

## CHAPTER 233. BODY PIERCING AND TATTOOING

[Authority: 21 O.S., §§ 842.1 et seq.; 63 O.S., §§ 1-104 et seq.]

[Source: Codified 6-25-99]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 310:233-1-1. Purpose

This Chapter implements the provisions of 21 O.S. Sections 842.1, 842.2 and 842.3.

[Source: Amended at 39 Ok Reg 1224, eff 9-11-22]

#### 310:233-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Aftercare"** means written instructions given to the client, specific to the body piercing or tattooing procedure(s) rendered, on caring for the body piercing or tattoo and surrounding area.

**"Antiseptic"** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

**"Apprentice"** means *any person who is training under the supervision of a licensed tattoo artist. That person cannot independently perform the work of tattooing. Apprentice also means any person who is training under the supervision of a licensed body piercing artist. That person cannot independently perform the work of body piercing* [21:842.1(D)(6)].

**"Apprentice program"** means an approved body piercing or tattooing training program conducted by an approved sponsor.

**"Apprentice sponsor"** means an individual approved by the Department to sponsor a body piercing or tattooing apprentice program.

**"Artist"** means *the person who actually performs the body piercing or tattooing procedure* [21:842.1(D)(5)].

**"Aseptic technique"** means a hygienic practice which prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

**"Autoclave"** means a piece of medical equipment that employs the steam under pressure method of sterilization.

**"Bloodborne pathogen certification"** means a training program that shall contain a general explanation of epidemiology and symptoms of bloodborne diseases.

**"Body piercing"** means *a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry or other decoration; provided, however, the term does not include ear piercing* [21:842.1(D)(1)].

**"Body piercing operator"** means *any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not* [21:842.1(C)(3)].

**"Church"** means *an establishment, other than a private dwelling, where religious services are usually conducted* [21:842.3(C)(3)(b)].

**"Client"** means a person requesting the application of a body piercing or tattoo.

**"Contaminated waste"** means any 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 and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens".

**"CPR Certification"** means Cardiopulmonary Resuscitation and shall include instruction for the basic adult CPR training.

**"Department"** means the Oklahoma State Department of Health.

**"Disinfection"** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling; a process of reducing the number of microorganisms on cleaned procedure surfaces and equipment to a safe level with germicidal solution as has been approved by the Department.

**"Ear piercing"** means puncturing the lobe of the ear not to include cartilage.

**"Ear piercing gun"** means a device that pierces an individual's ear lobe using a single-use stud and clasp ear piercing system.

**"Equipment"** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with body piercing and tattooing procedures.

**"First aid certification"** means a training program that includes instruction in injury and acute illness.

**"Germicidal solution"** means a cleansing agent that kills disease-causing microorganisms on hard surfaces and is a disinfectant or sanitizer registered with the Environmental Protection Agency.

**"Germicidal soap"** means an agent designed for use on the skin that kills disease-causing microorganisms.

**"Handwashing facility"** means a sink equipped with hot and cold or tempered running water under pressure, used for washing hands, arms or other portions of the body.

**"Hot water"** means water that attains at least 100°F.

**"Integrator strips"** means strips or devices used in pouches or autoclave chambers that prove the condition of sterilization has been met.

**"Jewelry"** means any personal ornament inserted into a newly pierced area.

**"License"** means written approval by the Department for an artist to perform body piercing or tattooing or written approval by the Department to operate a body piercing or tattoo establishment.

**"Operator"** means:

(A) body piercing operator, which is *any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not. A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other nonpermanent facility, shall not be used as a permanent body piercing establishment* [21 O.S. § 84201(D)(3)]; or

(B) tattoo operator, which is *any person who owns, controls, operates, conducts, or manages any permanent tattooing establishment whether performing the work of tattooing or not, or a temporary location that is a fixed location at which an individual tattoo operator performs tattooing for a specified period of not more than seven (7) days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing* [21 O.S. § 84201(D)(4)].

**"Procedure surface"** means any part of furniture or fixtures designed to contact the client's body during a body piercing or tattooing procedure or any surface where instruments and equipment have come into contact with the client during the procedure.

**"Regulatory authority"** means a representative, such as an onsite inspector, of the Department.

**"Sharps"** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single use piercing or tattooing needles and razor blades.

**"Sharps container"** means a puncture-resistant, leak-proof container that is labeled or color coded that can be closed for disposal.

**"Single use"** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing and tattooing needles and protective gloves.

**"Skills challenge"** means a testing mechanism that enables persons who have received training in tattooing and have experience in performing tattooing procedures to challenge the training requirements by satisfactorily completing the written examination.

**"Spore test"** means a biological monitoring process in which a third party laboratory culturing service is engaged to monitor spore growth on media processed in an autoclave.

**"Statim autoclave"** means a brand of autoclave utilizing the steam flush pressure pulse method of sterilization.

**"Sterilization"** means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

**"Student"** means an individual approved for the curriculum portion of the training program and cannot perform tattoo or body piercing procedures on a human.

**"Tattooing"** means *the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment; provided that medical micropigmentation, performed pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act, shall not be construed to be tattooing* [21:842.1(C)(2)].

**"Temporary artist license"** means a person that is not licensed through the State of Oklahoma that is a body piercing artist or tattoo artist doing temporary work at a licensed body piercing or tattoo establishment not to exceed 30 days.

**"Ultrasonic cleaning unit"** means a piece of medical equipment utilizing ultrasound energy to thoroughly clean instruments for body piercing or tattooing.

**"Universal precautions"** means an approach to infection control that treats all human blood and certain human body fluids as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and other bloodborne pathogens.

[Source: Amended at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-1-3. Prohibited acts**

(a) In addition to the prohibited acts stated in 21 O.S. §§ 842.1, 842.2, and 843.3, an artist can only use an ear-piercing gun on the portion of the earlobe that does not contain any cartilage.

(b) Artist shall not perform body piercing or tattoo procedures:

- (1) Without a valid artist license in the appropriate category issued by the Department;
- (2) Outside of a licensed body piercing or tattooing establishment or event;
- (3) Upon another person if the other person is under the influence of alcohol or a controlled substance;

(c) Tattoo and body piercing establishments shall not:

- (1) Operate or solicit business as a body piercing or tattoo establishment without a valid establishment license, in the appropriate category, issued by the Department;
- (2) Allow eating or drinking by anyone within the procedure areas;
- (3) Allow smoking or vaping of any substance within the establishment;
- (4) Allow a person with an exposed infectious sore to work in any area of the establishment where there is a likelihood that they could contaminate instruments, supplies, or procedure surfaces with body substances or pathogenic organisms; and
- (5) Allow animals of other than fish in a fish tank except service animals used by persons with disabilities as defined in 28 CFR § 36.104.

(d) Tattoo procedures shall not be performed on a person under eighteen (18) years of age.

(e) Body Piercing procedures shall not be performed on a person under eighteen (18) years of age unless the legal parent or legal guardian of such a child gives written consent and is present for the procedure.

(f) No person shall be allowed to purchase or possess tattoo equipment or supplies without being licensed either as an Oklahoma Medical Micropigmentologist or as an Oklahoma tattoo artist.

(g) A mobile unit, including, but not limited to, a mobile home, recreational vehicle, cargo trailer or any other non-permanent facility, shall not be used as a body piercing or tattoo establishment.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

## **SUBCHAPTER 3. BODY PIERCING ARTIST AND TATTOO ARTIST STANDARDS**

### **310:233-3-1. Records [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-1.1. Hygienic standards**

(a) **General.** An artist must comply with all hygienic practices and procedures described in this section.

(b) **Personal Hygiene.** When performing procedures an artist maintains a high degree of personal cleanliness, wears clean clothes, and closed-toe shoes.

- (c) **Washing and Drying Hands.** To properly wash and dry hands, an artist will:
- (1) thoroughly wash his/her hands in warm running water that is at least 100 °F with germicidal soap;
  - (2) rinse his/her hands in warm running water that is at least 100 °F; and
  - (3) dry with disposable paper towels.
- (d) **When to Wash and Dry Hands.** An artist will wash and dry his/her hands as described in (c) of this Section:
- (1) immediately before donning gloves to perform a procedure;
  - (2) immediately after removing gloves at the conclusion of a procedure;
  - (3) when leaving the work area;
  - (4) as soon as feasibly possible after potential contact with a contaminated surface; and
  - (5) after eating, drinking, vaping, or smoking.
- (e) **Disposable Gloves.** An artist wears disposable exam gloves to minimize the possibility of transmitting infection to the client. Exam gloves are put on and removed in accordance with aseptic technique.
- (1) At least one new pair of exam gloves is used for each of the following stages:
    - (A) Hard surface disinfection;
    - (B) Setup of instruments;
    - (C) Preparation of the body art area; and
    - (D) The procedure.
  - (2) If the glove is pierced or torn while performing a procedure, then the contaminated gloves are discarded immediately, and the artist's hands are washed and dried as described in (c) of this Section before a fresh pair of gloves are applied.
- (f) **Item or Instrument Contamination.** Any item or instrument that has come into contact with a surface other than the procedure surface or the client during the procedure is discarded and replaced immediately with a new disposable item or a new sterilized instrument.
- (g) **Disinfect Surface Area.** All procedure surfaces are disinfected with a germicidal solution immediately after completing a procedure.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-2. Prohibited acts [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-2.1. Preparation and care of the body art area**

- (a) Before a procedure is performed, the immediate and surrounding area of the skin shall be prepared with an approved antiseptic skin preparation.
- (b) Oral piercing shall be prepared with an oral antiseptic mouth rinse.
- (c) If shaving is necessary, single use disposable razors shall be used and discarded into a sharps container.
- (d) Any utensil used for marking the skin shall be single use and disposed of after the procedure.
- (e) Any skin or mucosa surface being prepared for a procedure shall be free of rashes or any visible signs of infection.
- (f) Any jewelry inserted into a fresh piercing shall be:
  - (1) Autoclave sterilized while fully disassembled; and
  - (2) Inspected and found free of nicks, scratches or irregular surfaces before insertion into a fresh body piercing.
- (g) Jewelry shall be made of:
  - (1) 316L or 316LVM stainless steel;
  - (2) Solid 14k or 18k yellow or white nickel-free gold;
  - (3) Niobium;
  - (4) Titanium or platinum;
  - (5) Poly Tetra Flouro Ethylene (PTFE); or
  - (6) Tygon.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-3. Standards [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-3.1. Reusable equipment**

- (a) **General.** After each use, non-disposable instruments and reusable equipment must comply with the cleaning and sterilizing processes and procedures stated in this Section.
- (b) **Preclean.** To remove residue an instrument is pre-cleaned either manually or mechanically.
- (1) Manual scrubbing is performed by thoroughly scrubbing with an appropriate detergent and water solution with items fully submerged. While manually scrubbing, the person will wear appropriate personal protective equipment including:
- (A) full length sleeves;
  - (B) elbow-high gloves;
  - (C) apron; and
  - (D) face mask with eye protection.
- (2) Mechanical cleaning consists of following the instructions provided with the device.
- (c) **Enzyme Cleaner in Ultrasonic Device.** After precleaning and rinsing the instruments, they are then placed in an ultrasonic cleaning unit and submerged in a protein-dissolving enzyme cleaner or detergent per the manufacturer's instructions.
- (d) **Packaging.** After the instruments have been placed in an ultrasonic cleaner, all packaged, non-disposable instrument are instruments are dried and packed individually in sterilized pouches. These sterilized pouches contain either an indicator or integrator strip. Additionally, the expiration date stated on the pouch cannot exceed 6 months from when the instrument was packed into the sterilized pouch.
- (e) **Autoclave.** All packaged, non-disposable instruments are sterilized in a steam autoclave. The autoclave is used, cleaned, and maintained according to the manufacturer's instructions. A copy of the manufacturer's recommended procedures for the autoclave is kept on site and available for inspection.
- (g) **Storing.** After properly packaged, instruments are immediately stored in a dry, clean cabinet or tightly covered container reserved for the storage of such instrument. All instruments remain properly stored in their sterile pouches until just before performing a procedure. Sterile equipment can only be handled with clean gloves and cannot be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- (h) **Statim Autoclave Option.**
- (1) For establishments utilizing a Statim autoclave, an operator will need to take monthly spore tests that are verified through an independent laboratory to confirm that the Statim autoclave is capable of attaining sterilization.
- (2) The reusable items are sterilized in a bulk load without sterilization pouches, just before the procedure.
- (3) Items are used immediately after opening the Statim autoclave cassette.
- (4) The items contained in the cassette are used for one client only and include the use of an integrator strip.
- (i) **Assembling.** When assembling instruments, the artist will wear disposable exam gloves and use aseptic techniques to ensure that the instruments and gloves are not contaminated.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-4. Exemptions [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-4.1. Single use items**

Single use items cannot be used on more than one client for any reason. After use, all needles, razors and other sharps shall be immediately disposed of in an approved sharps container.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-5. Public notification requirements [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-5.1. Client identification**

- (a) Acceptable forms of government issued identification shall include the client's name, picture, and date of birth.
- (b) To pierce a minor, the identification in (a) of this section is required from the legal parent or legal guardian. Identification for the minor shall include an original birth certificate and a photo ID of the minor, or court documentation verifying legal guardianship and a photo ID of the minor.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-6. Client records [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-6.1. Consent form**

- (a) A client must sign a consent form before receiving a body piercing or tattoo. The consent form summarizes the procedure information. It shall include:
- (1) The name, and address of the establishment;
  - (2) The name, date of birth, and address of the client;
  - (3) The date of the procedure;
  - (4) Identification and location of procedure(s) performed;
  - (5) The artist's name and license number;
  - (6) The signature of the artist; and
  - (7) The signature of the client or guardian.
  - (8) A photocopy of the client's government issued photo identification, or
  - (9) A photocopy of the guardian's government issued photo identification if the client is a minor.
- (b) In order for the artist to properly evaluate the client's condition prior to a procedure, the following questions shall be asked of the client in the consent form:
- (1) Does the client have a history of:
    - (A) Diabetes;
    - (B) Hemophilia or excessive bleeding;
    - (C) Skin disease, skin lesions or skin sensitivities to soaps or disinfectants;
    - (D) Allergies, adverse reactions or other skin sensitivities; or
    - (E) Epilepsy, seizures, fainting or narcolepsy.
  - (2) If the client is:
    - (A) Taking medications such as anticoagulant;
    - (B) Pregnant and/or nursing; and
    - (C) When the client last ate.
  - (3) Other pertinent medical history or condition that might affect the healing process.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-7. Preparation and care of the body art area [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-3-7.1. Aftercare instructions**

Before starting the procedure, the operator or artist, shall provide verbal and written aftercare instructions regarding the procedure to include:

- (1) The name, address, and telephone number of the establishment;

- (2) The artist name;
- (3) That it is still possible to have transmission of a bloodborne disease or infection as a result of a body piercing or tattoo;
- (4) To consult a physician at the first sign of infection;
- (5) That the establishment complies with this Chapter;
- (6) That complaints may be filed with the department; and
- (7) Caring for the body piercing or tattoo and surrounding area.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-3-8. Records retention**

The following information shall be kept on file on the premises of a body-piercing or tattooing establishment and shall be available for inspection by the regulatory authority:

- (1) A complete definition of all body piercing procedures performed;
- (2) An inventory of all instruments and supplies, including body jewelry, sharps used for any and all body piercing or tattooing procedures, including names of manufacturers and serial or lot numbers, if applicable, which may be satisfied by retaining invoices or orders;
- (3) Autoclave testing records as described in OAC 233 3-3.1.
- (4) Signed consent forms for all body piercing or tattoo procedures administered;
- (5) Client records of procedures performed shall be
  - (A) Confidential;
  - (B) Made available to the regulatory authority upon request;
  - (C) Retained for three (3) years; and
  - (D) Destroyed by shredding or other appropriate destruction methods after three (3) years.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

## **SUBCHAPTER 5. SANITATION AND STERILIZATION PROCEDURES [REVOKED]**

### **310:233-5-1. Reusable equipment [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-5-2. Single use items [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

## **SUBCHAPTER 7. REQUIREMENTS FOR PREMISES**

### **310:233-7-1. Physical construction and maintenance [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-7-1.1. Establishment physical construction**

- (a) A mobile unit, including, but not limited to, a mobile home, recreational vehicle, cargo trailer or any other non-permanent facility, shall not be used as a body piercing or tattoo establishment.
- (b) All walls, floors, and procedure surfaces of an establishment shall be smooth, free of open holes or cracks, washable, in good repair, and clean.
- (c) Establishments shall be completely separated by solid walls, with no doors or windows, from any room used for human habitation, where food is prepared or served other than an employee break room, where services other than body piercing or tattooing is provided such as hair, nails and tanning services, or other such activity which may cause potential contamination of procedure surfaces.
- (d) Establishments must comply with all applicable building laws.
- (e) Reusable cloth items cannot be used in the licensed establishment.
- (f) Establishment shall have an area which may be screened from public view for clients requesting privacy.
- (g) Artificial light equivalent to at least twenty (20) foot candles shall be provided in all areas.

- (h) A restroom with at least 1 toilet and not fewer than the toilets required by law shall be provided.
  - (1) The restroom shall be completely enclosed and provided with a self-closing door.
  - (2) A restroom used by females shall be provided with a covered receptacle for sanitary napkins.
  - (3) A supply of toilet tissue shall be available at each toilet.
  - (4) It shall be equipped with a handwashing sink with:
    - (A) Hot and cold running water, under pressure;
    - (B) Liquid germicidal soap;
    - (C) Disposable paper towels; and
    - (D) A covered waste receptacle.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-7-2. Location requirements and limitations [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-7-2.1. Procedure areas**

- (a) Multiple procedure areas shall be separated from each other by a wall or rigid divider to visually define the space and limit potential contamination of neighboring procedure areas.
- (b) Each procedure area shall:
  - (1) Have a minimum of forty-five (45) square feet of floor space;
  - (2) Have a sharps container available;
  - (3) Be equipped with a handwashing facility with:
    - (A) Hot and cold running water, under pressure;
    - (B) Wrist or foot operated controls;
    - (C) Liquid germicidal soap;
    - (D) Disposable paper towels; and
    - (E) A covered waste receptacle.
- (c) All procedure area surfaces, including client chairs and benches shall be cleaned and disinfected after each client.
- (d) Artificial light equivalent to at least one hundred (100) foot candles of intensity shall be provided.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-7-3. Decontamination room**

- (a) The establishment shall have a separate:
  - (1) Fully enclosed room for the decontamination and packaging of contaminated instruments; and
  - (2) An area or room where the autoclave is housed and utilized that is only exposed to contaminated, packaged instruments that are loaded directly into the autoclave from the decontamination room.
    - (A) This decontamination room shall contain all equipment and supplies used for decontaminating instruments; and
    - (B) Will be where all steps of the sterilization process take place until the transfer of the packaged contaminated instruments to the autoclave.
- (b) The area or room that contains the autoclave shall not be part of the procedure room or area where clients have access.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-7-4. Waste disposal**

- (a) Contaminated waste which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled shall be placed in a biohazard bag or container which is properly labeled and disposed of consistent with OAC 252:515.



(b) Sharps ready for disposal shall be placed in a sharps container and disposed of consistent with OAC 252:515.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

## SUBCHAPTER 9. LICENSE REQUIREMENTS

### 310:233-9-1. Body piercing or tattoo license [REVOKED]

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### 310:233-9-1.1. Artist and establishment license

- (a) The license holder must be a minimum of eighteen (18) years of age to be eligible for a license.
- (b) A license will need to be renewed annually as it expires one year from the date of issuance, unless it is revoked or suspended by the Department before the expiration date.
- (c) Each license shall be posted in a prominent and conspicuous area where it can be readily observed by clients.
- (d) A license for a body piercing or tattoo establishment is issued for the physical location of the establishment. The license cannot be transferred to another owner or location.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### 310:233-9-2. Artist license [REVOKED]

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### 310:233-9-2.1. Event and establishment license application

- (a) A completed application shall include:
  - (1) For the applicant:
    - (A) Name;
    - (B) Mailing address;
    - (C) Telephone number; and
    - (D) E-mail address.
  - (2) For the establishment:
    - (A) Name;
    - (B) If tattooing, body piercing, or both are to be conducted;
    - (C) Information specifying whether the establishment is owned by an association, corporation, individual, partnership, or other legal entity;
    - (D) Mailing address;
    - (E) Physical address;
    - (F) Telephone number; and
    - (G) E-mail.
    - (H) Other information as required by the Department.
- (b) **Event.** In addition to the information identified in OAC 310:233-9-3.1, an event application shall be submitted at least thirty (30) days prior to the event and include:
  - (1) Event Operator Name;
  - (2) The physical location of the event;
  - (3) The purpose of the event;
  - (4) The start and end time of the event; and
  - (5) The names and license numbers of the artists participating.
- (c) **Issuance.** The Department will issue a license to the event or establishment after:
  - (1) A properly completed application is received;
  - (2) The required fees are received; and
  - (3) A pre-licensing inspection shows that the event or establishment is in compliance with this Chapter and meets the Department's criteria for licensure.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-9-3. Prohibitions [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-9-3.1. Event license**

- (a) An event license may be issued for body piercing or tattoo procedures for the purposes of:
- (1) Product demonstration;
  - (2) Industry trade shows; or
  - (3) Educational reasons.
- (b) The event shall:
- (1) Be for a specified period not to exceed three (3) consecutive days;
  - (2) Be a single event, where the primary function of the event is body piercing or tattooing;
  - (3) Be affiliated with an establishment that has a current license issued by the Department;
  - (4) Be contained in a completely enclosed, non-mobile environment;
  - (5) Have artists that meet the requirements outlined in OAC 310:233-9-4.1; and
  - (6) Ensure a safe and sanitary environment by:
    - (A) Providing facilities to properly sterilize instruments; or
    - (B) Only using single use, prepackaged, sterilized equipment.
- (c) Temporary licenses are not transferable from one special event to another.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-9-4. Body piercing or tattoo operators surety bond [REVOKED]**

[Source: Revoked at 27 Ok Reg 2507, eff 7-25-10]

#### **310:233-9-4.1. Individual license and certificate applications**

- (a) The complete application for any individual license or certificate shall include:
- (1) Name;
  - (2) License number if applicable;
  - (3) List of Alias;
  - (4) Date of birth;
  - (5) Sex;
  - (6) Residence address;
  - (7) Mailing address;
  - (8) Email address;
  - (9) Telephone number;
  - (10) Location of current practice Identified;
  - (11) The license type, tattooing or body piercing, Identified;
  - (12) Copy of the applicant's certificate of birth;
  - (13) Copy of the applicant's government-issued photo identification (e.g. a valid driver's license, passport, etc.);
  - (14) Other information as required by the Department; and
  - (15) Any applicable fees.
- (b) **Documents.** In addition to the information identified in (a) of this section, an initial application for apprentice, permanent, or temporary artist shall include:
- (1) Current certification from a recognized nationally accredited program for:
    - (A) Bloodborne pathogens;
    - (B) First aid certification; and
    - (C) CPR certification.
  - (2) Proof of experience such as:
    - (A) Proof of the successful completion of an apprentice program as described in OAC 310:233-9-8.1, or

(B) Documentation of two (2) years of appropriate licensure by another government entity such as:

- (i) Copies of licenses,
- (ii) Statements from the state's regulatory authority,
- (iii) Statements from the facility operator where the applicant worked,
- (iv) Membership in an entity for which practice as an artist is a requisite, or
- (v) Government forms such as tax returns filed by the artist showing employment as an artist;

(c) **Skills challenge.** A person who has acceptable proof of experience or training as required in (a) or (b) of this section, may be approved by the Department to take the skills challenge to obtain an apprentice or permanent license.

(1) Within thirty (30) days after receipt of a completed application, the Department shall notify the applicant of its decision to approve or disapprove the applicant to take the examination.

(2) An applicant who is eligible for the skills challenge must present a letter of notification from the Department to administer the test given by Oklahoma Department of Career and Technology Education.

(3) The Department shall accept the test administered by the Oklahoma Department of Career and Technology Education with results to be evidenced by a completed testing verification provided to the Department by the Oklahoma Department of Career and Technology Education.

(4) The written examination will include:

- (A) Knowledge of Anatomy;
- (B) Physiology, and Disease;
- (C) Theory and application;
- (D) Safety and Aseptic Technique;
- (E) Professionalism; and
- (F) Client Consultation Services.

(5) Minimum passing score for the written examination is 70%.

(6) A candidate who does not meet this score may retest up to two (2) times, however

- (A) They must wait at least seven (7) days before retesting; and
- (B) After three attempts are required to repeat the student program.

(d) **Renewals.** In addition to the information identified in (a) of this section, a renewal of an artist license shall include current certification from a recognized nationally accredited program for:

- (1) Bloodborne pathogens;
- (2) First aid certification; and
- (3) CPR certification.

(e) **Student and apprentice.** In addition to the information identified in (a) of this section, a student or apprentice shall identify their sponsor.

(f) **Sponsor.** In addition to the information identified in (a) of this section, a sponsor shall provide:

- (1) An approved curriculum; or
- (2) A proposed curriculum if none has been approved prior.
- (3) The applicant for a sponsor certification shall meet the following qualifications:
  - (A) Holds a current Oklahoma artist license in the appropriate field;
  - (B) Provides documentation of legally practicing in the appropriate field for at least five (5) years;
  - (C) Supervises no more than one student in each curriculum at any one time;
  - (D) Supervises no more than one apprentice in each curriculum at any one time.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-9-5. Apprentice sponsor [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-9-5.1. License and certificate fees**

(a) Tattoo or body piercing artist license and registration fees are as follows:

- (1) Student: \$0;
- (2) Sponsor: \$0;
- (3) Apprentice: \$250.00;
- (4) Initial: \$250.00;
- (5) Renewal: \$250.00;
- (6) Renewal thirty (30) days after expiration: \$350.00; and
- (7) Temporary: \$50.00;
  - (A) Not to exceed seven (7) consecutive days; and
  - (B) Not to exceed thirty (30) total days per year.

(b) Establishment license fees are as follows:

- (1) Tattoo:
  - (A) Initial: \$1,000.00.
  - (B) Renewal: \$500.00.
  - (C) Renewal thirty (30) days after expiration: \$750.00.
  - (D) Event: \$500.00.
- (2) Body piercing:
  - (A) Initial: \$500.00.
  - (B) Renewal: \$250.00.
  - (C) Renewal thirty (30) days after expiration: \$350.00.
  - (D) Event: \$250.00.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-9-6. Apprentice program [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-9-6.1. Student curriculum**

(a) Curriculum requirements shall be taught over 1500 hours over the course of one year to include the following:

- (1) Microbiology;
- (2) Sanitation and disinfection;
- (3) Safety;
- (4) Bloodborne pathogen standards;
- (5) Professional standards; and
- (6) Body piercing or tattooing procedures based on the field of teaching.

(b) The sponsor shall sign off on the successful completion of the student curriculum with the completion of 1500 hours.

(c) The sponsor shall sign off on the successful completion of the Apprentice program with the completion of one (1) year of supervised, licensed work.

(d) The licensed apprentice procedures shall be under the direct face to face supervision of their apprentice sponsor.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-9-7. Apprentice [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-9-7.1. Suspension or withdrawal of sponsor certificate**

(a) A sponsor certificate may be withdrawn or suspended temporarily by the Department for failure of the sponsor to comply with this chapter.

(b) The sponsor shall be notified in writing by the Department of the action and the ability to challenge the decision.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-9-8. License application and review process [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

## **SUBCHAPTER 11. ENFORCEMENT**

### **310:233-11-1. General requirements [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-11-1.1. Waivers and variances**

- (a) The operator of an establishment may request that a waiver be granted on any nonconforming use that may then exist, on or before the effective date of the rule change, at the license holder's place of operation.
- (b) The operator of an establishment may request that a variance be granted to portions of this chapter.
- (c) Waivers and variances requested pursuant to this Subchapter are subject to approval by the Department.
- (d) An operator must submit a written request detailing:
- (1) The nature of the nonconforming use;
  - (2) The relevant section of this Chapter; and
  - (3) A timeline for correction of the nonconforming use; and
  - (4) A justification of how any public health concerns will be addressed.
- (e) If a request is approved, then the Department will send a notice of approval. If the operator has not received a notice of approval within sixty (60) calendar days from when the request was submitted, then the request has been denied.
- (f) Waivers and variances are not considered to be part of the license and may be revoked at any time, for any reason, by the Department. The licensee is not entitled to a hearing prior to revocation of a waiver or variance, but will be provided written notice of any revocation along with instructions that the licensee must become compliant by a certain date.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-11-2. Investigation, filing of actions and hearing procedures [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-11-2.1. Time frame for correction**

The license holder shall correct violations by a date and time agreed to or specified by regulatory authority but no later than thirty (30) calendar days after the inspection.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

### **310:233-11-3. Suspension or revocation of licenses [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-11-3.1. Investigation and enforcement**

- (a) If the Department determines that a possible violation of the Body Piercing or Tattoo statutes or Rules has occurred, the Department may commence an investigation of the complaint.
- (b) Hearings and disciplinary actions are conducted in accordance with the Administrative Procedures Act and Chapter 2 of this Title.
- (c) The Department will specifically state the violation(s) and request the appropriate remedy. Remedies may include revocation or suspensions of a license, and/or an administrative penalty.

(d) The total administrative penalty amount assessed for all violations found through an investigation cannot exceed \$10,000.00.

(e) If the Department determines that a licensee or applicant for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the establishment or artist's license or authorization for sponsoring a student or apprentice.

(f) An applicant for licensure shall not:

(1) Knowingly make a false statement of material fact; or

(2) Fail to disclose a fact necessary to correct a misapprehension regarding the application for licensure or the matter under investigation; or

(3) Fail to comply with a request for information made by the Department or any designated representative thereof.

(g) The Department may notify the district attorney of any violation of 21 O.S. §842.1 or this Chapter [21 O.S. § 842.3]

(h) Additionally, an individual can also report criminal acts directly to a district attorney's office.

[Source: Added at 39 Ok Reg 1224, eff 9-11-22]

#### **310:233-11-4. Suspension or withdrawal of apprentice sponsor [REVOKED]**

[Source: Revoked at 39 Ok Reg 1224, eff 9-11-22]