

Tattoo

Division 915

OREGON HEALTH AUTHORITY, HEALTH LICENSING OFFICE

DIVISION 915

TATTOO

331-915-0005

Approved Course of Study for Tattooing

(1) To be approved by the Office, a course of study must include at least 360 hours of instruction. The course must include at least 210 hours of theory and at least 150 hours of practical tattooing experience.

(2) For the purposes of determining qualification for licensure, practical tattooing must include a minimum of 50 completed procedures. "Completed procedure" means a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing, and the client is released from service.

(3) All practical tattooing procedures performed during training in the subject areas listed in subsection (4) of this rule are counted toward meeting the minimum 150 hours of practical tattooing experience.

(4) Until June 30, 2017 a course of study must include 210 hours of theory in the following areas:

- (a) Needles and needle bars: 20 hours;
- (b) Tattoo machines: 20 hours;
- (c) Equipment and Supplies: 20 hours;
- (d) Safety, and Infection Control: 40 hours;
- (e) Color theory and pigments: 10 hours;
- (f) Design, art and placement: 10 hours;
- (g) Skin: 20 hours;
- (h) Client services: 20 hours;
- (i) Business operations: 40 hours;
- (j) Oregon Laws and Rules: 10 hours; and

(k) Discretionary: 10 hours.

(5) As part of the approved course of study, all hours of theory must be completed prior to practical tattooing being performed on the general public.

(6) Training must be conducted by an Oregon licensed tattoo artist registered as a teacher by the Higher Education Coordinating Commission.

(7) A Higher Education Coordination Commission, Private Career School licensed teacher must provide supervision of practical training under the following ratios:

(a) One teacher to one student must be directly supervised on the first 25 practical procedures; and

(b) One teacher to four students' may be in-directly supervised on the last 25 practical procedures.

~~(7) A registered teacher must provide direct supervision of practical tattooing on a one-to-one student/teacher ratio for students performing practical tattooing while the student is working on the general public.~~

(8) For the purpose of this rule direct supervision means the teacher is present and actively involved in direct oversight and training of students.

(9) For the purpose of the rule in-direct supervision means the teacher is onsite and accessible to the student.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLO 1-2017, f. & cert. ef. 1-6-17

331-915-0007

Approved Course of Study for Tattooing

(1) To be approved by the Office, a course of study must include at least 360 hours of instruction. The course must include at least 210 hours of theory and at least 150 hours of practical tattooing experience.

(2) For the purposes of determining qualification for licensure, practical tattooing must include a minimum of 50 completed procedures. "Completed procedure" means a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing, and the client is released from service.

(3) All practical tattooing procedures performed during training in the subject areas listed in subsection (4) of this rule are counted toward meeting the minimum 150 hours of practical tattooing experience.

(4) After ~~July 1, 2017~~ **January 1, 2018** a course of study must include 210 hours of theory in the following areas:

- (a) Needles and needle bars: 20 hours;
- (b) Tattoo machines: 20 hours;
- (c) Equipment/and Supplies: 20 hours;
- (d) Safety, and Infection Control: 40 hours;
- (e) Color theory and pigments: 10 hours;
- (f) Design, art and placement: 10 hours;
- (g) Skin: 20 hours;
- (h) Client services: 20 hours;
- (i) Business operations: 20 hours;
- (j) Oregon Laws and Rules: 20 hours; and
- (k) Discretionary: 10 hours.

(5) As part of the approved course of study, all hours of theory must be completed prior to practical tattooing being performed on the general public.

(6) Training must be conducted by an Oregon licensed tattoo artist registered as a teacher by the Higher Education Coordinating Commission.

(7) The 50 completed procedures require the following supervision as of July 1, 2017:

- (a) The first 30 completed procedures must be directly supervised by a registered teacher, which means the teacher must be in the procedure area with the student;
- (b) The final 20 completed procedures may be indirectly supervised by a registered teacher, which means the teacher must be on the premises of the facility but not in the procedure area with student.

(8) A registered teacher must provide direct supervision defined in subsection (7)(a) of the rule, of practical tattooing on a one-to-one student/teacher ratio during the first 30 completed procedures.

(9) A registered teacher may provide indirect supervision defined in subsection (7)(b) of the rule, of practical tattooing on a two-to-one student/teacher ratio during the final 20 completed procedures.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLO 1-2017, f. & cert. ef. 1-6-17

331-915-0065

Tattoo Practice Standards and Prohibitions

(1) Inks, dyes, or pigments must be purchased from a commercial supplier or manufacturer and must have an expiration date present on the container. Use of expired ink, dyes or pigments is prohibited. Products banned or restricted by the Food and Drug Administration are prohibited.

(2) A tattoo license holder must disinfect plastic or acetate stencil used to transfer the design to the client's skin, if not using disposable stencils. If the plastic or acetate stencil is reused the licensee must thoroughly clean and rinse and immerse in a high level disinfectant according to the manufacturer's instructions.

(3) Prior to beginning the procedure a client's skin must be thoroughly cleaned with an antiseptic solution.

~~(3)~~ **(4)** Upon completion of a tattoo service, the following procedures are required:

(a) The skin must be cleansed; excluding the area surrounding the eyes, with a clean single-use paper product saturated with an antiseptic solution; and

(b) Use a clean absorbent material or bandages intended to cover wounds to prevent the spread of blood or other potentially infectious materials and cross contamination must be adhered to the skin. Absorbent materials or bandages may include but are not limited to medical grade bandages or bandages intended to cover tattoos. All coverings and bandages must be used according to manufacturer's instructions.

~~(4)~~ **(5)** Tattooing services may be performed on a person under 18 years of age when authorized or prescribed by a physician's statement.

~~(5)~~ **(6)** Tattooing is prohibited:

(a) On a person who shows signs of being inebriated or appears to be incapacitated by the use of alcohol or drugs;

(b) On a person with sunburn or other skin diseases or disorders such as open lesions, rashes, wounds, puncture marks in areas of treatment;

(c) On a person under 18 years of age, regardless of parental or legal guardian consent unless the requirements of subsection (4) of this rule are met.

~~(6)~~ **(7)** Tattoo artists are prohibited from performing nonablative tattoo removal in Oregon unless they hold an appropriate authorization.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14; HLO 1-2017, f. & cert. ef. 1-6-17

331-915-0070

General Standards for Tattooing

(1) The cleanliness of any common area in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An individual licensed to perform services in a field of practice or a licensed facility owner must:

(a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;

(b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;

~~(c) Use equipment and instruments that are not prohibited for use in a field of practice by the Office or the FDA;~~

(c) Use of equipment and instruments that are not prohibited for use in a field of practice by the Office or the FDA;

- (d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed;
- (e) Ensure chemicals are stored in labeled, closed containers;
- (f) Ensure that single-use disposable paper products, needles, and protective gloves or personal protection equipment including but not limited to aprons are not reused on clients. Use of towels and linens are prohibited;
- ~~(g) Have unrestricted access or availability to a sink with hot and cold running water, as part of the surrounding premises or adjacent to the facility but separate from a restroom;~~
- (g) Have unrestricted access to a sink with hot and cold running water on the facility premises but separate for a restroom.**
- (h) Ensure restrooms located within the facility are kept clean and in good working order at all times. Air blowers within restrooms can be substituted for disposable hand towels;
- (i) Ensure all waste material related to a service in a field of practice, including waste which contains blood or other potentially infectious materials, be enclosed in a glove or bag then disposed of in a covered container with a garbage liner following service for each client. Service related waste is prohibited from being disposed of in non-service related areas such as lobby or waiting areas;
- (j) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums;
- (k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business;
- (l) Ensure all non-service related waste or garbage is disposed of in a covered container with a garbage liner;
- (m) Ensure disposable sharp objects that come in contact with blood or other potentially infectious materials be disposed of in a sharps container;
- (n) Ensure biohazard labels or red biohazard bags are available on the facility premises;
- (o) Adhere to all Centers for Disease Control and Prevention Standards; and
- (p) Ensure that all instruments that come in contact with blood or other potentially infectious materials be either disposed of or sterilized according to requirements listed

under 331-915-0080, including completely disassembling the tattoo machine including grips or handles.

(q) Ensure bottles used for rinsing tattoos, grips and clip cords are covered during a tattoo procedure and sterilized or disinfected following service on each client.

(r) Ensure if bottles used for rinsing tattoos, are filled with distilled or sterilized water.

(s) Ensure inks, dyes, and pigments are stored in a way to prevent contamination through touch or air particulates, including but not limited to a closed cabinet or drawer. Proper hand washing and gloving techniques must be used in accordance with OAR 331-915-0075 before handling or dispensing inks, dyes and pigments including when services are being performed on a client.

(r) Dilute inks, dyes, and pigments using sterile or distilled water.

(3) A licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.

~~(4) All substances must be dispensed from containers in a manner to prevent contamination of the unused portion of product.~~

(4) All substances must be dispensed in a single use container and discard at the end of each procedure to prevent cross contamination.

(5) Single use tubes, containers and applicators must be discarded following service on each client.

(6) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

(7) Between each service area there must be a clean nonporous barrier, unless services are being provided under an event facility license, or five feet between each client to prevent contact with blood or other potentially infectious materials.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13; HLA 15-2013, f. 12-30-13, cert. ef. 1-1-14; HLO 1-2017, f. & cert. ef. 1-6-17

331-915-0075

Standards for Client Services for Tattooing

(1) A licensee must wash hands in accordance with Subsection (2) of this rule as follows:

- (a) Prior to donning gloves to set-up of instruments used for conducting a tattoo procedure;
- (b) Immediately prior to donning gloves to perform a tattoo procedure;
- (c) Immediately after removing gloves at the conclusion of performing a tattoo procedure and after removing gloves at the conclusion of procedures performed in the sterilization area;
- (d) When leaving the work area;
- (e) When coming in contact with blood or other potentially infectious materials;
- (f) Before and after performing the following acts not limited to eating, drinking, smoking, applying lip cosmetics or lip balm, handling contact lenses, or using the bathroom; or
- (g) When hands are visibly soiled.

(2) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, for at least 20 seconds then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists. Antibacterial hand sanitizer may be used between the first and last hand washing.

(3) A new pair of disposable gloves must be worn during the treatment of each client;

(4) A minimum of one pair of disposable gloves must be used for each of the following stages of the tattooing procedure as follows:

- (a) Set-up of instruments used for conducting tattooing procedures and skin preparation of the tattooing procedure area;
 - (b) The tattooing procedure and post-procedure teardown; and
 - (c) Cleaning and disinfection of the procedure area after each use or between clients.
- (5) Once gloves have been removed, they must be disposed of immediately and hand washing instructions listed in Subsection (2) of this rule must be followed.

(6) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (2) of this rule must be followed and gloves changed following hand washing.

(7) Disposable gloves must be removed before leaving the area where tattoo procedures are performed.

(8) When a licensee leaves the tattooing procedure area in the middle of a tattooing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (2) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.

(9) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (2) of this rule.

(10) A client's skin must be thoroughly cleaned with an antiseptic solution.

(11) A licensee is prohibited from wearing jewelry under gloves.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13; HLO 1-2017, f. & cert. ef. 1-6-17

331-915-0080

Approved Sterilization Standards for Tattooing

(1) Needles must be single use, used on one client, then properly disposed of in an approved sharps container defined under OAR 331-915-0000.

(2) All non-sterilized or reusable instruments that come in direct contact with a client's skin or are exposed to blood or other potentially infectious materials must be cleaned and sterilized before use on a client or re-use on another client.

(3) New gloves must be worn during any sterilization procedure.

(4) The cleaning and sterilization process listed in subsection (5) of this rule is not required if single-use prepackaged sterilized instruments, obtained from suppliers or manufacturers are used.

(5) Approved cleaning and sterilization process for non-sterilized or reusable instruments includes the following ordered method after each use:

(a) Place non-sterilized instruments or reusable instruments in an ultrasonic cleaner filled with an appropriate ultrasonic solution including but not limited to an enzymatic cleaner. The ultrasonic unit must be used according to the manufacturer's instructions. The ultrasonic unit must operate at 40 to 60 kilohertz. The ultrasonic cleaner must remain covered when in use. Self-contained instrument washer used to decontaminate instruments prior to sterilization may be used in place of an ultrasonic cleaner and used according to manufacturer instructions.

(b) Remove non-sterilized or reusable instruments from the ultrasonic unit **or a self-contained instrument washer**. Clean non-sterilized or reusable instruments by manually brushing or swabbing visible foreign matter and rinsing the instruments with warm water and an appropriate detergent solution to remove blood and other potentially infectious materials;

~~(c) Place non-sterilized or reusable instruments and individually package each instrument in sterilization pouches that include use of a color change indicator strip to assure sufficient temperature during each sterilization cycle, the date the sterilization was performed must be applied to the sterilization pouch; OR Instruments which are sterilized in an autoclave which the manufacturer does not require packaging of instruments or use of a color change indicator strip must be used immediately after sterilization process is complete. Storage of sterilized Instruments using this method is prohibited;~~

(c) Place non-sterilized or reusable instruments and individually package each instrument in sterilization pouches that include use of a color change indicator strip to assure sufficient temperature during each sterilization cycle, the date the sterilization was performed must be applied to the sterilization pouch; OR Instruments which are sterilized in an autoclave which the manufacturer does not require packaging of instruments or use of a color change indicator strip must be used immediately after sterilization process is complete. Storage of sterilized Instruments using this method is prohibited;

(d) Non-sterilized or reusable instruments must be sterilized by using an autoclave sterilizer, steam or chemical, registered and listed with the FDA;

(e) A steam sterilization integrator must be used to monitor the essential conditions of steam sterilization for each autoclaved load or cycle. Results must be recorded in a log book for each sterilization cycle. Each steam sterilization integrator must indicate the date the sterilization cycle took place. Steam sterilization integrators must be kept for a minimum of sixty days; and

(f) After sterilization, the sterilized instruments must be stored in individually packaged sterilization pouches that include a color change indicator strip listed under (5)(c) of this rule and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments. The date the sterilization was performed must be applied to the sterilization pouch while being stored.

(6) Use of a biological monitoring system (“spore tests”) must be done at least once a month, verified through an independent laboratory, to assure all microorganisms have been destroyed and sterilization achieved.

(7) The ultrasonic unit listed in subsection (5)(a) of this rule must be used, cleaned, and maintained in accordance with manufacturer’s instructions and a copy of the manufacturer’s recommended procedures for the operation of the ultrasonic unit must be kept on file at the body art facility.

(8) All sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule must contain a chemical/temperature and/or humidity sensitive tapes, strips or pellets for monitoring each sterilization cycle.

(9) Sterilization pouches with color change indicator strips listed in subsection (5)(c) of this rule and steam sterilization integrators listed in (5)(e) of this rule must be available at all times for inspection by the Office.

(10) Biological spore test results listed in subsection (6) of this rule must be immediately available at all times for inspection by the Office and kept at facility premises for a minimum of two years.

(11) The autoclave listed in subsection (5)(d) must be used, cleaned, and maintained in accordance with manufacturer’s instructions and a copy of the manufacturer’s recommended procedures for the operation of the autoclave must be kept on file at the body art facility.

(12) The expiration date for sterilized instruments is one year from the date of sterilization unless the integrity of the package is compromised.

(13) Sterilized instruments may not be used if the package integrity has been breached, is wet or stained, or the expiration date has exceeded without first meeting the requirements listed in Subsection (5) of this rule.

(14) All sterilized instruments used in tattooing procedures must remain stored in sterile packages and in a dry, disinfected, closed cabinet or other tightly-covered container reserved for the storage of such instruments until just prior to the performance of a tattooing procedure.

(15) If a biological spore test listed in subsection (6) of this rule, result is positive, a licensee must discontinue the use of that sterilizer (autoclave) until it has been serviced and a negative spore test has been recorded before putting that sterilizer back into service. Until a negative spore test has been received, the licensee must:

(a) Use an alternative sterilizer (autoclave);

(b) Use only sterilized instruments that have a sterilization date on or before the date that last negative spore test was recorded; or

(c) Use only single use instruments.

(16) Following a positive spore test instruments which were sterilized following the receipt of the positive spore test must be repackaged and sterilized pursuant to subsection (5) of this rule, before use.

(17) Following a positive spore test the licensee or facility must contact all clients in writing who may have received services prior to receiving the negative spore test results.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 1-2013, f. & cert. ef. 1-16-13; HLO 1-2017, f. & cert. ef. 1-6-17

331-915-0085

Client Records and Information for Tattooing

(1) A licensee is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

(a) Name, address, telephone number and date of birth of client;

(b) Date of ~~each~~ service, procedure location on the body;

(c) Name and license number of the licensee providing service;

(d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing;

(e) Complete list of the client's sensitivities to medicines or topical solutions;

(f) History of the client's bleeding disorders;

(g) Description of complications during procedure(s); and

(h) A signature acknowledging the client received and understands the following information and consents to the tattoo procedure. The information must be provided verbally and in writing **or electronically**:

(A) Explanation of procedure;

(B) Risk(s) of procedure or process;

(C) Description of potential complications or side effects;

(D) Adverse outcomes or reactions;

(E) Restrictions; and

(F) After care instructions.

(2) A licensee may obtain advice from a physician regarding medical information needed to safeguard client and licensee. Advice from the physician must be documented in the client record.

(3) A licensee must obtain proof of age for all clients; a copy of a government issued photographic identification must be included in the client record.

(4) A physician may authorize or prescribe a tattoo service be performed on a client who is a minor pursuant to OAR 331-915-0065. Written authorization or prescription from the physician is required. The physician authorization or prescription must be submitted to the licensee by the physician prior to tattooing the minor. A copy of the minor's photographic identification must be included in the client record.

~~(5) For the purpose of Subsection (1) through (4) of this rule records must be maintained on the facility premises for a minimum of three years and must be made immediately available to the Office upon request.~~

(5) For the purpose of (1) through (4) of this rule records must be maintained at facility premises for 90 days and make other records available within seven days to the Office. Records must be kept for a minimum of three years and may be stored electronically.

(6) Client records must be typed or printed in a legible format. Client records, which are not legible to the Office, will be treated as incomplete.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12
thru 4-12-13; HLA 1-2013, f. & cert. ef. 1-16-13; HLO 1-2017, f. & cert. ef. 1-6-17