BOARD FOR BARBERS AND COSMETOLOGY

TATTOOING REGULATIONS

Last Updated March 29, 2023

STATUTES

Title 54.1, Chapter 7

Department of Professional and Occupational Regulation

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Richmond, Virginia 23233
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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 7. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the regulations that you will need to know and obey to get and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Barbers and Cosmetology
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233

Or call the Agency at (804) 367-8509

Or e-mail at barbercosmo@dpor.virginia.gov

Information is also available on the Department of Professional and Occupational Regulation website:

www.dpor.virginia.gov

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CHAPTER 50.

TATTOOING REGULATIONS

PART I.

GENERAL.

18 VAC 41-50-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in 18VAC41-50-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Direct supervision" means that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice, that a Virginia licensed tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student, or that a Virginia licensed permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology as defined in § 54.1-700 of the Code of Virginia.

"Limited term tattooer" means a tattooer licensed to perform tattooing for a maximum of five consecutive days in an organized event or in a Virginia licensed tattoo parlor.

"Limited term tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing including but not limited to cheek blush, eye shadow, breast and scar repigmentation or camouflage.

"Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including but not limited to eyebrows, eyeliners, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including but not limited to eyebrows, eyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, and on the body for breast and scar repigmentation or camouflage; also known as permanent make-up or micropigmentation.

"Permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of permanent cosmetic tattooing.

"Permanent cosmetic tattooing school" means a place or establishment licensed by the board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the board.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.

"Tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of tattooing.

"Temporary location" means a fixed location at which tattooing is performed for a specified length of time of not more than five days in conjunction with a single event or celebration.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART II.

ENTRY.

18 VAC 41-50-20. General Requirements for Tattooer, Limited Term Tattooer, Permanent Cosmetic Tattooer, or Master Permanent Cosmetic Tattooer.

A. In order to receive a license as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:

1. The applicant must be in good standing as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.

2. The applicant shall disclose the applicant's physical address. A post office box is not acceptable.

3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and the board's tattooing regulations.

4. In accordance with § 54.1-204 of the Code of Virginia, the applicant must not have been convicted in any jurisdiction of a felony or non-marijuana misdemeanor that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.

5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.

6. Persons who (i) make application for licensure between October 1, 2006, and September 30, 2007; (ii) have completed three years of documented work experience within the preceding five years as a tattooer; and (iii) have completed a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia.

a. Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor or completing an approved tattooing training program in a Virginia licensed school of tattooing, or completing a permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.

b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

a. Any person completing a tattooing or permanent cosmetic tattooing training or tattooing apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. If less than required hours of tattooing or permanent cosmetic tattooing training or tattooing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training or tattooing apprenticeship or permanent cosmetic tattooing training or documentation of three years of work experience within the preceding five years as a tattooer, and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to blood-borne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board in order to be eligible for examination.

b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 38, Issue 4, eff. December 1, 2021.

18 VAC 41-50-30. License by Endorsement.

Upon proper application to the board, any person currently licensed to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license, permanent cosmetic tattooer license, or master permanent cosmetic tattooer license without an examination. The applicant must also meet the requirements set forth in 18VAC41-50-20 A 1 through A 4.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-40. Examination Requirements and Fees.

A. Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-50. Reexamination Requirements.

Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-60. Examination Administration.

A. The examinations may be administered by the board or the designated testing service.

B. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed $225 per candidate.

Historical Notes
Derived from Volume 23, Issue 12, eff. April 1, 2007.

18VAC41-50-70. General Requirements for a Tattooing Apprenticeship Sponsor.
A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:

1. Holds a current Virginia tattooer license;

2. Provides documentation of legally practicing tattooing for at least five years; and

3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-80. Tattoo Parlor, Limited Term Tattoo Parlor, or Permanent Cosmetic Salon License.

A. Any individual wishing to operate a tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon shall obtain a tattoo parlor license, limited term tattoo parlor license, or permanent cosmetic tattoo salon license in compliance with § 54.1-704.1 of the Code of Virginia.

B. A tattoo parlor license, limited term tattoo parlor license, or permanent cosmetic tattoo salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the parlor or salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

C. In the event of a closing of a tattoo parlor or permanent cosmetic tattoo salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

D. Any individual wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or limited term tattoo parlor license issued by the board.

E. A limited term tattoo parlor license is effective for five consecutive days prior to the expiration date.

F. A person or entity may obtain a maximum of five limited term tattoo parlor licenses within a calendar year.

G. A person or entity may obtain a maximum of two limited term tattoo parlor licenses within a 30 consecutive days time period.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-90. Limited Term Tattooer License.

A. A limited term tattooer license is effective for five consecutive days prior to the expiration date.

B. A person may obtain a maximum of five limited term tattooer licenses within a calendar year.

C. A person may obtain a maximum of two limited term tattooer licenses within a 30 consecutive days time period.

D. A limited term tattooer applicant must meet the following qualifications:

1. Requirements set forth in 18VAC41-50-20 A 1 through A 4.

2. Documentation of health education knowledge to include but not limited to blood-borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR that is acceptable to the board.

E. A limited term tattooer applicant is not required to complete 18VAC41-50-20 A 5.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-100. School License.

A. Any individual wishing to operate a tattooing school or permanent cosmetic tattooing school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia.

B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-110. Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:

1. Holds a current Virginia tattooer license; and

2. Provides documentation of three years of work experience within the past five years.

B. Tattooing instructors shall be required to maintain a tattooer license.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-120. Permanent Cosmetic Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:

1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license; and

2. Provides documentation of three years of work experience within the past five years.

B. Permanent cosmetic tattooing instructors shall be required to maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART III.

FEES.

18 VAC 41-50-130. Fees

The following fees apply:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	$90	$105	With application
License by Endorsement	$90	$105	With application
Renewal	$90	$105	With renewal card prior to expiration date
Reinstatement	$180* *includes $90 renewal fee and $90 reinstatement fee	$210* *includes $105 renewal fee and $105 reinstatement fee	With reinstatement application
Instructors:			
Application	$110	$125	With application
License by Endorsement	$110	$125	With application
Renewal	$110	$125	With renewal card prior to expiration date
Reinstatement	$220* * includes $110 renewal fee and $110 reinstatement fee	$250* *includes $125 renewal fee and $125 reinstatement fee	
Parlors or Salons:			
Application	$165	$190	With application

Renewal	$165	$190	With renewal card prior to expiration date
Reinstatement	$330* *includes $165 renewal fee and $165 reinstatement fee	$380* *includes $190 renewal fee and $190 reinstatement fee	With reinstatement application
Schools:			
Application	$185	$220	With application
Renewal	$185	$220	With renewal card prior to expiration date
Reinstatement	$370* *includes $185 renewal fee and $185 reinstatement fee	$440* *includes $220 renewal fee and $220 reinstatement fee	With reinstatement application

Historical Notes

Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 27, Issue 23, eff. September 1, 2011; Volume 30, Issue 10, eff. March 1, 2014; Volume 32, Issue 24, eff. September 1, 2016; Volume 34, Issue 22, eff. June 25, 2018; Volume 36, Issue 21, eff. September 1, 2020; Volume 38, Issue 25, eff. September 1, 2022.

18 VAC 41-50-140. Refunds.
All fees are nonrefundable and shall not be prorated.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART IV.

RENEWAL/REINSTATEMENT.

18 VAC 41-50-150. License Renewal Required.

All tattooer licenses, tattoo parlor licenses, tattooing instructors licenses, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-160. Continuing Education Requirement.

All licensed tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-170. Notice of Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-140. Failure to Renew.

A. When a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer fails to renew his license within 30 days following its expiration date, the licensee shall meet the renewal requirements and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

B. When a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license.

C. When a tattoo parlor or permanent cosmetic tattoo salon fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

D. When a tattoo parlor or permanent cosmetic tattoo salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

E. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within 30 days following the expiration date, the licensee shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.

F. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.

G. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

H. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

I. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

J. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART V.

APPRENTICESHIP PROGRAMS

18 VAC 41-50-190. General Requirements.

A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of 18VAC41-50-70.

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of 18VAC41-50-80.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-200. Apprenticeship Curriculum Requirements.

Apprenticeship curriculum requirements are as follows:

1. Microbiology.
    - a. Microorganisms, viruses, bacteria, fungi;
    - b. Transmission cycle of infectious diseases; and
    - c. Characteristics of antimicrobial agents.
2. Immunization.
    - a. Types of immunizations;
    - b. Hepatitis A—G transmission and immunization;
    - c. HIV/AIDS;
    - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
    - e. Measles, mumps, and rubella;
    - f. Vaccines and immunization; and
    - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection.

a. Definition of terms.

(1) Sterilization;

(2) Disinfection and disinfectant;

(3) Sterilizer or sterilant;

(4) Antiseptic;

(5) Germicide;

(6) Decontamination; and

(7) Sanitation.

b. The use of steam sterilization equipment and techniques;

c. The use of chemical agents, antiseptics, disinfectants, and fumigants;

d. The use of sanitation equipment;

e. Preservice sanitation procedure; and

f. Post-service sanitation procedure.

4. Safety.

a. Proper needle handling and disposal;

b. How to avoid overexposure to chemicals;

c. The use of Material Safety Data Sheets;

d. Blood spill procedures;

e. Equipment and instrument storage; and

f. First aid and CPR.

5. Bloodborne pathogen standards.

a. OSHA and CDC bloodborne pathogen standards;

b. Control plan for bloodborne pathogens;

c. Exposure control plan for tattooers;

d. Overview of compliance requirements; and

e. Disorders and when not to service a client.

6. Professional standards.

a. History of tattooing;

b. Ethics;

c. Recordkeeping:

(1) Client health history;

(2) Consent forms; and

(3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.

d. Preparing station, making appointments, parlor ethics:

(1) Maintaining professional appearance, notifying clients of schedule changes; and

(2) Promoting services of the parlor and establishing clientele.

e. Parlor management:

(1) Licensing requirements; and

(2) Taxes.

f. Supplies:

(1) Usages;

(2) Ordering; and

(3) Storage.

7. Tattooing.

a. Client consultation;

b. Client health form;

c. Client disclosure form;

d. Client preparation;

e. Sanitation and safety precautions;

f. Implement selection and use;

g. Proper use of equipment; and

h. Material selection and use;

i. Needles;

j. Ink;

k. Machine:

(1) Construction;

(2) Adjustment; and

(3) Power supply;

l. Art, drawing; and

m. Portfolio.

8. Anatomy:

a. Understanding of skin; and

b. Parts and functions of skin.

9. Virginia tattooing laws and regulations.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-210. Hours of Instruction and Performances.

A. Curriculum requirements specified in 18VAC41-50-200 shall be taught over a minimum of 1500 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of 18VAC41-50-200;

2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18VAC41-50-200; and

3. The remaining 1000 hours shall be devoted to practical training to include but not limited to apprenticeship curriculum requirements and a total of 100 performances pertaining to subdivision 7 of 18VAC41-50-200.

B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART VI.

TATTOOING SCHOOLS

18 VAC 41-50-220. Applicants for Tattooing School License.

Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006
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18VAC41-50-230. General Requirements.
A tattooing school shall:

1. Hold a tattooing school license for each and every location.

2. Hold a tattoo parlor license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.

3. Employ a staff of certified tattooing instructors.

4. Develop individuals for entry-level competency in tattooing.

5. Submit its curricula for board approval.

6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.

8. Conduct all instruction and training of tattooers under the direct supervision of a certified tattooing instructor.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-240. School Identification.

Each tattooing school approved by the board shall identify itself to the public as a teaching institution.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-250. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-260. Hours Reported.

Within 30 days of the closing of a licensed tattooing school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who has not completed the program.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-270. Health Education.

Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood-borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-280. Tattooing School Curriculum Requirements.

Tattooing school curriculum requirements are as follows:

1. Microbiology.

    a. Microorganisms, viruses, bacteria, fungus;

    b. Transmission cycle of infectious diseases; and

    c. Characteristics of antimicrobial agents.

2. Immunization.

    a. Types of immunizations;

    b. Hepatitis A—G transmission and immunization;

    c. HIV/AIDS;

    d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;

    e. Measles, mumps, and rubella;

    f. Vaccines and immunization; and

    g. General preventative measures to be taken to protect the tattooer and client.

3. Sanitation and disinfection.

    a. Definition of terms:

    (1) Sterilization;

    (2) Disinfection and disinfectant;

    (3) Sterilizer or sterilant;

    (4) Antiseptic;

    (5) Germicide;

    (6) Decontamination; and

    (7) Sanitation.

    b. The use of steam sterilization equipment and techniques;

    c. The use of chemical agents, antiseptics, disinfectants, and fumigants;

    d. The use of sanitation equipment;

    e. Preservice sanitation procedure; and

    f. Post service sanitation procedure.

4. Safety.

a. Proper needle handling and disposal;

b. How to avoid overexposure to chemicals;

c. The use of Material Safety Data Sheets;

d. Blood spill procedures;

e. Equipment and instrument storage; and

f. First aid and CPR.

5. Blood-borne pathogen standards.

a. OSHA and CDC blood-borne pathogen standards;

b. Control plan for blood-borne pathogens;

c. Exposure control plan for tattooers;

d. Overview of compliance requirements; and

e. Disorders and when not to service a client.

6. Professional standards.

a. History of tattooing;

b. Ethics;

c. Recordkeeping:

(1) Client health history;

(2) Consent forms; and

(3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.

d. Preparing station, making appointments, parlor ethics:

(1) Maintaining professional appearance, notifying clients of schedule changes; and

(2) Promoting services of the parlor and establishing clientele.

e. Parlor management.

(1) Licensing requirements; and

(2) Taxes.

f. Supplies.

(1) Usages;

(2) Ordering; and

(3) Storage.

7. Tattooing.

a. Client consultation;

b. Client health form;

c. Client disclosure form;

d. Client preparation;

e. Sanitation and safety precautions;

f. Implement selection and use;

g. Proper use of equipment;

h. Material selection and use;

i. Needles;

j. Ink;

k. Machine:

(1) Construction;

(2) Adjustment; and

(3) Power supply;

l. Art, drawing; and

m. Portfolio.

8. Anatomy.

a. Understanding of skin; and

b. Parts and functions of skin.

9. Virginia tattooing laws and regulations.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-290. Hours of Instruction and Performances.

A. Curriculum requirements specified in 18VAC41-50-280 shall be taught over a minimum of 750 hours as follows:

1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8 and 9 of 18VAC41-50-280;

2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18VAC41-50-280; and

3. The remaining 250 hours shall be devoted to practical training to include but not limited to tattooing curriculum requirements and a total of 100 performances pertaining to subdivision 7 of 18VAC41-50-280.

B. An approved tattooing school may conduct an assessment of a student's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 350 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART VII.

PERMANENT COSMETIC TATTOOING SCHOOLS

18VAC41-50-300. Applicants for Permanent Cosmetic Tattooing School License.

Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-310. General Requirements.

A permanent cosmetic tattooing school shall:

1. Hold a permanent cosmetic tattooing school license for each and every location.

2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.

3. Employ a staff of certified permanent cosmetic tattooing instructors.

4. Develop individuals for entry-level competency in permanent cosmetic tattooing.

5. Submit its curricula for board approval.

6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.

8. Conduct all instruction and training of permanent cosmetic tattooers under the direct supervision of a certified permanent cosmetic tattooing instructor.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-320. School Identification.

Each permanent cosmetic tattooing school approved by the board shall identify itself to the public as a teaching institution.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-330. Records.

A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student

terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.

C. Prior to a school changing ownership or a school closing, schools are required to provide to current students documentation of hours and performances completed.

D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-340. Hours Reported.

Within 30 days of the closing of a licensed permanent cosmetic tattooing school for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-350. Health Education.

Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on blood-borne disease.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-360. Permanent Cosmetic Tattooing School Curriculum Requirements.

Permanent cosmetic tattooing school curriculum requirements are as follows:

1. Virginia tattooing laws and regulations.
2. Machines and devices.
    a. Coil machine;
    b. Hand device; and
    c. Others devices.
3. Needles.
    a. Types;
    b. Uses; and
    c. Application.

4. Anatomy.

    a. Layers of skin;

    b. Parts and functions of skin; and

    c. Diseases.

5. Color theory.

    a. Skin and pigment color; and

    b. Handling and storage of pigments.

6. Transmission cycle of infectious diseases.

7. Immunization.

    a. Types of immunizations; and

    b. General preventative measures to be taken to protect the tattooer and client.

8. Sanitation and disinfection.

    a. Definition of terms:

    (1) Sterilization;

    (2) Disinfection and disinfectant;

    (3) Sterilizer or sterilant;

    (4) Antiseptic;

    (5) Germicide;

    (6) Decontamination; and

    (7) Sanitation.

    b. The use of steam sterilization equipment and techniques;

    c. The use of chemical agents, antiseptics, and disinfectants;

    d. The use of sanitation equipment;

    e. Preservice sanitation procedure; and

    f. Post service sanitation procedure.

9. Safety.

    a. Proper needle handling and disposal;

    b. Blood spill procedures;

    c. Equipment and instrument storage; and

    d. First aid.

10. Blood-borne pathogen standards.

a. OSHA and CDC blood-borne pathogen standards;

b. Overview of compliance requirements; and

c. Disorders and when not to service a client.

11. Anesthetics.

a. Use;

b. Types;

c. Application; and

d. Removal.

12. Equipment.

a. Gloves;

b. Masks;

c. Apron;

d. Chair;

e. Lighting; and

f. Work table.

13. Professional standards.

a. History of permanent cosmetic tattooing;

b. Ethics;

c. Recordkeeping:

(1) Client health history; and

(2) Consent forms.

d. Preparing station, making appointments, salon ethics:

(1) Maintaining professional appearance, notifying clients of schedule changes; and

(2) Promoting services of the salon and establishing clientele.

e. Salon management:

(1) Licensing requirements; and

(2) Taxes.

14. Permanent cosmetic tattooing.

a. Client consultation;

b. Client health form;

c. Client disclosure form;

d. Client preparation;

e. Sanitation and safety precautions;

f. Implement selection and use;

g. Proper use of equipment;

h. Material selection and use.

i. Eyebrows;

j. Eyeliner;

k. Lip coloring; and

l. Lip liners.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-370. Hours of Instruction and Performances.

A. Curriculum and performance requirements specified in 18VAC41-50-360 shall be taught over a minimum of 90 clock hours.

B. A minimum of 50 performances shall be completed as part of the required instruction. Completion of performances are determined as follows:

1. Two complete eyebrows constitutes one performance;

2. Two complete eye liners constitutes one performance; and

3. One complete lip liner constitutes one performance.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

PART VIII.

STANDARDS OF PRACTICE.

18 VAC 41-50-380. Display of License.

A. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor or salon or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services.

B. Each parlor owner or permanent cosmetic tattoo salon owner shall ensure that no licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license.

C. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall offer to licensees the full series of Hepatitis B vaccine.

D. Each tattoo parlor owner or permanent cosmetic tattoo salon owner shall maintain a record for each licensee of one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees shall operate under the name in which the license is issued.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-390. Physical Facilities.

A. A parlor or salon must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.

B. The parlor, salon or temporary location shall be maintained in a clean and orderly manner.

C. All facilities shall have a blood spill clean-up kit in the work area.

D. Work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.

E. Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.

F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.

G. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.

H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall not include any dark-colored surfaces in the tattooing area. Existing parlors or salons with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I. Parlors, salons or temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

J. Adequate mechanical ventilation shall be provided in the parlor.

K. Each parlor, salon or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good

repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.

M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.

N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.

O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.

P. All steam sterilizers shall be biological spore tested at least monthly.

Q. Biological spore tests shall be verified through an independent laboratory.

R. Biological spore test records shall be retained for a period of three years and made available upon request.

S. Steam sterilizers shall be used only for instruments used by the parlor's employees.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-400. Tattooer or Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities.

A. All tattooers shall provide to the owner one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.

D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall be removed and disposed of; and
2. Hands shall be cleaned and a fresh pair of gloves used.

F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.

G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.

H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.

I. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.

J. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.

K. Each tattooer performing any tattooing procedures in the parlor or salon shall have the education training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.

L. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.

M. Used, nondisposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.

N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;

O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P. The ultrasonic unit shall be sanitized daily with a germicidal solution.

Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.

R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.

S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.

T. Contaminated disposable and single-use items shall be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U. The manufacturer's written instructions of the autoclave shall be followed.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18 VAC 41-50-410. Client Qualifications, Disclosures, and Records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing or permanent cosmetic tattooing a valid, government issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs.

D. Tattooing or permanent cosmetic tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a tattoo or permanent cosmetic tattoo, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor or temporary location or permanent cosmetic tattoo salon shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:

1. The name, address, and telephone number of the client;

2. The date tattooing or permanent cosmetic tattooing was performed;

3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;

4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used;

5. The location on the body where the tattooing or permanent cosmetic tattooing was performed;

6. The name of the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;

7. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and

8. The signature of the client and if applicable parent or guardian.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006.

18VAC41-50-420. Grounds for License or Certificate Revocation, Suspension or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

A. The board may, in considering the totality of the circumstances, fine any licensee or certificate holder and suspend, place on probation or revoke or refuse to renew or reinstate any license or certificate, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee, certificate holder, or applicant is incompetent, negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer, limited term tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer;

2. The licensee, certificate holder, or applicant is convicted of fraud or deceit in the practice of tattooing;

3. The licensee, certificate holder, or applicant obtained, attempted to obtain, renewed or reinstated a license by false or fraudulent representation;

4. The licensee, certificate holder, or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;

5. The licensee, certificate holder, or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;

6. A licensee or certificate holder fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's or certificate holder's failure to receive notices, communications and correspondence caused by the licensees' or certificate holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;

7. The licensee, certificate holder, or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;

8. The licensee, certificate holder, or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or certificate in connection with a disciplinary action in any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other jurisdiction; or

9. In accordance with § 54.1-204 of the Code of Virginia, the licensee or certificate holder has been convicted in any jurisdiction of a felony or non-marijuana misdemeanor that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the regulant's record of prior convictions, if the regulant is unfit or unsuited to engage in the profession of tattooing or permanent cosmetic tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.

B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation or refuse to renew or reinstate the license of any

tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the tattoo parlor, limited term tattoo parlor, or permanent cosmetic tattoo salon fails to comply with the facility requirements of tattoo parlors, limited term tattoo parlors, or permanent cosmetic tattoo salons provided for in this chapter or in any local ordinances; or

2. The owner or operator allows a person who has not obtained a license to practice as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer unless the person is duly enrolled as an apprentice.

C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. An instructor of the approved school fails to teach the curriculum as provided for in this chapter;

2. The owner or director of the approved school permits or allows a person to teach in the school without a current tattooing instructor certificate; or

3. The instructor, owner or director is guilty of fraud or deceit in the teaching of tattooing.

D. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of tattooing.

Historical Notes
Derived from Volume 22, Issue 25, eff. October 1, 2006; amended, Virginia Register Volume 38, Issue 4, eff. December 1, 2021.

Included in this booklet for your convenience are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly, not the Board for Barbers and Cosmetology, is responsible for creating and amending the statutes contained in the Code of Virginia. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1 - PROFESSIONS AND OCCUPATIONS.

Chapter 7 - Barbers and Cosmetologists

§ 54.1-700. Definitions.
As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or

trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes, but is not limited to, the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

1962, c. 639, § 1, § 54-83.2; 1966, c. 610; 1973, c. 86; 1974, c. 534; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835; 2017, c. 390; 2018, cc. 219, 231, 237, 404.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-701. Exemptions.
The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;

2. Registered nurses licensed to practice in the Commonwealth;

3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of individuals with mental illness or intellectual disability, or for care and treatment of geriatric patients, as barbers, cosmetologists, wax technicians, nail technicians, estheticians, barber instructors, cosmetology instructors, wax technician instructors, nail technician instructors, or esthetics instructors who practice only on inmates of or patients in such sanatoria or institutions;

4. Persons licensed as funeral directors or embalmers in the Commonwealth;

5. Gratuitous services as a barber, nail technician, cosmetologist, wax technician, tattooer, body piercer, or esthetician;

6. Students enrolled in an approved school taking a course in barbering, nail care, cosmetology, waxing, tattooing, body-piercing, or esthetics;

7. Persons working in a cosmetology salon whose duties are expressly confined to the blow drying, arranging, dressing, curling, or cleansing of human hair;

8. Apprentices serving in a barbershop, nail salon, waxing salon, cosmetology salon, or esthetics spa licensed by the Board in accordance with the Board's regulations;

9. Schools of barbering, nail care, waxing, or cosmetology in public schools; and

10. Persons whose activities are confined solely to applying make-up, including such activities that are ancillary to applying make-up.

1962, c. 639, § 4, § 54-83.5; 1968, c. 622; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 476, 507, 803, 835; 2018, c. 404.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-702. Board for Barbers and Cosmetology; membership; officers; quorum.
The Board for Barbers and Cosmetology shall be composed of 10 members as follows: two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, at least one of whom shall be a salon owner and one of whom may be an owner or operator of a cosmetology school; one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment; one member shall be either a licensed tattooer or a licensed body piercer; two members shall be licensed estheticians, at least one of whom shall be an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school; and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

1962, c. 639, § 21, § 54-83.22; 1974, c. 534; 1979, c. 327; 1981, c. 447; 1988, cc. 42, 765; 2000, c. 726; 2002, c. 869; 2004, c. 945; 2005, c. 829; 2010, c. 91.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703. License required.
No person shall offer to engage in or engage in barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics without a valid license issued by the Board, except as provided in § 54.1-701.

1979, c. 408, § 54-83.22:1; 1988, c. 765; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.1. Waiver of examination; wax technicians.

The Board shall waive the examination requirements for licensure as a wax technician for any individual who (i) makes application for licensure between July 1, 2002, and July 1, 2003; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as a wax technician that is deemed satisfactory by the Board;

2. Has completed a training program that is deemed satisfactory by the Board; or

3. Holds an unexpired certificate of registration, certification, or license as a wax technician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

2002, c. 797.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.2. Repealed.
Repealed by Acts 2012, cc. 803 and 835, cl. 54.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-703.3. Waiver of examination; estheticians.
The Board shall waive the examination requirements for licensure as an esthetician or master esthetician for any individual who (i) makes application for licensure by July 31, 2009; (ii) otherwise complies with Board regulations relating to moral turpitude; and (iii) meets any of the following conditions:

1. Has at least three years of documented work experience as an esthetician or a master esthetician completed prior to July 1, 2008, that is deemed satisfactory by the Board;

2. Has completed a training program prior to July 1, 2008, that is deemed satisfactory by the Board; or

3. Holds an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him prior to July 1, 2008, on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia.

2005, c. 829; 2009, cc. 166, 328.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704. Temporary licenses.
The Board may issue a temporary license to any person who is eligible for examination. Persons issued a temporary license shall be subject to the regulations of the Board.

The Board shall promulgate regulations consistent with this section to permit individuals to be granted temporary licenses for a specified period of time.

1984, c. 220, § 54-83.22:2; 1988, c. 765; 2000, c. 726.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.1. License required for barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, and esthetics spa.
No individual or entity shall operate a barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, nail technician, waxing technician, tattooer, body piercer, or esthetician who does not have an ownership interest in a licensed barbershop, cosmetology salon, nail care salon, waxing salon, tattoo parlor, body-piercing salon, or esthetics spa in which he is employed.

2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-704.2. License required for schools of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics.
Except as provided in § 54.1-701, no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, or esthetics unless licensed by the Board pursuant to its regulations.

2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-705. Inspections.
A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, waxing salon, nail care salon, tattoo parlor, body-piercing salon, and esthetics spa in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, waxing salons and schools, nail care salons and schools, tattoo parlors and schools, body-piercing salons and schools, and esthetics spas and schools for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § 18.2-371.3, including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors and body-piercing salons.

1962, c. 639, § 26, § 54-83.27; 1974, c. 534; 1988, c. 765; 1993, c. 499; 2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-706. Different requirements for licensure.
A. The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, nail care, waxing, tattooing, body-piercing, and esthetics.

B. The Board shall issue a license to practice as a master barber in the Commonwealth to:

1. An individual who holds a valid, unexpired license as a barber issued by the Board prior to December 8, 2017; or

2. An applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board.

2000, c. 726; 2002, cc. 797, 869; 2003, c. 600; 2005, c. 829; 2012, cc. 803, 835; 2018, cc. 231, 237.