

FLORIDA LEGISLATIVE UPDATE, JUNE 2010 □ **by Dr. David Kalin, MD, MPH, AAM Legislative Representative**

The statute goes into effect on **January 01, 2012**.

The statute instructs the FDOH to consult with representatives of the tattooing industry (permanent makeup) in Florida during the development of regulations.

The statute was sponsored by state Rep. Mary Brandenburg, D-West Palm Beach.

The Florida Medical Association, the Florida Society of Dermatology and Dermatologic Surgery, the Florida Professional Tattoo Artists Guild, Florida Blood Services, the Florida Association of Beauty Professionals, and the Florida Professional Tattoo Artists Guild supported the legislation.

The new regulations require tattoo artists and tattoo studios (*permanent makeup is considered to be tattooing*) to be licensed by the Florida Department of Health, which will provide classes concerning blood-borne pathogens that must be completed to obtain or renew a license.

All tattooing must be done in a facility licensed for tattoo artistry by the Florida Department of Health (FDOH).

The new law requires also that no individual under the age of 16 be tattooed, except for medical reasons by a doctor or dentist. The proposal also calls for any individual under the age of 18 receiving a tattoo to be accompanied by their permanent adult guardian.

Tattooing a minor older than 16 years of age, but younger than 18 years of age may not be performed unless:

- The minor is accompanied by his or her parent or legal guardian;
- The minor and parent or legal guardian each submit proof of identification;
- The parent or legal guardian submits written notarized consent;
- The parent or legal guardian submits proof of being the parent or legal guardian to the minor.

The statute provides grounds for discipline, administrative and criminal penalties, licensure fees, and rulemaking authority to the FDOH to implement the tattoo artist and tattoo establishment regulation and repeals the requirement for "general

supervision' of tattoo establishments and tattoo artists by a physician or dentist.

A person seeking licensure as a tattoo artist must apply to the FDOH in the format prescribed by the FDOH. A tattoo artist application must include the name and residence address of the applicant and the name and street address of each tattoo establishment and temporary establishment at which the applicant intends to practice tattooing in Florida. The DOH shall issue a license to an applicant who:

- Is 18 years of age or older;
- Submits a completed application;
- Pays the applicable license fee;
- Submits proof of successful completion of an education course, approved by the DOH, on blood-borne pathogens and communicable diseases; and
- Submits proof of passage of an examination approved by the DOH on the material presented in the education course.

The statute:

1. instructs the FDOH to approve one or more education courses and examinations so that applicants can meet the license application requirements. The courses and examinations may be available in person or through an Internet website.
2. requires tattoo artists to notify the DOH within 30 days after any change in the name and residence address of the tattoo artist or the name and street address of each tattoo establishment at which the tattoo artist practiced tattooing for more than 14 days from the most recent application for licensure issuance or renewal.
3. empowers the FDOH to issue a tattoo establishment license to an applicant if the applicant submits a completed application, pays the applicable license fee, and the establishment complies with all applicable local building, occupational, zoning, and health codes. The statute requires temporary establishments to meet the same requirements for licensure as a permanent tattoo establishment.
4. empowers the FDOH to inspect and investigate each tattoo establishment and temporary establishment as necessary to ensure compliance with ss. 381.00771-381.00791, F.S.

5. requires the FDOH to inspect each tattoo establishment at least annually and must inspect each temporary establishment before, and as necessary during a convention or similar event with which the establishment is connected.

A license is valid only for the location listed in the license.

A tattoo establishment must notify the FDOH before any change of the licensed location.

A tattoo establishment with more than one location is required to obtain a separate license for each location.

A tattoo establishment license is valid for 1 year and must be renewed annually. A temporary establishment license is valid for the duration of the event for which the license is issued, not to exceed 14 consecutive days. Neither is transferable.

A person seeking registration as a guest tattoo (permanent makeup) artist must apply to the FDOH in the format prescribed by the FDOH, hold an active license, registration, or certification issued by a jurisdiction outside of Florida if the education and examination requirements of the license, registration, or certificate substantially meet or exceed the requirements of this statute; or the applicant submits proof of successful completion of an education course approved by the FDOH and proof of passage of an examination approved by the FDOH.

A tattoo artist license is valid for 1 year and must be renewed annually. A guest tattoo artist registration is valid for 14 days, and a guest tattoo artist may reregister before or after expiration of his or her current registration. A tattoo artist license or guest tattoo registration issued by the DOH is not transferable.

- Fee for the initial licensure of a tattoo establishment and the renewal of such license may not exceed \$250 per year, except as provided in s. 381.00781 (2), F.S.
- Fee for licensure of a temporary establishment may not exceed \$250 per year, except as provided in s. 381.00781 (2), F.S.
- Fee for the initial licensure of a tattoo artist and the renewal of such license may not exceed \$150 per year, except as provided in s. 381.00781 (2), F.S.
- Fee for registration or re-registration of a guest tattoo artist may not exceed \$45, except as provided in s. 381.00781 (2), F.S.
- Fee for reactivation of an inactive tattoo establishment license or tattoo artist license.

In addition to the expenses incurred to pay licensure fees, persons who perform tattooing or who own establishments where tattooing is performed may incur costs associated with compliance with the regulations specified in the statute.

The FDOH will incur costs due to training and examination approval, rule promulgation, development, and presentation of training for county health departments who will inspect the establishments.

County health departments will incur costs associated with processing applications, issuing licenses, and conducting inspections, re-inspections, and enforcement.

(Information provided from the

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