

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
CHAPTER 64E-28  
TATTOOING

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**64E-28.001**      **Scope of Chapter Rules.**

(1) These rules provide minimum standards relating to tattoo artists and tattoo establishments, including licensure and registration requirements, operational requirements, standards of practice, and a fee schedule.  
Rulemaking Authority 381.00789 FS. Law Implemented 381.00787, 381.00791 FS. History - New

**64E-28.002**      **Definitions.**

(1) Alcohol-based hand sanitizer - An antimicrobial skin sanitizer which contains a minimum concentration of at least 60% alcohol.

(2) Aseptic technique - Practices used by a tattoo artist to prevent cross contamination.

(3) Compromised package - A wet, torn, or stained package.

(4) Contaminated - means the presence of disease-causing organisms on inanimate objects or surfaces.

(5) Cross contamination – The act of spreading disease-causing organisms from one surface to another.

(6) Department - The Department of Health and its representative county health departments.

(7) Disinfect – The use of a product registered with the United States Environmental Protection Agency (USEPA) as a tuberculocidal disinfectant which results in the reduction in the number of disease-causing organisms on objects or surfaces, thereby rendering them safe for handling and use.

(8) Equipment – All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a tattoo establishment.

(9) Fixed - Incapable of being moved.

(10) Government-issued photo identification - A document issued by a state, federal, or foreign government containing the photo of the person it is identifying.

(11) Inactive license – A tattoo establishment or artist license which has not been renewed before October 1.

(12) Instruments – Hand pieces and other tools that may come in contact with a customer’s body or be exposed to body fluids during tattooing procedures.

(13) Minor – An individual who is less than eighteen (18) years of age.

(14) Person - Any individual, partnership, corporation, association, or public body.

(15) Registered business name - The name, as registered with the Department of State, under which a tattoo establishment operates.

(16) Registered agent for service of process - A person, as registered with the Department of State, authorized by a tattoo establishment to receive legal notices for the establishment.

(17) Single-use – means products or items that are intended for one-time, one-person use and are disposed of after use on each customer, such as cotton swabs or balls, gauze pads, tissues or paper products, sanitary coverings, razors, instruments that pierce the skin, and protective gloves.

(18) Spore strip - A device used to monitor the sterilization process in a steam autoclave to ensure destruction of *Geobacillus stearothermophilus* spores.

(19) Sterilization - The use of a steam autoclave to destroy all forms of microbial life, including spores.

(20) Tattoo artist – A tattoo artist as defined in section 381.00771, F.S., including an artist who performs cosmetic tattooing.

(21) Unobstructed access – A situation where an artist can wash their hands and return to the tattooing area without recontaminating their hands by handling an object such as a door knob.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00789 FS. History - New

**64E-28.003 Licensure Requirements for a Tattoo Artist.**

(1) An applicant seeking initial licensure as a tattoo artist shall:

(a) Submit a completed application for licensure to the department on form DH 4147, 5/12, Application for Tattoo Artist License, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the tattoo artist lives, or from the internet at <http://www.myfloridaeh.com/community/Tattoo/index.html>. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in section 64E-28.010+, and the following documentation is attached:

1. A copy of a government issued photo identification confirming the applicant is at least 18 years of age.

2. A copy of the certificate of training proving completion of a department approved course on blood-borne pathogens and communicable diseases with having achieved a minimum score of seventy per cent (70%) on the course examination.

(b) Complete a department approved course, as described in subparagraph 2., within six months of the effective date of this chapter.

(2) A tattoo artist's license is valid for one year, October 1 to September 30 of the following year, throughout the state of Florida.

(3) A tattoo artist seeking licensure renewal shall:

(a) Annually, submit a completed application for license renewal on Form DH 4147 before October 1.

1. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in section 64E-28.010.

2. A license which has not been renewed on or before September 30 shall be deemed inactive. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after September 30.

(b) Not perform tattooing without an active license.

(4) A tattoo artist license shall not be transferrable from one person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00771, 381.00775, 381.00779, 381.00781, FS.

History - New \_\_\_\_\_.

**64E-28.004 Registration Requirements for a Guest Tattoo Artist.**

(1) A guest tattoo artist seeking registration by the department shall:

(a) Submit, at least fourteen (14) days prior to practicing tattooing in any licensed tattoo establishment or licensed temporary tattoo establishment, a completed application for registration to the department on Form DH 4150, 5/12, Application for Guest Tattoo Artist Registration, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the tattoo artist lives, or from the internet at <http://www.myfloridaeh.com/community/Tattoo/index.html>. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in section 64E-28.010, and the following documentation is attached:

1. A copy of a government issued photo identification confirming the applicant is at least 18 years of age.
2. A copy of an active license, registration, or certification in another jurisdiction.
3. A copy of the certificate of training proving completion of a course on blood-borne pathogens and communicable diseases, which meets the requirements specified in subsection (b).

(b) Complete a department approved course on blood-borne pathogens and communicable diseases with having achieved a minimum score of seventy per cent (70%) on the course examination.

1. Completion of the educational course mentioned in subsection (b), shall not be required when a tattoo artist has completed a blood-borne pathogens and communicable diseases course as a requirement for license, registration, or certification in a jurisdiction outside of the state and, as determined by the department, the course requirements met or exceeded those prescribed in 381.00775(2)(b)4.and 5., F.S., and section 64E-28.006.

2. A tattoo artist may submit a course curriculum to the department and request the department conduct a review for determination of the requirements specified in paragraph 1. Requests for curriculum review shall be submitted prior to submission of a completed application for registration of a guest artist.

(2) A guest tattoo artist's registration is valid for up to fourteen (14) consecutive days, throughout the State of Florida.

(3) A guest tattoo artist shall not perform tattooing without an active guest tattoo artist registration.

(4) A guest tattoo artist registration shall not be transferrable from one person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00775 FS. History - New \_\_\_\_\_.

**64E-28.005 Licensure Requirements for a Tattoo Establishment.**

(1) Licensure of a permanent tattoo establishment:

(a) Prior to performing tattooing, a completed application shall be submitted to the county health department on form DH 4151, 5/12, Application for Tattoo Establishment Licensure, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the establishment is physically located, or from the internet at <http://www.myfloridaeh.com/community/Tattoo/index.html>. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in section 64E-28.010.

(b) A license for a tattoo establishment is valid for one year, beginning October 1 and ending September 30.

(c) A license which has not been renewed on or before September 30 shall be deemed inactive. If this day falls on a weekend or holiday, a tattoo artist license must be renewed on or before the first working day after September 30.

(2) Licensure of a temporary tattoo establishment:

(a) A completed application to be submitted to the county health department on form DH 4151 at least thirty (30) days prior to performing tattooing. An application shall be considered complete if all of the information requested on the form is provided, along with the fee specified in section 64E-28.010.

(b) A license for a temporary tattoo establishment is valid for up to fourteen (14) consecutive days in conjunction with a convention or similar event for which the license is issued.

(3) No tattooing shall be performed at an establishment that does not have an active license.

(4) A tattoo establishment license shall not be transferrable from one location or person to another.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00777 FS. History - New

#### **64E-28.007 Operational Requirements for a Tattoo Establishment.**

(1) Tattoo establishments shall have walls, a floor, and a ceiling. Floors and walls located in the tattooing area, the area where items are cleaned and sterilized, and in the restrooms shall be constructed of non-absorbent, easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(2) There shall not be a direct opening between a tattoo establishment and any building or portion of a building used as living or sleeping quarters. This shall be accomplished, at a minimum, by a solid floor to ceiling wall of separation.

(3) A tattoo establishment shall not be located in an area where food is prepared.

(4) Eating and drinking, except for the purpose of administering first aid, and smoking are prohibited in areas where tattooing is performed or where instruments and supplies are cleaned and stored.

(5) Water supplies shall comply with the provisions of Chapter 64E-8 or 62-550, F.A.C.

(6) Sewage disposal shall comply with the provisions of Chapter 64E-6 or 62-200, F.A.C.

(7) The establishment shall use effective measures to protect against the entrance, breeding, and presence of vermin, such as insects and rodents. Openings to the outside shall be protected by such means as self-closing doors, closed windows, or screening. If screening is used, it shall not be less than sixteen (16) mesh to the inch.

(8) Animals shall not be allowed in a tattoo establishment, except as provided under section 413.08, F.S. Aquariums with fish shall be allowed in waiting rooms and non-procedural areas only.

(9) Each tattoo establishment shall have an artificial light source equivalent to at least one hundred (100) foot candles in the tattooing area and in the area where items are cleaned and sterilized.

(10) Restrooms shall be supplied with toilet tissue, a hand sink supplied with running water under pressure, liquid soap, a dispenser with single-use paper towels, and a waste receptacle. Signage shall be posted in the restroom to instruct employees that they must thoroughly wash their hands before returning to work.

(11) A handsink with unobstructed access shall be located within each tattoo area or centrally located within the overall workroom area, so that each tattoo artist has access to the handsink for handwashing.

(a) The handsink shall be supplied with running water under pressure, liquid soap, a dispenser with single-use paper towels, and a waste receptacle.

(b) A restroom handsink may be used as the handsink provided that it is located within the tattoo establishment and it meets the above stated requirements.

(12) At a minimum, contaminated, reusable items shall be cleaned manually in a sink, separate from the handsink(s), or mechanically in an ultrasonic machine prior to sterilization.

(a) If items are manually cleaned in a sink, the sink shall be deep enough to allow complete submersion of the items. Gloves shall be worn when manual cleaning is performed.

(b) If items are cleaned in an ultrasonic machine, the machine shall be used in accordance with the manufacturer's instructions, which shall be available for review by the department at the time of inspection.

(c) After cleaning, items shall be rinsed and allowed to air dry or shall be dried with single-use paper towels prior to packaging for sterilization.

(d) If only individually packaged, pre-sterilized, single-use items are used in the establishment, the cleaning sink and ultrasonic machine requirements do not apply.

(13) A tattoo establishment shall have a steam autoclave for sterilizing instruments.

(a) The autoclave shall be used in accordance with the manufacturer's instructions for packaging, loading, and processing items.

(b) The autoclave shall be maintained to ensure proper operation.

1. The autoclave shall be cleaned at the frequency recommended by the manufacturer and shall be serviced at least once a year or at the frequency recommended by the manufacturer.

2. A copy of the manufacturer's instructions for operating, cleaning, and servicing the autoclave shall be maintained in the tattoo establishment and shall be available for review by the department at the time of an inspection.

(14) When using an autoclave, sterilization shall be verified through:

(a) A chemical indicator strip placed inside one packet in each load to monitor the sterilization procedure. The strip must indicate exposure to steam and the autoclave operating temperature.

(b) Testing with spore strips at a minimum frequency of every 40 hours of operation of the autoclave, but not less than on a quarterly basis.

1. Test results shall be confirmed by an independent laboratory.

2. In the event of positive results, the autoclave shall be immediately taken out of service and all unused items processed in the autoclave since the most recent negative test results shall be considered non-sterile.

3. While the autoclave remains out of service, tattooing may continue provided either another properly functioning autoclave is placed in service in the establishment or all single-use, pre-sterilized instruments are used.

4. When the improperly functioning autoclave has been restored to proper function, which shall be confirmed by follow-up testing, it may be placed back in service.

(15) Each tattoo establishment shall maintain autoclave sterilization records onsite. The records shall, at a minimum, include the following information:

(a) Autoclave log showing cumulative run time, quantity and types of items sterilized on a given date, and the date spore strip testing was conducted.

(b) Spore strip results provided by an independent laboratory.

(16) If only individually packaged, pre-sterilized, single-use items are used, an autoclave shall not be required nor the requirements specified in 12, 13, 14, and 15 of this section.

(a) Individually packaged, pre-sterilized, single-use items shall be sterilized with ethylene gas or gamma rays and shall be labeled with the expiration date by the manufacturer.

(b) If a package containing pre-sterilized, single-use items has been compromised, the contents shall be discarded.

(17) Packages of sterile items, which are sterilized by the tattoo establishment, shall be labeled with the date of autoclaving. If any package has been compromised, the items shall be re-sterilized.

(18) All packages of sterile items shall be stored in a clean, dry, covered container or in a clean, dry cabinet until just prior to use.

(19) Work chairs, tables, stands, cabinets, and counter tops shall have a smooth, non-porous, easily cleanable surface, and shall be cleaned and disinfected after each customer.

(20) If any liquid product is not in its original container, the container into which the product has been placed shall be labeled with the name of the product.

(21) Each tattoo establishment shall maintain the following records:

(a) Customer records, including parental consent;

(b) Autoclave sterilization records and maintenance records;

(c) Documentation identifying the method of sterilization utilized by the manufacturer if the information is not printed on the packaging of the item.

(d) The records stated in (a), (b), and (c) above shall be maintained for two years with those records for the current licensing period maintained onsite in the establishment and available for review by the department at the time of inspection.

(e) Personnel records of each tattoo artist who works in the establishment. The record shall contain the tattoo artist's name, address, date of birth, and the license number issued by the department. Personnel records shall be maintained for at least 2 years after an artist's employment ends.

(22) A tattoo establishment shall allow the department to conduct, at minimum, annual inspections for the purpose of ensuring compliance with sections 381.00771-381.00791, F.S., and these rules. Results of each inspection shall be recorded on DH Form 4153, 5/12, Tattoo Establishment Inspection Report, herein incorporated by reference and which can be obtained from the environmental health section of the county health department having jurisdiction.

(23) Biomedical waste shall be managed in accordance with section 381.0098, F.S., and Chapter 64E-16, F.A.C. Regular solid waste shall be collected, stored and disposed of in a manner and at a frequency that does not create a sanitary nuisance, as defined in Chapter 386, F.S.

(23) Tattoo establishments, currently operating on the effective date of this chapter, which are not in full compliance with the handsink and cleaning sink requirements shall have six months from the effective date of this chapter to comply with the requirements.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History - New

**64E-28.008 Operational Requirements for a Temporary Tattoo Establishment.**

(1) A licensed temporary establishment shall meet the operational requirements set forth in section 64E-28.007, with the following exceptions.

(2) A temporary establishment shall have rigid perimeter walls, a rigid floor, and a rigid ceiling. Floors in the tattooing area and the area where items are cleaned and sterilized shall be constructed of easily cleanable materials. The entire establishment shall be maintained in clean condition and good repair.

(3) If any tattoo items are sterilized by an artist prior to a temporary event, spore test results confirmed by an independent laboratory, shall be available for review by the department at the time of inspection.

(4) A temporary establishment shall allow the department to conduct, at minimum, an initial inspection prior to and, if deemed necessary, during the convention or similar event for the purpose ensuring compliance with sections 381.00771-381.00791, F.S., and these rules. Results of each inspection shall be recorded on DH Form 4153, 5/12, Tattoo Establishment Inspection Report.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History - New

**64E-28.009 Standards of Practice for a Tattoo Artist or Guest Tattoo Artist.**

(1) A tattoo artist shall ensure that a customer record is completed for each customer. The record shall, at a minimum, include the following:

- (a) Name of tattoo artist.
- (b) Customer's name, age, and birthdate.
- (c) Description and location of tattoo on the customer's body.
- (d) Signature of the customer.
- (e) Signature of the artist.

(2) Pursuant to s. 381.00787, F.S., a tattoo artist shall not tattoo the body of a minor less than sixteen (16) years of age.

(3) If tattooing a minor who is sixteen (16) or seventeen (17) years of age, a tattoo artist shall:

(a) Inspect copies of a government-issued photo identification for both the minor and for the parent or legal guardian of the minor. If the photo identification for the minor does not show a birth date, a copy of the minor's birth certificate shall be provided.

(b) Obtain a signed and notarized consent by the minor's parent or legal guardian on form DH 4146 , 5/12, Written Notarized Consent For Tattooing of a Minor Child, Age 16 through 17 Years Old, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department, which has jurisdiction for the tattooing program in the county where the tattoo artist lives or the tattoo establishment is physically located, or from the internet at <http://www.myfloridaeh.com/community/Tattoo/index.html>.

(c) Complete the requirements of subsection (1).

(4) Prior to or after performing a tattoo procedure on a customer, a tattoo artist shall provide information on aftercare to the customer, both verbally and in writing.

(5) Prior to setup for a tattoo procedure, a tattoo artist shall:

(a) Ensure that the skin area where a tattoo is to be applied is visibly healthy.

(b) Wash their hands thoroughly using liquid soap, rinse them, and dry them using single-use paper towels.

(6) Prior to performing a tattoo procedure, a tattoo artist shall cleanse the area of the skin where the tattoo will be placed using a using a clean, single-use paper towel or pad and a solution labeled as an antiseptic. The antiseptic solution shall be used in accordance with the manufacturer's instructions.

(7) If hair is to be removed from the area to be tattooed, either a single-use razor shall be used, or clippers which are capable of being disinfected. If hair removal is done after cleansing, the area shall be re-cleansed as specified in (6) above.

(8) While performing a tattoo procedure, a tattoo artist shall:

(a) Use aseptic techniques, including barrier covers on instruments and equipment that may come into contact with the tattoo artist or the customer during the tattoo procedure. Should an artist choose to not use a barrier cover on the tattoo machine, they must disinfect the machine upon completion of the tattoo procedure.

(b) Use only sterile needle bars, sterile needle tubes, and single-use, sterile needles.

(c) Wear new, disposable examination gloves, which shall be discarded after the completion of each single tattooing session.

1. Should the gloves become torn, punctured, or otherwise contaminated outside the general scope of tattooing, or should the gloves come in contact with any object or surface other than the customer's skin or items being used in the procedure, the gloves shall be removed and discarded and the tattoo artist shall thoroughly wash their hands or apply an alcohol-based hand sanitizer and re-glove before resuming the tattoo session.

2. In the event a tattoo artist must leave the tattooing area, the gloves shall be removed and discarded. The artist shall thoroughly wash their hands or apply an alcohol-based hand sanitizer and re-glove before resuming the tattoo session.

(d) Discard any sterile, single-use items that become contaminated and replace them with sterile items before resuming the procedure.

(e) Use a stencil that is single-use and clean. The product used to apply the stencil shall be packaged as a single dose or dispensed from a product container as a single customer dose.

(f) Any item used for freehand artistry on the customer shall be single-use and discarded after use unless an antiseptic is applied to the skin after marking the skin.

(g) Use inks, dyes, and pigments which are intended for tattooing.

1. Inks shall be used in accordance with the manufacturer's instructions.

2. Individual portions of inks, dyes, or pigments shall be dispensed into clean single-use cups for each customer.

(9) Any item which an artist adds to a tattoo machine to stabilize the needle shall be either single-use or a reusable item that has been disinfected.

(10) Upon completion of a tattooing procedure, a tattoo artist shall:

(a) Remove any excess ink from the customer's skin with a single-use clean paper towel or pad.

(b) Use a clean glove, single-use paper towel, or single-use pad to apply a moisturizing ointment or lotion that is packaged as a single dose or is dispensed from a product container as a single customer dose.

(c) If needed, cover the tattooed area with a clean nonstick bandage.

(d) Remove and discard any barriers used to cover instruments and equipment and disinfect both the tattoo machine and the work area with a tuberculocidal disinfectant registered with the USEPA.

(e) Remove any reusable instruments from the tattooing area in preparation for cleaning, rinsing, drying, and sterilization.

(f) Discard any unused ink, dye, or pigment.

(g) Thoroughly wash and rinse hands and dry them with clean single-use paper towels.

Rulemaking Authority 381.00789 FS. Law Implemented 381.00779 FS. History - New

**64E-28.010 Fee Schedule.**

(1) Tattoo Artist License and Renewal \$ 60.00

(2) Guest Tattoo Artist Registration and Re-registration \$ 35.00

(3) Tattoo Establishment License \$200.00

(4) Temporary Establishment License \$200.00

(5) Reactivation of Tattoo Artist License \$ 25.00

(6) Reactivation of Tattoo Establishment License \$ 75.00

Rulemaking Authority 381.00789 FS. Law Implemented 381.00781 FS. History - New

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