

HB 2503

2010 MAR 19 PM 4: 48

OFFICE OF THE CLERK  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2503**

(By Delegate Carmichael)



Passed March 11, 2010

In Effect Ninety Days From Passage

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 2503

(BY DELEGATE CARMICHAEL)

[Passed March 11, 2010; in effect ninety days from passage]

AN ACT to amend and reenact §16-38-3 of the Code of West Virginia, 1931, as amended, relating to requiring licensed tattoo artists to inform patrons, prior to performing the tattoo procedure, of the potential problems that a tattoo may cause in relation to the clinical reading of magnetic resonance imaging studies; requiring the Department of Health and Human Resources to prepare written forms thereto; requiring an acknowledgment by the patron and specifying record keeping requirements.

*Be it enacted by the Legislature of West Virginia:*

That §16-38-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 38. TATTOO STUDIO BUSINESS.**

#### **§16-38-3. Operation standards.**

1 (a) *Records.* --

2010 MAR 19 PM 4:48

OFFICE OF THE CLERK  
SECRETARY OF STATE

2 (1) Proper records of tattoos administered shall be  
3 maintained for each patron by the holder of the studio  
4 registration;

5 (2) A record shall be prepared for each patron prior to  
6 any procedure being performed and shall include the patron's  
7 name and signature, address, age, date tattooed, design of the  
8 tattoo, location of the tattoo on the patron's body and the  
9 name of the tattoo artist who performed the work;

10 (3) Record entries shall be in ink or indelible pencil and  
11 shall be available for examination by the inspecting  
12 authorities provided in section six of this article;

13 (4) Before tattoo administration, the owner or tattoo artist  
14 shall discuss with the patron the risks involved in the tattoo  
15 requested, including the potential that a tattoo may interfere  
16 with the clinical reading of a magnetic resonance imaging  
17 study, should the patron intending to be tattooed ever  
18 encounter a medical need for such a study. The owner shall  
19 provide the patron with written information regarding the  
20 possible complications that may arise from receiving a tattoo.  
21 The written information shall be prepared by the Department  
22 of Health and Human Resources. Receipt of the information  
23 shall be acknowledged in writing by the patron. The owner  
24 or tattoo artist shall also keep and maintain the acknowledgment  
25 as part of the patron's record pursuant to the provisions of  
26 subdivision (5) of this subsection.

27 (5) All records required by this section shall be kept on  
28 file for five years by the holder of the studio registration for  
29 the studio in which the tattoo was performed.

30 (b) *Consent.* --

31 (1) Prior written consent for tattooing of minors shall be  
32 obtained from one parent or guardian;

33 (2) All written consents shall be kept on file for five years  
34 by the holder of the studio registration for the tattoo studio in  
35 which the tattoo was performed;

36 (3) The person receiving the tattoo shall attest to the fact  
37 that he or she is not intoxicated or under the influence of  
38 drugs or alcohol.

39 (c) *Tattooing procedures.* --

40 (1) Printed instructions on the care of the skin after  
41 tattooing shall be given to each patron as a precaution to  
42 prevent infection;

43 (2) A copy of the printed instructions shall be posted in  
44 a conspicuous place, clearly visible to the person being  
45 tattooed;

46 (3) Each tattoo artist shall wear a clean outer garment,  
47 i.e., apron, smock, T-shirt, etc.;

48 (4) Tattoo artists who are experiencing diarrhea,  
49 vomiting, fever, rash, productive cough, jaundice, draining or  
50 open skin infections such as boils which could be indicative  
51 of more serious conditions such as, but not limited to,  
52 impetigo, scabies, hepatitis-b, HIV or AIDS shall refrain  
53 from tattooing activities until such time as they are no longer  
54 experiencing or exhibiting the aforementioned symptoms;

55 (5) Before working on each patron, the fingernails and  
56 hands of the tattoo artist shall be thoroughly washed and  
57 scrubbed with hot running water, antibacterial soap and an  
58 individual hand brush that is clean and in good repair;

59 (6) The tattoo artist's hands shall be air blown dried or  
60 dried by a single-use towel. In addition, disposable latex  
61 examination gloves shall be worn during the tattoo process.  
62 The gloves shall be changed each time there is an interruption  
63 in the tattoo application, the gloves become torn or punctured  
64 or whenever their ability to function as a barrier is  
65 compromised;

66 (7) Only sterilized or single-use, disposable razors shall  
67 be used to shave the area to be tattooed;

68 (8) Immediately prior to beginning the tattoo procedure,  
69 the affected skin area shall be treated with an antibacterial  
70 solution;

71 (9) If an acetate stencil is used by a tattoo artist for  
72 transferring the design to the skin, the acetate stencil shall be  
73 thoroughly cleaned and rinsed in a germicidal solution for at  
74 least 20 minutes and then dried with sterile gauze or dried in  
75 the air on a sanitized surface after each use;

76 (10) If a paper stencil is used by a tattoo artist for  
77 transferring the design to the skin, the paper stencil shall be  
78 single-use and disposable;

79 (11) If the design is drawn directly onto the skin, the  
80 design shall be applied with a single-use article only.

81 (d) *Dyes or pigments.* --

82 (1) Only nontoxic sterile dyes or pigments shall be used  
83 and shall be prepared in sterilized or disposable single-use  
84 containers for each patron;

85 (2) After tattooing, the unused dye or pigment in the  
86 single-use containers shall be discarded along with the  
87 container;

88 (3) All dyes or pigments used in tattooing shall be from  
89 professional suppliers specifically providing dyes or  
90 pigments for the tattooing of human skin.

91 (c) *Sterilization of needles.* --

92 (1) A set of individual, sterilized needles shall be used for  
93 each patron;

94 (2) No less than twenty-four sets of sterilized needles and  
95 tubes shall be on hand for the entire day or night operation.  
96 Unused sterilized instruments shall be reesterilized at intervals  
97 of no more than six months from the date of the last  
98 sterilization;

99 (3) Used, nondisposable instruments shall be kept in a  
100 separate, puncture resistant container until brush scrubbed in  
101 hot water and soap and then sterilized by autoclaving;

102 (4) If used instruments are ultrasonically cleaned prior to  
103 being placed in the used instrument container, they shall be  
104 ultrasonically cleaned and then rinsed under running hot  
105 water prior to being placed in the used instrument container;

106 (5) The ultrasonic unit shall be sanitized daily with a  
107 germicidal solution;

108 (6) If used instruments are not ultrasonically cleaned  
109 prior to being placed in the used instrument container, they  
110 shall be kept in a germicidal or soap solution until brush  
111 scrubbed in hot water and soap and then sterilized by  
112 autoclaving;

113 (7) All nondisposable instruments, including the needle  
114 tubes, shall be sterilized and shall be handled and stored in  
115 such a manner as to prevent contamination. Instruments to

116 be sterilized shall be sealed in bags made specifically for the  
117 purpose of autoclave sterilization and shall include the date  
118 of sterilization. If nontransparent sterilization bags are  
119 utilized, the bag shall also list the contents;

120 (8) Autoclave sterilization bags, with a color code  
121 indicator which changes color upon proper steam sterilization,  
122 shall be utilized during the autoclave sterilization process;

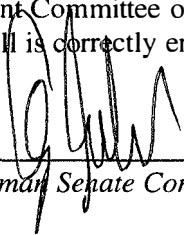
123 (9) Instruments shall be placed in the autoclave in such a  
124 manner as to allow live steam to circulate around them;

125 (10) No rusty, defective or faulty instruments shall be  
126 kept in the studio.

127 (f) *Aftercare of tattoo.* --

128 The completed tattoo shall be washed with a single-use  
129 towel saturated with an antibacterial solution.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

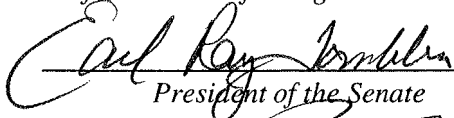
  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

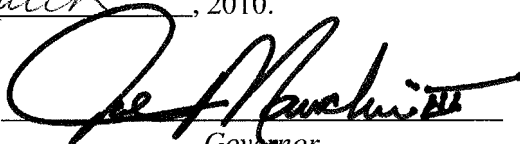
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 19<sup>th</sup>  
day of March, 2010.

  
\_\_\_\_\_  
Governor



PRESENTED TO THE  
GOVERNOR

MAR 19 2010

Time 10:40am