

Article 13
Tattoo Shops

- §41301. Definitions.
- §41302. Authority.
- §41303. Construction Permit.
- §41304. Sanitary Permit.
- §41305. General Sanitary Requirements.
- §41306. Sanitary Controls and Facilities.
- §41307. Construction and Maintenance of Physical Facilities.
- §41308. Cleaning, Sterilization/Sanitation of Tattooing Instruments and Equipment Storage.
- §41309. Equipment and Materials Used.
- §41310. Aseptic Technique.
- §41311. Hygiene.
- §41312. Control of Contagious Disease.
- §41313. Records.
- §41314. Health Certificate.
- §41315. Repealer.
- §41316. Separability.

§41301. Definitions. (a) *Tattoo Shop* means any premises where a Tattoo artist does tattooing for a fee or for other consideration.

(b) *Tattoo Artist* means one who engages in tattooing.

(c) *Tattooing* means to mark or to color the skin by pricking and introducing subcutaneously, non-toxic dyes, pigments, or by the production of scars to form indelible marks and figures.

(d) *Aseptic Technique* means the practices which prevent and hinder the transmission of disease producing micro-organisms from one person or place.

(e) *Adequate, Approved, and Proper* means the procedure or materials are acceptable to the Director based on the determination as to their conformity with aseptic techniques.

(f) *Department* means the Guam Department of Public Health and Social Services.

(g) *Director* means the Director of the Department of Public Health and Social Services or his/her authorized representative.

(h) The term *Owner (Operator, Manager)* shall mean any person having control of the establishment or of persons working or employed therein.

(i) *Construction Permit* shall mean a permit issued by the Department of Public Health and Social Services giving

permission to construct, extend, alter, or modify a structure or building to be used as a Tattoo Shop.

(j) *Sanitary Permit* shall mean a written document issued by the Department of Public Health and Social Services giving a designated person, association, or corporation permission to operate a Tattoo Shop, 10 GCA §76205.

§41302. Authority. Title 10 Guam Code Annotated §10102 and §§21101 and 21102 authorizes the Department to establish Rules and Regulations governing Tattoo Shops and to ensure that all provisions of 10 GCA Division 2 regarding permit issuance are carried out.

§41303. Construction Permit. Any person, association or corporation, before constructing a Tattoo Shop or before making an addition to or conversion of or major alteration of an existing facility shall first submit plans and specifications of such building or changes to the Department of Public Health and Social Services, Division of Environmental Health in accordance with separate regulations established for obtaining a Construction Permit from the Department.

§41304. Sanitary Permit. (a) No person, association, or corporation shall directly or indirectly in any manner, conduct, control, manage, maintain or operate a Tattoo Shop or operation unless a valid Sanitary Permit issued by the Department to operate such a facility has been obtained and posted.

(b) An application for a Sanitary Permit to operate all new or existing facilities shall be made in writing on a form prescribed by the Department, signed by the applicant or his/her authorized agent.

(c) Before the application for a Sanitary Permit shall be approved, the Director shall verify that the facility meets the minimum sanitary requirements and standards: This will involve right of entry, inspection, and investigation. The Sanitary Permit application shall be accompanied by inspection report citing conditions of the establishment.

(d) If upon inspection the Department is satisfied that the Tattoo Shop reasonably meets the requirements and standards prescribed, a non-transferable Sanitary Permit designating the type of facility shall be issued. Said Sanitary Permit shall be posted in a conspicuous area designated by the Director. All Sanitary Permits shall be valid for 12 months and renewed on June 30 of each year.

(e) If the application or renewal indicates that the facility does not meet the minimum sanitary requirements and standards, the Sanitary Permit shall be denied or terminated.

(f) An application for renewal of a Sanitary Permit shall be filed at least 15 days prior to its expiration date and upon approval by the Division, a new Sanitary Permit shall be issued.

(g) Failure to comply with any regulation or standard listed below shall be reason to deny issuance of a Sanitary Permit. The same shall also be reason or cause to suspend or revoke a current Sanitary Permit.

(1) Employees working who have a contagious disease (§41312).

(2) Employees working who do not have a valid Health Certificate (§41312).

(3) Unapproved or inadequate water supply or plumbing (§41306(a)(2) & (3) and §41306(d)).

(h) Any person denied a permit, or whose permit has been revoked for cause may appeal from the Director's action. The appeal shall be in accordance with 10 GCA §21109.

(i) There shall be a \$5.00 charge for any duplicate permits issued.

§41305. General Sanitary Requirements. (a) Tattoo Shops shall be located in areas least subjected to dust contamination. The Tattoo Shop shall not be used as or in connection with a living, cooking or sleeping facility.

(b) The shop shall be maintained in a sanitary condition by the owner or operator.

(c) The walls and ceilings shall be kept clean and in good repair.

(d) All floors shall be of smooth non- absorbent materials and constructed so as to be easily cleanable. All floors shall be kept clean and in good repair.

§41306. Sanitary Controls and Facilities. (a) **Water Supply.**

(1) Enough potable water at the correct temperature and pressure for the needs of the Tattoo Shop shall be provided.

(2) The Water supply of the Tattoo Shop shall be from an approved source.

(3) The water supply plumbing shall be sized, installed and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross- connections between the potable water supply and any non-potable system, nor shall there be any conditions which would allow backflow or back-siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply.

(b) Lavatories.

(1) Lavatories shall be provided, and shall be at least the minimum number required by law and shall be conveniently located.

(2) Lavatories shall be accessible to employees at all times.

(3) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules.

(4) Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.

(5) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or an automatic hand drying device providing heated air shall be conveniently located near each lavatory. The presence and use of common or roll towels is prohibited. Where disposable towels are used, easily cleanable waste containers shall be conveniently located near lavatories.

(6) Each Tattoo Shop shall be provided with a sink for exclusive use of the tattoo artist adequate for hand washing and preparing the customers for tattooing. The sink shall be provided with adequate hot and cold running water under pressure with mixing valve or combination faucet. There shall also be available at the sink approved soap, clean single use towels dispensed from an approved dispenser and refuse containers which are easily cleanable and provided with the tight fitting lids.

(7) Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

(8) In all new or extensively remodeled Tattoo Shops, a hand washing lavatory shall be provided within the tattooing area or room.

(c) Toilet Facilities.

(1) Enough toilet facilities shall be installed according to law, shall be conveniently located, and shall be accessible to employees and patrons at all times. Separate toilet facilities for both sexes shall be provided.

(2) Toilet rooms shall be completely enclosed and shall have self-closing doors. Toilet room doors shall be kept closed at all times when the establishment is open for business. Where necessary doors shall be fitted properly louvered ventilators to aid in providing proper ventilation.

(3) Toilet fixtures and rooms shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair. Easily cleanable, covered waste containers shall be provided. Toilet tissue shall be available for each toilet at all times. Toilet facilities shall not be used for the storage of personal belongings.

(d) Sewage Disposal. All sewage, including liquid waste of any kind, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law.

(e) Garbage and Refuse Disposal.

(1) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak or absorb liquids.

(2) Containers stored outside the establishment shall be cleanable, shall be provided with tight-fitting covers, and shall be covered when not in actual use.

(3) There shall be a sufficient number of containers to hold all garbage and refuse that accumulates.

(4) Garbage and refuse shall be collected often enough to prevent odors and the attraction of rodents and insects.

(5) Outside storage containers shall be kept off of the ground on racks which provide at least 18" ground clearance, or on solid concrete or asphalt pads. Areas around outside storage containers shall be kept clean and litter free.

(f) **Food.** Food and drink, other than coffee or soft drinks, shall not be served to any customer.

(g) **Premises.**

(1) Tattoo Shops and all parts of the premises and property used in connection with their operations shall be kept clean and free of litter.

(2) Only articles necessary for the operation and maintenance of the Tattoo Shop shall be stored on the premises.

(3) Storage lockers, closets, or rooms shall be provided for the storage of cleaning and maintenance supplies, and they shall be kept clean and orderly.

(4) "No Smoking" signs shall be posted in the tattooing area.

(5) "Only Tattooing" shall be permitted in a Tattoo Shop.

(g) **Animals.** Live animals, including birds, shall be excluded from all areas of the Tattoo Shop. This exclusion shall not apply to patrol dogs accompanying security guards, nor to guide dogs accompanying their handlers, nor to fish in aquariums for decorative purposes only.

§41307. Construction and Maintenance of Physical Facilities. (a) General.

(1) No person shall operate a Tattoo Shop in connection with any other business or dwelling unless there is a solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling.

(2) Each tattoo artist shall be provided with an adequate work table and storage cabinets. The surface of all work tables shall be constructed of metal or other material which is smooth, light colored, non-absorbent, corrosive-resistant and easily cleaned.

(3) The work tables shall be located at least ten feet from observers and waiting customers or shall be at least six feet high. The panel may be constructed

with glass, solid plastic, wood or similar material. Where wood is used it shall be painted or sealed to be non-absorbent and easily cleanable.

(4) All floors, walls, ceilings, fixtures and furnishings shall be constructed so as to be easily cleanable, shall be kept clean and shall be kept in good repair.

(b) **Lighting.** Lighting shall be provided so that at least 50 foot candles of light shall be available in the immediate tattooing areas, and at least 20 foot candles of light shall be available in all other areas.

(c) **Ventilation.** All rooms shall have sufficient ventilation to keep them free of excessive, obnoxious odors, smoke, and moisture. Mechanical ventilation systems shall be installed and operated where natural ventilation is not adequate. Where mechanical ventilation is provided, adequate provisions shall be made to supply make-up air.

(d) **Lockers and Dressing Areas.**

(1) Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers may be located in either storage rooms, employee lounge areas, or in any other area approved by the Director.

(2) When employees or customers routinely change clothes within the Tattoo Shop, separate areas approved by the Director, shall be provided.

§41308. Cleaning, Sterilization/Sanitization of Tattooing Instruments and Equipment Storage. (a) All multi-use instruments in tattooing human beings, shall be wrapped and sterilized in steam in an autoclave with at least 15 pounds pressure per square inch for at least 15 minutes at 240_F before each use; or

(b) By immersion in an approved germicidal solution for an approved period of time; or

(c) Any other method approved by the Director.

(d) Needles are considered disposal and shall be destroyed after use, and shall be used on only one customer.

(e) Approved closed cabinets for the exclusive storage of instrument, dyes, pigments, carbon, stencils, and other

paraphernalia used in the shop shall be provided for each tattoo artist.

§41309. Equipment and Materials Used. (a) Not less than 12 sets of sterilized needles and tubes or tips shall be on hand for an eight hours operation per tattoo artist.

(b) All dyes or pigments used in tattooing shall be from sources approved by the Department.

(c) Each tattoo artist shall have a hand brush and finger nail file, each of which shall be cleaned and disinfected after each use.

§41310. Aseptic Technique. (a) Before working on a customer the Tattoo artists shall clean their hands in the following manner:

(1) Thoroughly scrub hands and fingernails with appropriate hand cleanser, warm water, and a hand brush.

(2) Rinse hands under warm running water.

(3) Rinse hands in an approved antiseptic solution such as seventy percent rubbing alcohol, or other approved antiseptic solution.

(b) The area of the customer's skin to be tattooed shall be prepared by:

(1) Washing with warm water and approved cleanser. A sterile hand brush shall be used to produce a clean skin area.

(2) Shaving shall be done with a sterile razor blade.

(3) The shaved area shall be thoroughly cleaned with warm water and approved cleanser.

(c) Before placing the design on the customer's skin, the tattoo artist shall treat the skin area with seventy percent rubbing alcohol or other approved germicidal solution which shall be applied with sterile cotton or sterile gauze.

(d) Only petroleum jelly shall be applied to the area to be tattooed and it shall be dispensed from collapsible metal or plastic tubes. The application may be spread by the use of sterile gauze but not directly with the fingers.

(e) The stencil for transferring the design to the skin shall be thoroughly cleaned and rinsed in an approved germicidal solution and dried with sterile gauze.

(f) Single-service or individual portion dyes or pigments in sterilized containers or single-service containers shall be used for each customer. After tattooing, the remaining unused dye or pigments in the single-service or individual containers shall be discarded.

(g) As the tattoo operation progresses, any excess dye or pigment applied to the skin shall be removed with sterile cloth or paper.

(h) The completed tattoo shall be washed with a piece of sterile cloth or paper saturated with an approved germicidal solution. Antibiotic ointments registered under United States Pharmacopoeia or National Formulary shall be applied from a collapsible metal or plastic tube and the entire area covered with a piece of sterile dressing, which may in turn be covered with a piece of sterile dressing, which may in turn be covered with a piece of tissue, and fastened to the site with an approved type of adhesive.

(i) Immediately after tattooing, the tattoo artist shall advise the customer on the care of the tattoo and instruct the customer to consult a physician at the first sign of infection.

§41311. Hygiene. (a) Employee Practices, Hygiene.

(1) All employees and operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.

(2) Employees' hands shall be thoroughly washed before and after attending each customer.

(3) All employees and operators shall wear socks and oxford or similar style shoes.

(4) The tattoo artist shall use standards of aseptic technique in tattooing, dressing, and other operations that are approved by the Director.

(5) The tattoo artist shall use only supplies and equipment approved by the Director.

(6) The minimum standards of §41306 through §41309 shall be observed at all times.

(b) Restrictions.

(1) It shall be unlawful to tattoo any person who is under the influence of intoxicating substances. These substances include but shall not be limited to alcohol, drugs, paints, and glues.

(2) It shall be unlawful to tattoo any person under the age of eighteen years old without the written consent of the parents or legal guardian. All written consent shall be kept on file in the tattoo shop.

§41312. Control of Contagious Disease. (a) The Sanitary Permit holder shall keep, maintain, and operate the establishment under permit in such a manner that the health of customers, the health of persons employed therein and the public health is not endangered in any way.

(b) Notice shall be sent to the Department immediately by the operator of any Tattoo Shop in which any case of infections contagious or communicable disease occurs, or is suspected of occurring, and no person having or suspected of having such disease shall be employed or attended to as a patron.

(c) Operators or employees afflicted with a contagious or infectious disease in a communicable form shall not be allowed to work until the Department receives a written statement from the employee's physician stating that the employee is free of any contagious or infectious disease.

(d) No person shall practice tattooing for fee in any place other than at a Tattoo Shop with a valid Sanitary Permit.

§41313. Records. (a) The permit holder shall maintain proper records of each customer. The records shall include the following information.

- (1) The date when the tattoo was applied.
- (2) The name, address, and age of the customer.
- (3) The branch of service, rate of rank, and serial number of the customer if in the armed forces.
- (4) The design and location of the tattoo.
- (5) The name of the tattoo artist.
- (6) The signature of the customer.

(b) The information required in §41313(a) shall be permanently recorded, in ink or indelible pencil, in a bound book kept solely for this purpose. This book shall be available at reasonable hours for examination by the Director and shall be kept in the Tattoo Shop for two years from the date of last entry.

(c) Written consents for persons under eighteen years of age shall be kept on file for two years in the Tattoo Shop.

(d) The permit holder shall surrender to the Department of Public Health and Social Services, Division of Environmental Health records of each customer upon closure of the establishment.

§41314. Health Certificate. (a) No person shall practice the art of tattooing unless he or she holds a valid Health Certificate issued by the Department.

(b) Any person desiring to engage in tattooing shall apply in writing to the Director on the form provided by the Department for this purpose. No Health Certificate shall be issued or renewed unless the applicant has undergone a physical examination using report forms provided by the Department. The examination shall include a chest x-ray or tuberculin skin test and a blood test for syphilis. The physical examination record shall be kept on file in the tattoo shop by the permit holder.

(c) Each applicant shall pay a fee of ten dollars (\$10.00) after passing the physical examination and a Health Certificate will be issued.

(d) All Health Certificates shall expire each year.

(e) For each duplicate issue, a one dollar (\$1.00) fee shall be charged.

§41315. Repealer. These regulations are effective immediately upon their adoption and filing with the Legislative Secretary of the Guam Legislature. At that time all regulations and parts of regulations that conflict with these regulations are repealed, except that nothing contained in this regulation shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of other sections of Public law 15-96, or regulations established thereunder.

§41316. Separability. If any provision or application of any provision of these regulations is held invalid, that invalidity shall not affect the other provisions or applications of these regulations.
