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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)