

BALTIMORE CITY HEALTH DEPARTMENT

RULES AND REGULATIONS GOVERNING TATTCOING

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Preamble

Pursuant to Article 11, Section 216, of the Baltimore City Code (1983 Replacement Volume, as amended), the Commissioner of Health does hereby adopt the following Rules and Regulations governing tattooing for the better protection of the health of the City and for the enforcement of the City Code provisions concerning tattooing.

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## A. Definitions

- (1) Apprentice: A person, 18 years of age or older, who is learning the art and practice of tattooing under the supervision of a permitted tattoo artist; Tattoo apprentice.
- (2) Commissioner: The Commissioner of Health for Baltimore City or his designee.
- (3) Customer: Any person who is present on the premises of a tattooing establishment for the purpose of being tattooed.
- (4) Operating Room: That portion of a tattooing establishment that is used for tattooing.
- (5) Operator: Any person 18 years of age or older holding a current tattoo artist permit who administers a tattoo to any customer of a tattooing establishment; Tattoo Artist.
- (6) Permits: Certificates issued by the Commissioner of Health authorizing the operation of a tattooing establishment or temporary tattooing establishment, or authorizing the practice of a tattoo artist or the practice of a tattoo apprentice.

- (7) Person: An individual, firm, company, partnership, corporation or any other entity.
- (3) Proprietor: Any person eighteen years of age or older having general control and management over the conduct of business at a tattooing establishment, whether or not such person is the legal owner of the premises.
- (9) Tattoo, Tattooed, Tattcoing: Any method of placing an indelible mark or figure upon a person by insertion of pigment under the skin or by production of scars.
- (10) Tattoo Artist: Operator
- (11) Tattooing Establishment: Premises used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein and incidental to such use.
- (12) Temporary Tattcoing Establishment: A tattooing establishment which is operated at the site of a specific fair, carnival, or other temporary event in Baltimore City, and is operated by a permitted tattcoing establishment and a permitted tattoo artist, for a period specified by the Commissioner.

B. Requirements for Operating a Tattooing Establishment or Temporary Tattooing Establishment

- (1) Permits required. No person or persons shall operate a tattooing establishment or engage in the practice or business of tattooing without having first obtained a permit therefor from the Commissioner authorizing such an establishment. No establishment or location shall be used for the practice of tattooing without having first obtained a permit therefor from the Commissioner and approvals from other appropriate City agencies as required by law. The tattooing establishment permit shall be valid for one year from the date of issuance. Application for permits or renewal of permits shall be made in writing on forms provided by the Commissioner. A permit is not transferable.
- (2) Prior to the issuance or renewal of a tattooing establishment permit, the Commissioner may inspect and approve the facility to be permitted for a tattooing establishment.
- (3) The annual permit fee for each tattooing establishment shall be one hundred dollars (\$100.00). This permit fee is non-refundable.

- (4) It shall be unlawful to practice as an operator or apprentice except in a permitted tattooing establishment.
- (5) The tattooing establishment permit shall be posted at all times in a conspicuous place in the tattooing establishment. A copy of the tattoo regulations shall be kept on the premises and be made available upon request to the public.
- (6) The Health Department shall be notified within ten (10) days of any changes of personnel.
- (7) The tattooing establishment permit application shall include the following information:
- (a) Trade name, address, and business phone number of the tattooing establishment;
  - (b) Name, home address, home phone number of proprietor(s);
  - (c) In the event the permit is to be held by a corporation, the name, address and phone number of the resident agent, and the name, address and phone number of each officer of the corporation shall be provided.
- (8) In the event a tattooing establishment is moved to another permanent location within Baltimore City, the proprietor must notify the Commissioner thirty (30) days prior to the move and apply for a new Tattooing

Establishment Permit. Tattooing at the new establishment shall not be practiced until a permit has been issued for said location.

- (9) Records: Permanent records for each customer shall be maintained by the proprietor of the establishment. Before the tattooing operation begins, the customer shall be required personally to enter, on a bound ledger book with pre-numbered pages, the date, his or her name, address, date of birth, serial number (if a member of the armed services) and his or her signature. For tattoos requiring more than one visit for completion, a separate entry must be made in the ledger book for each visit made by the customer. Such records shall be maintained in the tattooing establishment and shall be available for examination by the Commissioner. Records shall be maintained by the proprietor of the establishment for a period of not less than three (3) years. In the event of change of ownership or the closing of the tattooing establishment, all such records shall be made available to the Commissioner by the former proprietor of the establishment. The contents of such records shall be considered confidential and are not available to the public.

(10) The Commissioner may conduct periodic inspections of any tattooing establishment or temporary tattooing establishment during normal business hours for the purpose of determining whether said establishments and persons performing the tattooing are in compliance with all applicable provisions of these regulations and other pertinent laws.

(11) Temporary Tattooing Establishment Permit for regulation of tattooing at fairs, carnivals, and other temporary events in Baltimore City.

(a) Only proprietors who possess current Tattooing Permits may apply for temporary tattooing establishment permits in Baltimore City.

(b) Only those operators who possess a current annual tattooing permit in Baltimore City may engage in tattooing at fairs, carnivals, and other temporary events in Baltimore City.

(c) Proprietors wishing to provide tattooing at such events must apply to the Commissioner for a Temporary Tattooing Establishment Permit at least ten (10) days prior to the start of the event, on a form provided by the Commissioner.



(d) The proprietor shall maintain records in his/her tattooing establishment ledger book and comply with all other requirements of the Ordinance, these Regulations and all other applicable laws.

(e) Upon approval of the application by the Commissioner and the payment of a twenty dollar (\$20.00) Temporary Tattooing Establishment Permit fee, tattooing may be conducted at the designated event for the time period and under the conditions set by the Commissioner. This fee is non-refundable.

- (12) All persons applying for a permit to operate a tattooing establishment (proprietor) shall be at least eighteen (18) years of age, and if also intending to be an operator shall have completed an apprenticeship program approved by the Commissioner, and shall present proof of experience as defined in these regulations.

C. Requirements for Tattoo Operator.

(1) Permit required. No person or persons shall engage in the practice of tattooing as an operator without having first obtained a permit therefor from the Commissioner authorizing him/her to do so. Each permit is valid for one (1) year from the date of issuance. Application

for permits or renewal of permits shall be made in writing on forms provided by the Commissioner.

(2) The annual permit fee for each operator shall be fifty dollars (\$50.00). This permit fee is non-refundable.

(3) Each operator's permit shall be posted at all times in a conspicuous place in the tattooing establishment.

(4) The operator permit application shall include the following information:

(a) Trade name, current permit number, address, and business phone number of permitted tattooing establishment where applicant is to practice.

(b) Name, home address, home phone number and date of birth of applicant.

(c) Proof of experience and training of applicant (new applicants only) - History of training and experience, notarized letters of reference from other tattoo artists, if available.

(5) New applicants for an operator permit may be required to appear before the Commissioner who shall review his/her qualifications.

(6) New applicants for an operator permit shall be eighteen (18) years of age or older.

D. Requirements of Apprenticeship

- (1) Permit required. No person shall engage in the learning and practice of tattooing as a tattoo apprentice without having first obtained a permit therefor from the Commissioner authorizing him/her to do so. Each permit is valid for one (1) year from the date of issuance. Application for permits or renewal of permits shall be made in writing on forms provided by the Commissioner.
- (2) The annual permit fee for a tattoo apprentice shall be twenty-five dollars (\$25.00). This permit fee is non-refundable.
- (3) The tattoo apprentice permit application shall include the following information:
  - (a) Trade name, address, current permit number, and business phone number of permitted tattooing establishment where applicant will be training.
  - (b) Name, home address, home phone number, and date of birth of applicant.
- (4) Each tattoo apprentice permit shall be posted at all times in a conspicuous place in the tattooing establishment.
- (5) An apprenticeship period shall be for two years and shall include a minimum of 1000 hours training and practice. The apprenticeship program shall include but not be limited to the following:

- (a) Thorough knowledge of the Baltimore City Tattoo law and regulations.
  - (b) Proper use, care, cleaning, and sterilization of instruments and equipment.
  - (c) Knowledge of diseases which may be transmitted through insanitary tattooing practices.
  - (d) Knowledge of reliable sources for obtaining dyes, inks, pigments, stencils, equipment, and supplies.
  - (e) Knowledge of sanitary and safe tattooing procedures.
  - (f) Knowledge of record keeping.
  - (g) Knowledge of maintaining the business and premises in a clean and sanitary manner in accordance with federal, state and local codes and regulations.
  - (h) At least 500 hours of actual tattooing experience.
- (6) Proof of completion of apprenticeship shall be by -  
presenting a notarized written record to the Commissioner showing dates and hours of training signed by the tattoo instructor(s) (including their addresses and telephone numbers), or a notarized letter(s) from the tattoo instructor(s) certifying under oath that the apprenticeship requirements have been met.

- (7) An apprentice shall not perform tattooing except under the direct supervision of a permitted tattoo artist.

#### E. Physical Facilities

- (1) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair. Floors, walls and ceilings shall be easily cleanable.
- (2) Every tattooing establishment shall be provided with adequate light, adequate ventilation, and be of sufficient size to accommodate the required equipment and business done therein.
- (3) Every tattooing establishment shall have an operating room that is separate from the waiting room or any other room.
- (4) Every operating room in a tattooing establishment shall be provided with a sink with hot and cold running water and shall be supplied with soap and single service sanitary towels.
- (5) All tables that hold the equipment used for tattooing and all tables used as operating tables shall be made of stainless steel, metal with white enamel, metal with porcelain finish, or other impervious materials that are approved by the Commissioner.

- (6) A toilet and hand washing basin shall be conveniently located in an adjacent room in the tattooing establishment and be available to customers and operators, and be provided with toilet tissue, soap and single service sanitary towels.
- (7) Mobile facilities (such as vans or trailers) shall not be permitted as a tattooing establishment.
- (8) Sufficient cabinets or covered containers shall be provided for the storage of supplies and materials, and the same shall be maintained in a clean and sanitary condition.
- (9) No tattooing establishment shall be used as a sleeping room or dormitory.
- (10) Waste receptacles must be provided and maintained in a clean and sanitary condition. Waste must be disposed of in accordance with the Baltimore City Health and Sanitation Codes. Needles to be disposed of shall be autoclaved and placed in a puncture-proof container prior to disposal.

**F. Dyes, Inks, Pigments, and Stencils**

- (1) All pigments, dyes, inks, colors, etc., used in tattooing shall be sterile and free from bacteria, virus particles, and other noxious agents and substances. The pigments, dyes, inks and colors used from stock solutions for each

customer shall be placed in a sanitary single-service receptacle; and such receptacle and remaining solution shall be discarded after use on each customer.

- (2) Single-service receptacles shall be kept in dust-free containers.
- (3) Operators and proprietors, upon request of the Commissioner, shall submit in writing to the Commissioner the source of all dyes, inks, pigments, colors or tracing materials used or to be used in tattooing operations.
- (4) Stencils: After each use reusable stencil shall be cleaned of all tracing materials and other substances, then disinfected, dried, and stored in a clean folder or envelope.

#### G. Care of Instruments and Equipment

- (1) All equipment shall be thoroughly cleaned before using. All needles, tubes, and needle bars shall be thoroughly cleaned by brushing with soap or detergent and water before sterilizing. The interior of tubes shall be thoroughly cleaned with a brush. After cleaning, equipment shall be thoroughly rinsed with running tap water. An ultrasonic cleaner may be used for additional cleaning of equipment following the soap and brush cleaning.

- (2) An autoclave shall be provided for sterilization of tubes, needle bars, and needles. Alternate sterilizing procedures may only be used when specifically approved in writing by the Commissioner. Sterilization shall follow manufacturer's instructions with special reference to the killing of resistant viruses such as hepatitis B. At a minimum, sterilization of equipment shall be accomplished by either a) exposure to live steam for at least 20 minutes at a pressure of at least 15 pounds per square inch, at a temperature of 251 degrees Fahrenheit or 121 degrees Celsius; or b) exposure to dry heat for at least sixty minutes at a temperature of at least 338 degrees Fahrenheit or 170 Celsius.
- (3) Equipment to be sterilized shall be wrapped in autoclave paper or autoclave bags, sealed with autoclave tape, and the package marked with a temperature recording tape or label. The package shall not be opened until ready to use. The package shall be dated with the date of autoclaving. Sterilized equipment shall be stored in a manner to keep them sterile and free from rust. Equipment which is not used within thirty (30) days after autoclaving shall be re-sterilized.



- (4) All gauze bandages, wiping cloths, spreading instruments (such as spatulas or tongue depressors) and razors that come in contact with the tattooed area shall be sterilized (unless purchased in individual sterile packages that bear a label affixed by the manufacturer stating the contents thereof are sterilized).
- (5) Only silver or tin solders shall be used to solder the needles. Lead solder shall not be used.
- (6) All packages of sterilized needles and other equipment shall be stored in a closed glass or metal case or storage cabinet. Such cabinet shall be maintained in a sanitary condition at all times.
- (7) Needles that have a tendency to cut or mutilate the skin shall be discarded. Operators shall use an eye-loop magnifier to determine the condition of the needles.
- (8) Operators shall have a sufficient supply of sterilized equipment available at the beginning of each work day to allow the completion of the work day without requiring the re-sterilization of the equipment.

## H. Tattooing Procedures

- (1) It shall be unlawful to tattoo any person under eighteen (18) years of age.
- (2) No operator or apprentice shall remove or attempt to remove any tattoo by cutting, abrasing or scarring, or by injecting any caustic or acidic materials, or by any other means.  
Tattooing over an existing tattoo is permitted.
- (3) No tattooing shall be done on any skin surface areas containing any rash, pimples, boils, infections, or which manifests any evidence of unhealthy conditions. No tattooing shall be done on any person showing jaundice or who has hepatitis or AIDS (Acquired Immune Deficiency Syndrome).
- (4) Operators and apprentices shall be free of communicable diseases while tattooing, and shall keep any boil, sore, or skin infection on an exposed part of his or her body effectively covered by a suitable waterproof dressing which shall be replaced as often as necessary.
- (5) Tattooing shall be performed only in the operating room. Only the customer being tattooed, the operator, and the tattoo operator's assistant or apprentice shall be permitted in the operating room during tattooing operations.

- (6) The operator and apprentice shall wear a clean, light colored, washable or disposable smock while tattooing.
- (7) All operators and apprentices shall wash their hands thoroughly with hot water and soap before beginning each tattooing operation. The hands shall be dried with individual, single-use towels.
- (8) Safety razors with a new single-service blade for each customer shall be used for skin preparation. Should a non-disposable straight razor be used, the razor shall be clean and sterile before being used on any customer.
- (9) The area to be tattooed shall first be thoroughly washed with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of 70% ethyl or isopropyl alcohol shall be applied to the area with a sprayer or single-use sponge.
- (10) Any antibacterial ointment shall be applied with a single-use tongue depressor or equivalent as approved by the Commissioner.
- (11) Excess dye shall be removed from the skin with an individual sterile gauze, sterile cotton, or sterile napkin. The tattooed area shall be

washed with a solution of tincture of green soap, or equivalent, rinsed, and patted dry with a single use clean towel. A non-stick sterile dressing shall be applied to the tattooed area, and fastened with an appropriate adhesive tape.

- (12) Printed instructions on the care of the tattooed skin shall be given to each customer as a precaution against infection after tattooing. The printed instructions shall also contain the name, address and telephone number of the tattooing establishment, and the date the tattooing was performed.

I. Licensed Practitioners: These regulations are not applicable to any licensed medical doctor engaged in the performance of his or her profession.

J. Responsibilities of Person Being Tattooed: It shall be unlawful for any person in Baltimore City to be tattooed by any person who is not a permitted operator or apprentice, or to be tattooed at any location other than a permitted tattooing establishment, or to provide false information in order to obtain a tattoo.

K. Penalties and Revocation of Permits

- (1) Persons who violate any provision(s) of these regulations may be served either with a written notice to correct violations within the time specified therein, or, for persons tattooing

without a permit or tattooing in a non-permitted establishment, with a summons to appear in court.

- (2) The Commissioner may order permitted operators or apprentices who violate any provision(s) of these regulations to immediately cease tattooing pending correction of violations. The Commissioner shall order any person tattooing without a permit or tattooing in a non-permitted establishment to immediately cease tattooing.
- (3) Failure to comply with an order or written notice of the Commissioner may result in a summons being issued to the violator to appear in court.
- (4) The Commissioner may deny, suspend, or revoke the tattooing establishment permit or the permit of any operator or apprentice who has violated or is violating the provisions of these regulations or any other applicable law. In addition, the Commissioner may deny, suspend or revoke a permit if he finds that an applicant or permittee:
  - (a) Has falsified records submitted to the Health Department;
  - (b) Engages in a habitual pattern of drunkenness or drug use;

- (c) Demonstrates incompetence;
  - (d) Fails to use proper sanitary methods in the practice of tattooing;
  - (e) Has been epidemiologically linked to disease transmission among persons tattooed at the establishment; or
  - (f) Fails to obey applicable laws and regulations.
- (5) The Commissioner may suspend or revoke a permit only after a hearing, except as noted below, under "Exception". The Commissioner shall notify the appropriate party or parties in writing at least ten (10) working days prior to the date set for the hearing. The written notice shall be served to the party(s) by certified mail. Exception - The Commissioner may issue an immediate order to suspend or revoke a permit when the Commissioner deems it necessary to prevent the spread of Hepatitis B virus or other disease associated with tattooing.
- (6) Any person aggrieved by the decision or order of the Commissioner shall be informed that he/she has a right to appeal the decision or order to an appropriate court pursuant to, and in accordance with, the Maryland Rules of Procedure and/or the Baltimore City Code.

- (7) Any notice required by law or by these regulations shall be served by certified mail at the address provided by the permittee or person on the application. The permittee or person has an obligation to notify the Commissioner of any change in his/her/its mailing address.
- (3) Violation of or failure to comply with the provisions of these regulations may, upon conviction, subject the offender to a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed Ninety (90) days, or both, and confiscation of tattooing equipment. If a violation is continuing, each day's violation shall constitute a separate violation.

Note: If the conviction is for illegal tattooing, the violator may be required to pay the cost of removal or other compensation to the person illegally tattooed.

L. Severability: If any provision of these rules or regulations promulgated hereunder or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these rules and regulations promulgated hereunder. The Commissioner hereby declares that in these regards the provisions of these rules and regulations are severable.

M. Variance: The purpose and intent of these rules and regulations are to protect and promote the health and safety of the persons using the services of tattooing establishments in Baltimore City. Therefore, deviations from these rules and regulations may be approved, when, in the opinion of the Commissioner, such deviations will not adversely affect the public's health and safety. If such deviations are permitted, they shall be made in strict compliance with the restrictions, limitations, or conditions which the Commissioner may establish.