

TITLE L: REGULATION PERTAINING TO TATTOO ESTABLISHMENTS, RELATED CERTIFICATION REQUIREMENTS, FEES AND PENALTIES

SECTION I Definitions

For the purpose of this title:

- (1) **“Bloodborne Pathogens”** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV).
- (2) **“Contaminated”** means the presence or the reasonably anticipated presence of pathogens, blood or other potentially infectious materials on an item or surface.
- (3) **“Critical Violations”** means one or more of the following findings:
 - (a) A person performing tattooing who does not have the required licensure, permit or registration per the Public Health Code of the State of Connecticut.
 - (b) Autoclave not in proper working order or in proper use.
 - (c) Lack of a monthly spore test properly recorded.
 - (d) Non-disposable instruments and equipment improperly sterilized or stored.
 - (e) Reuse of single use items.
 - (f) Improper operator hand washing technique before and after a procedure.
 - (g) Improper glove technique during a procedure.
 - (h) No OSHA compliant blood borne pathogen program in place.
 - (i) Tattooing a minor under the age of eighteen (18) years of age without the written permission of the parent or guardian of such minor. Written permission must be notarized.
- (4) **“Department of Public Health”** means the State of Connecticut Department Health.
- (5) **“Director of Health”** means the Director of Health of the Quinnipiack Valley Health District or his/her duly authorized representative.
- (6) **“Disinfected”** means the elimination of many or all pathogenic microorganisms, except bacterial spores, on inanimate objects by chemical and physical means.
- (7) **“District”** means the Quinnipiack Valley Health District
- (8) **“Equipment”** means all machinery, including fixtures, containers, vessels, tools, implements, furniture, display and storage areas, sinks, and other apparatus used in connection with the operation of the establishment.
- (9) **“Infection”** means invasion and colonization of body tissues by pathogenic organisms.

- (10) **“Infectious Waste”** means waste generated in the treatment or service of a human which falls under one or more of the following categories:
- (a) Pathological wastes are human pathological wastes, including tissues that are removed during medical procedures.
 - (b) Human blood and bodily fluid waste including liquid waste, human blood, blood products, items saturated, or dripping with blood or caked with dried human blood.
- (11) **“Regulated Waste”** means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
- (12) **“Sterilization”** means the process of destruction of all forms of microbial life by physical or chemical methods.
- (13) **“Tattoo”** means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin of a live human being to alter the appearance of the skin for non-medical reasons.
- (14) **“Tattooing”** means marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.
- (15) **“Tattoo technician”** means a person who is licensed under the provisions of Connecticut General Statutes section 20-266.
- (16) **“Student tattoo technician”** means a person studying tattooing who is registered with the department pursuant to Connecticut General Statutes section 20-266.
- (17) **“Tattoo Establishment”** means any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

SECTION II Scope

This Regulation is to be an aid to the enforcement of Sections 20-266o, to 20-266s of the Connecticut General Statutes and applicable sections of the Public Health Code of the State of Connecticut and of any amendments thereof hereafter adopted which deal with the sanitary conditions of tattoo establishments.

SECTION III Tattooing

- (a) No person shall engage in the practice of tattooing unless
 1. The person has obtained a Tattoo Technician license from the Department of Public Health or:

2. The person is a physician, an advanced practice registered nurse rendering service in collaboration with a physician, a registered nurse executing the medical regimen under the direction of a licensed physician, dentist, or advanced practice registered nurse, or a physician assistant rendering service under the supervision, control and responsibility of a physician or:
3. A Student Tattoo Technician who is registered with the Department of Public Health or:
4. The person has obtained a temporary permit from the Department of Public Health.

SECTION IV Plan Review, Application Process and Pre-Operation Inspections

- (a) No tattoo establishment having a permanent location shall be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a tattoo establishment after January 1, 2015 except in accordance with plans and specifications approved by the Quinnipiack Valley Health District. The plans must include but are not limited to: description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.
- (b) There shall not be a direct opening between a tattoo establishment and any building or portion of a building used as living or sleeping quarters. This shall be accomplished, at a minimum, by a solid floor to ceiling wall of separation.
- (c) A tattoo establishment shall not be located in an area where food is prepared.
- (d) Manufacturers' specification sheets shall be included in the plan submission for all supplies and equipment.
- (e) The Director of Health shall approve the plans and specifications if they meet the requirements of this regulation and applicable state laws and regulations prior to construction of the Tattoo Establishment.
- (f) Prior to the opening of a tattoo establishment the Director of Health shall conduct a pre-operational inspection to determine compliance with the approved plans and specifications and with the requirements of this regulation and applicable state laws and regulations.

SECTION V Certification

(1) Tattoo Establishment Certificate of Compliance

- (a.) No person or person(s) shall maintain or operate a tattooing establishment until a Tattoo Establishment Certificate of Compliance from the District has been issued. Only a person

or person(s) who complies with the requirements of this regulation shall be entitled to receive or retain a Tattoo Establishment Certificate of Compliance.

- (b) Application for a Tattoo Establishment Certificate of Compliance shall be made on an application form furnished by the District. Each applicant shall provide the District with all information requested on the application form.
- (c) The Tattoo Establishment Certificate of Compliance shall be issued by the District prior to opening and shall expire on May 31st of each year unless suspended or revoked by the Director of Health, or until such time as the establishment closes, goes out of business, or the Certificate holder is no longer involved with the establishment.
- (d) Every applicant for a Tattoo Establishment Certificate of Compliance shall pay an annual inspection fee indicated in Addendum A.
- (e) No Tattoo Establishment Certificate of Compliance shall be issued or renewed until a complete application form has been submitted, the inspection fee has been paid and the applicant's establishment meets the requirements set forth in this regulation and all other applicable state and local laws and regulations.
- (f) The Tattoo Establishment Certificate of Compliance shall not be transferable between persons, places or other establishments. Any planned change in ownership or renovation of a facility must be reported promptly to the District and such changes must be approved by the District prior to the issuance of a Tattoo Establishment Certificate of Compliance.
- (g) The Tattoo Establishment Certificate of Compliance shall be displayed in a prominent location within the establishment where it can be observed by patrons.

SECTION VI Records

- (1) Each tattoo technician shall keep records for seven (7) years for each client which shall consist of the following: the name, address and telephone number of the client, the date the tattoo was applied, a photocopy of a government issued legal document that certifies the client is at least eighteen (18) years of age or an emancipated minor, a description of the tattoo, name of the tattoo technician, the area of the body tattooed, description of tattoo procedures used, a photocopy of the written after care instructions of the tattoo and a release form signed by the client that these records are accurate.
- (2) No person shall tattoo an unemancipated minor under eighteen (18) years of age without the written permission of the parent or guardian of such minor. Written permission must be signed and notarized. Photographic identification of the parent or guardian must be obtained by the tattoo technician and be included in the client's permanent records. If the client is an emancipated minor documentation of such emancipation must be obtained by the tattoo technician and be included in the client's records for seven (7) years.

- (3) The client shall sign an informed consent waiver which shall become part of the client's record. The informed consent waiver shall be approved by the District prior to the issuance of a Tattoo Establishment Certificate of Compliance. The informed consent waiver shall include, but is not limited to, the following information: nature of the procedure, reasonably foreseeable risks of the procedure, and explanation of the tattoo removal procedure. The client shall have the opportunity to ask questions and understand the contents of the informed consent to his/her satisfaction.
- (4) The Tattoo Establishment shall keep written records of maintenance and sanitation of operating equipment, including repairs of autoclaves and ultrasonic devices according to manufactures instructions. Manufacture instructions must be kept on file at the tattoo establishment. Records must be made available to the District upon request and maintained for two (2) years unless a longer retention period is otherwise required by Local, State or Federal law.
- (5) The Tattoo Establishment shall maintain written records of biological monitoring of sterilization devices conducted monthly, including spore test reports prepared by an independent testing agency approved by the District. Records must be made available to the District upon request and maintained for two (2) years unless a longer retention period is otherwise required by Local, State or Federal law.
- (6) The Tattoo Establishment shall maintain written records as required by OSHA's Bloodborne Pathogens Standard, 29 CFR 1910.1030. Records must be made available to the District upon request and maintained as per the Tattoo Establishment's exposure control plan unless a longer retention period is otherwise required by Local, State or Federal law.

SECTION VII Inspections

- (1) The Director of Health shall inspect each Tattoo Establishment at least once annually, and shall make as many inspections as deemed necessary, for the enforcement of these regulations. Failure to pass inspection may result in suspension or revocation of the Tattoo Establishment Certificate of Compliance.
- (2) The Director of Health, after proper identification, shall be permitted to enter during hours of operation any Tattoo Establishment for the purpose of making an inspection to determine compliance with these regulations.
- (3) The Director of Health shall be permitted to examine records of the Tattoo Establishment, excluding financial records, to obtain information pertaining to persons tattooed and equipment. There shall be a person knowledgeable of the records in the Tattoo Establishment during all hours of operation.

- (4) Whenever the Director of Health conducts an inspection of a Tattoo Establishment, the District's findings shall be recorded on an inspection report form provided for this purpose, and a copy of such inspection report form shall be furnished to the certificate holder or person in charge.
- (5) Whenever the Director of Health conducts an inspection and observes that any of the requirements of these regulations have been violated, the Director of Health shall notify the certificate holder or person in charge of such violations by means of the inspection report form or other written notice. Such notification shall include the specific violation(s) observed and a period of time for the correction of the observed violation(s).
- (6) The Director of Health may, upon written notice to the certificate holder or person in charge, place an embargo on any item, substance or equipment that is determined to be, or is believed associated, with the cause of illness or infection. It shall be considered unlawful to remove or alter such an embargo without the permission of the Director of Health, except by order of a court of competent jurisdiction.

SECTION VIII Equipment and Facilities

(1) Floors, Walls and Ceilings

- (a) Floors shall be constructed of approved materials so as to be durable, easily cleanable, nonabsorbent and free of holes. Floors shall be kept clean and in good repair.
- (b) The juncture between the floor and wall shall be closed or covered to permit effective cleaning.
- (c) Walls, ceilings and attached equipment shall be constructed of approved materials so as to be durable, easily cleanable, non-absorbent and free of holes. Walls, ceilings and attached equipment shall be kept clean and in good repair and finished in a light color that will not conceal the presence of soil and debris.

(2) Equipment

- (a) The chair, seat or table to be utilized by the person receiving the tattoo shall be smooth, easily cleanable and non-absorbent.
- (b) All chairs, seats or tables must be cleaned and disinfected prior to use by the next client.
- (c) All walls with chairs, seats and tables placed against them must be sanitized prior to use of chairs, seats and tables by the next client.
- (d) All work and storage surfaces shall be smooth, easily cleanable and non-absorbent.
- (e) All equipment, work, and storage surfaces shall be clean and maintained in good repair.

(3) Lighting

All areas shall be well lighted and shall comply with state and local building codes and ordinances. Such lighting shall be reasonably free from glare and distributed so as to avoid shadows.

(4) Ventilation

Ventilation shall be provided so as to prevent condensate and/or excess moisture and to remove objectionable odors in such a manner that will not cause a public health nuisance. Ventilation shall comply with state and local building codes and ordinances

(5) Water Supply

The water supply shall be adequate, of a safe, sanitary quality and from a source approved by the District. Hot and cold water under pressure shall be provided at all sinks.

(6) Toilet Facilities

- (a) All Tattoo Establishments shall provide an adequate, conveniently located toilet facility for clients and employees which complies with all applicable statutes, ordinances and regulations. Sewage shall be disposed of in a public sewer system or, in the absence thereof, in a manner approved by the Director of Health.
- (b) Toilet fixtures shall be sanitary and easily cleanable.
- (c) Toilet facilities including rooms and fixtures shall be kept in a clean condition and in good repair.
- (d) Liquid hand soap, toilet paper and single use, disposable towels or an automatic touchless hand dryer shall be provided at each handwash sink in each toilet room.
- (e) The doors for all toilet rooms shall be self-closing.
- (f) Equipment or supplies used for tattoo procedures shall be neither used nor stored in the toilet facilities.

(7) Handwashing

- (a) Each work station in the Tattoo Establishment shall have a handwashing sink in close proximity with hot and cold potable running water for the exclusive use of the Tattoo Technician for the purpose of washing his or her hands and prepping clients.
- (b) At each handwashing sink liquid hand soap and single use, disposable towels or an automatic touchless hand dryer shall be provided at all times. Common towels are prohibited.

(8) Utility Sink

A utility sink shall be provided for proper cleaning of surfaces and equipment.

(9) Mop Sink

A mop sink shall be provided for cleaning the facility except when a Tattoo Establishment has been operating by the same owner and constructed prior to January 1, 2015.

(10) Refuse and Refuse Containers

- (a) All garbage and rubbish shall be kept in leak proof, non-absorbent, easily cleanable, covered containers which must be kept clean.
- (b) Refuse containers inside the establishment shall be operated by a foot pedal.
- (c) All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent a public health nuisance.
- (d) Infectious wastes shall be disposed of in compliance with the Regulated and Infectious Waste requirements of these regulations.

(11) Regulated and Infectious Waste

- (a) All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods.
- (b) All needles and attached equipment shall be disposed of in Sharps containers. The needles shall not be broken prior to disposing in the Sharps container.
- (c) A written plan of disposal for regulated and infectious waste must be submitted to the District for approval prior to issuance of the Tattoo Establishment Certificate of Compliance.
- (d) A record of disposal by a licensed waste hauler of hazardous waste shall be maintained for 2 years.

(12) Pest Control

- (a) Effective measures shall be taken to protect against entrance, or presence, or breeding of pests or rodents inside the Tattoo Establishment.
- (b) All openings into the outer air shall be effectively screened to prevent the entrance of flies.

(13) Toxic Items

Only poisonous and toxic materials that are required to maintain sanitary conditions and utilized in sterilization may be stored in the Tattoo Establishment. These materials shall be labeled and stored in such a manner as to not constitute a hazard to clients, employees or equipment.

(14) Miscellaneous Items

- (a) Only articles deemed necessary for the routine operation and maintenance of the Tattoo Establishment shall be permitted in the Tattoo Establishment.
- (b) No live animals shall be kept or allowed in the Tattoo Establishment except guide dogs that accompany physically disabled person(s) may be permitted.
- (c) Adequate facilities shall be provided for the storage of employees' clothing and personal belongings. This storage shall not be located in the work areas.

Section IX Tattoo Procedures

(1) Tattoo Technician Responsibilities

- (a) A tattoo technician shall ensure that a customer record is completed for each customer.
- (b) Prior to or after performing tattooing on a customer, a tattoo technician shall provide information on aftercare to the customer, both verbally and in writing.
- (c) Prior to tattooing, and as often thereafter as may be necessary, the Tattoo Technician shall wash his or her hands and any exposed areas of the arms by lathering with hand soap for at least twenty (20) seconds, rinsing under hot water and then drying with a single use disposable towel or an automatic touchless hand dryer.
- (d) Disposable, single use, examination gloves shall be worn for any procedure involving contact with the client's skin, hair and other body tissue. The gloves shall be changed whenever necessary to prevent contamination.
- (e) The Tattoo Technician shall keep his or her fingernails clean.
- (f) Jewelry that will interfere with the ability to wear correct size and threatens the integrity of the gloves shall not be worn by the tattoo technician.
- (g) Outer garments worn by the Tattoo Technician shall be clean.
- (h) Eating and drinking, except for the purpose of administering first aid, and smoking are prohibited in areas where tattooing is performed or where instruments and supplies are cleaned and stored.

(2) Sterilization

- (a) In every Tattoo Establishment a steam sterilizer (autoclave) which meets the requirements of the United States Food and Drug Administration shall be provided. Chemical sterilizers or alternate methods of sterilization may be used upon prior approval from the District.
- (b) In every Tattoo Establishment an ultrasonic cleaner that is resistant to chemical spills and cracking, constructed of stainless steel and capable of uniform cleaning of equipment is required.
- (c) All equipment to be sterilized shall be cleaned in the ultrasonic cleaner according to the manufacturer's recommendations, then packaged in individual peel packs, arranged in the autoclave in accordance with the manufacturer's recommendations and then sterilized for twenty (20) minutes at fifteen point nine (15.9) minimum pounds pressure at a minimum temperature of two hundred fifty (250) degrees Fahrenheit. A temperature sensitive autoclave tape shall be included in every load that is placed in the autoclave. This tape shall indicate that the requirements of this section have been attained before use of the equipment sterilized.
- (d) A test using a biological monitoring system that is processed through a licensed laboratory shall be conducted monthly to insure the sterility of the autoclave. The District must be notified within forty-eight (48) hours of receipt of test that indicates non-sterile conditions.
- (e) After sterilization, all packages containing sterilized needles shall be stored in a sanitary manner.
- (f) Packages shall be dated with the month, day and year of sterilization. Sterilized equipment shall be used within eight (8) months of the sterilization date.
- (g) All equipment shall remain in the sterilized packages until the time of the tattoo. These packages shall be opened in front of the client to be tattooed. When opening the package and assembling the equipment, the Tattoo Technician shall wear gloves that meet the requirements of these regulations.
- (h) All needles and equipment shall be stored and handled in a way that will prevent contamination.
- (i) Only sterile ink shall be used for tattooing. In the event of mixing or diluting, sterile water shall be used.

(3) After Care of Tattoo

- (a) Each client shall be provided with written instructions for the after care of the tattoo procedure and the Tattoo Technician verbally shall review the provisions of the instructions with the client before dismissal.

SECTION X Penalties

(1) Revocation

- (a) The Director of Health may revoke the Tattoo Establishment Certificate of Compliance for serious or repeated violations of the provisions of this code including, but not limited to, critical violations as described in section I (3). Written notice of intent to revoke the Tattoo Establishment Certificate of Compliance, setting forth the violation(s), shall be delivered to the Certificate of Compliance Holder at his/her establishment ten (10) days prior to such revocation. The Certificate of Compliance Holder may file a request for a hearing with the Director of Health within two (2) business days of receiving notice of intent to revoke the Certificate of Compliance. If no request for a hearing is filed within two (2) business days the revocation of the Certificate of Compliance becomes final. A Certificate of Compliance may be suspended for cause pending its revocation or a hearing relative hereto.
- (b) The Director of Health may suspend the Tattoo Establishment Certificate of Compliance or Temporary Tattoo Establishment Certificate of Compliance if the business or Tattoo Artist has made any material misrepresentation to the District, does not meet or no longer meets, or has a history of non-compliance with the requirements of the applicable sections of this document or of the Connecticut Public Health Code. The Certificate of Compliance holder or operator shall be notified in writing that the Certificate of Compliance is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health by the Certificate of Compliance holder within two (2) business days following the service of such notice
- (c) Hearings provided for by this regulation shall be conducted by the Director of Health at a time and place designated by the Director. Hearings will be conducted within five (5) days of receipt of a request for same. A written report of the hearing decision shall be furnished to the Certificate of Compliance holder by the Director of Health.
- (d) A suspended license will be reinstated when an inspection made by the District reveals that the conditions causing suspension of the Certificate of Compliance have been corrected. The inspection will be conducted within ten (10) days of a written request for Certificate of Compliance reinstatement indicating how each of the conditions, which caused the suspension, have been corrected and shall be signed by the Certificate of Compliance holder.

SECTION XI Unconstitutionality Clause

Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

SECTION XII Conflict of Regulations

In any case where a provision of this regulation is found to be in conflict with a regulation of the State Department of Public Health or any other state law or regulation, on the effective date of this regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION XIII Effective Date

This regulation shall become effective January 1, 2015