

PRACTICE CLARIFICATION – Administration of Topical Anesthesia by Oregon Licensed Tattoo Artists

DATE: March 25, 2026 (revised March 31, 2026, and May 20, 2026)

1. Q: Is the administration of topical anesthesia to a client within the scope of practice of a licensed tattoo artist?

A: No.

The practice of medicine is defined by statute, ORS 677.085, and includes: “For compensation directly or indirectly received or to be received, offer or undertake to prescribe, give or administer any drug or medicine for the use of any other person.”

ORS 677.080(4) states a “a person may not . . . (4) Except as provided in ORS 676.347, 677.060 and 677.137, practice medicine in this state without a license required by this chapter.”

Tattoo artists are not listed in ORS 676.347, 677.060 and 677.137. The statutes that apply to tattoo artists do not give tattoo artists authority to administer pain control medications like topical anesthesia.

There is also statutory authority in ORS Chapter 690 (which governs tattoo artists) to follow rules enacted by the Health Licensing Office (HLO) for infection control, such as the use of antiseptic solutions and disinfecting agents. The use of antiseptic solutions and disinfecting agents for infection control is different from the administration of medication for pain control.

2. Q: Can a client self-administer topical anesthesia?

A: HLO and the Board of Electrologists and Body Art Practitioners (Board) do not prevent or regulate a client’s self-administration of topical anesthesia during the tattoo process.

3. Q: What happens if a complaint is filed on a licensed tattoo artist for administering topical anesthesia on a client?

A: All complaints must go through the HLO regulatory complaint process. The complaint will be reviewed by the HLO's Regulatory Operations Division and if there is reason to believe a violation of rules or statute has occurred, an investigation will take place.

If the completed investigation provides sufficient evidence to conclude a violation of either rule or statute, the licensee will receive a Notice of Intent to Impose Disciplinary Action (NOI), which includes the violation(s), proposed disciplinary action, as well as the rights of the licensee. Licensees who receive an NOI have the right to request a hearing.

Additional information regarding the regulatory complaint process, including the right to request a hearing, can be found here:

[Regulatory Complaint Information and the Complaint Process](#)

4. Q: When did the “ban” on the use of topical anesthesia by licensed tattoo artists take effect?

A: The use of topical anesthesia has not been within the scope of practice of a licensed tattoo artist since the Board was established. It is not a new rule, a change in rule or a newly effective ban. Lawfully administering topical anesthesia by a licensed tattoo artist would require the legislature to change existing statutes.

5. Q: Is there a process to modify existing statutes?

A: Yes. Additional information regarding Oregon's legislative process can be found on the State of Oregon's Legislative website or by using the following link:

[Oregon State Legislature - How Ideas Become Law](#)

An example of legislation introduced to lawfully allow the use of topical anesthesia by tattoo artists was House Bill (HB) 2209, brought forward during Oregon's 2023 legislative session.

After being assigned to the House Committee on Behavioral Health and Health Care, the bill was not given a hearing date and did not move forward in the legislative process.

6. Q: Since the administration of topical anesthesia is not within the scope of practice of a licensed tattoo artist, can a body art facility sell over-the-counter topical anesthesia?

A: Most likely, yes. However, a facility selling over-the-counter nonprescription medication directly to the consumer would be required to obtain a Retail Drug Outlet Registration through the Oregon Board of Pharmacy (OBOP).

7. Q: How can I get notified about important updates from the Oregon Health Authority (OHA) related to my profession?

A: HLO and OHA send out important updates to licensees via email. It's important to ensure that your current email address is on file with the HLO to receive notifications. If you need to update your email address, please send an email including your full name, license number, and your updated email address to hlo.info@odhsoha.oregon.gov.

Individuals may also request topic specific notifications from OHA by signing up here:

[Oregon Health Authority - Notification Sign Up by Topic](#)

State issued notifications are often blocked from being received by Yahoo and Hotmail email users, due to restrictions put in place by the email provider. Switching email providers may be required to receive emails from HLO and OHA.

*Please note that the HLO does not provide individual legal advice. If you have questions about interpreting the statutes related to the tattoo profession you will need to consult an attorney.