

Texas Department of State Health Services
Drugs and Medical Devices Group

1100 W 49th Street
Austin, Texas 78756
(512) 834-6755

website: www.dshs.state.tx.us/dmd

Tattoo/Body Piercing Facts and Frequently Asked Questions (FAQs)

PLEASE PAY CAREFUL ATTENTION TO THE RULES AS THEY ARE OUTLINED IN THE MINIMUM STANDARDS FOR LICENSURE OF TATTOO AND CERTAIN BODY PIERCING STUDIOS (TATTOO/BODY PIERCING RULES). YOU ARE REQUIRED TO ABIDE BY THESE RULES. IF THEY ARE VIOLATED YOU MAY FACE ADMINISTRATIVE, CIVIL, OR CRIMINAL PENALTIES. CRIMINAL PENALTY VIOLATIONS ARE CLASS A MISDEMEANORS.

Investigators with the Texas Department of State Health Services (DSHS) perform inspections of tattoo and body piercing studios on a regular basis by means of routine and compliance inspections and/or by complaint investigations. Below is a listing of some frequently asked questions (FAQs) investigators encounter during inspections of tattoo and body piercing studios:

I moved my studio across the street. Is my license still good?

No. In the event a tattoo/body piercing studio changes name or ownership or moves to another location (even if it is next door), a new Tattoo Studio License Application and/or Body Piercing Studio License Application must be submitted along with the appropriate fee.

I want to use a mobile studio to take to different events. What do I need to do?

Tattoo and body piercing studio licenses are address specific, so a license is required at each location or event where you are going to operate a studio. Mobile studios, such as trailers, are allowed to be used at events as long as they are to be used specifically for tattooing and body piercing, they do not contain living quarters, and they comply with all other aspects of the Tattoo and Body Piercing Rules.

Why do I need to maintain owner's manuals for my sterilizer and ultrasonic cleaner here at my studio?

Instructions on how to operate the device and provide appropriate maintenance are included in the owner's manuals. DSHS investigators review these manuals during inspections to see if you are using the devices to specifications and providing the recommended maintenance.

What do the rules mean by “unobstructed access” to hand-washing facilities and why?

We consider “unobstructed access” to be a situation where the artist can wash his/her hands and return to the tattoo or body piercing area without having to handle an item, such as a door knob. The idea behind this rule is to prevent artists from contaminating their clean hands.

What do you mean by germicidal soap?

A germicidal soap is a product designed for use on the skin that kills disease-causing microorganisms. This would include products that contain povidone-iodine, chloroxylenol, triclosan, and chlorhexidine gluconate (not to be considered all-inclusive).

I use only pre-sterilized instruments; do I still need a sterilizer and a sterilization log?

No. Studios that use instruments sterilized by a third party (such as a manufacturer) do not need to re-sterilize the items. Instead, studios must have documentation from the third party telling how the items were sterilized, how to store them to keep them sterile, and how long the items should be considered sterile. Remember that even if most of your instruments are pre-sterilized, jewelry and other reusable instruments may need to be sterilized by you before they can be used.

Do I need a notarized consent by a minor’s parent/guardian before I can give a minor a body piercing?

Body piercing clients must be 18 years of age unless they have consent from the minor’s parent, guardian, or managing conservator (we’ll use the term “parent” in the FAQs). Studios have two options in obtaining consent for a body piercing:

- 1) Studios can accept a notarized consent from the parent that contains the name, address, and phone number of the minor and the parent; the location on the body to be pierced; and the signatures of both the parent and the minor.

- 2) The parent can sign a consent form at the studio stating that they will remain at the studio during the piercing; they have the authority to consent to the piercing; they presented identification for the minor; and they presented evidence that they are the parent. Studios are responsible for demonstrating a clear relationship between the adult and the minor (i.e. same last names and addresses on identification).

In both cases, studios are still required to complete a client record for the minor and retain the consent form. This includes recording the minor’s I.D., the parent’s I.D. (when the parent is present), and other materials provided demonstrating a parental relationship.

Is a library card or student I.D. adequate identification for customers to provide when receiving a tattoo or body piercing?

Not for persons over 18 years of age. Library cards and student I.D. cards are not considered acceptable forms of identification for adults because there is no uniformity between libraries or schools to allow your studio to determine if the I.D. is valid. The rules state clients must present a valid, government issued, positive identification card, which includes a photograph and the date of birth. Several types of identification commonly seen include a driver's license, passport, military identification, and Department of Public Safety issued I.D. cards.

What is the procedure in the event a client is injured or gets an infection from tattoo/body piercing services?

Studios are required to report any infection/allergic reaction from a tattoo or body piercing (whether from your studio or someone else's) in writing to the Texas Department of State Health Services within five working days of learning about the infection/allergic reaction.

Are there any sample records and client care sheets available to me?

Yes. We have sample forms for client records, care sheets, a sterilization log, a report of infection/allergic reaction, and affidavits for minors (parental consent forms) available on the web (www.dshs.state.tx.us/dmd) or by mail (call 512-834-6755 to have samples sent). These forms are not to be considered official or mandatory, but are provided as examples containing all required information.

These are only a few FAQs that DSHS investigators encounter when performing inspections. Feel free to consult our website or contact us for assistance. Someone from the Drugs and Medical Devices Group is available, Monday through Friday, 8AM to 5PM, to provide you with information and answers to your questions.