its cause, the hearing date on the action, and the opportunity for a hearing under the Uniform Administrative Procedure Act.

### **§ 6 — Inspections of Tattoo Establishments**

The bill allows local or district health directors, or their authorized representatives, to inspect the sanitary condition of tattoo establishments within their jurisdictions. It grants the director or authorized representative full power to enter and inspect a tattoo



establishment during usual business hours.

It allows the health director to collect an inspection fee of up to \$100 from the establishment's owner. If the establishment is found to be unsanitary, the health director must issue a written order that the establishment be placed in a sanitary condition.

The bill specifies, notwithstanding any municipal charter, home rule ordinance, or special act, that any inspection fee collected must be used by the local or district health department for conducting these inspections.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (04/05/2013)

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/24/2013)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 50 Nay 0 (05/01/2013)