

Montana Sanitation Standards for Tattooing, Permanent Makeup, Body Piercing, and Ear Piercing

Questions and Answers

Updated February 2006

Q. Is a license required for a tattoo or permanent make-up business in Montana?

A. The Montana Department of Public Health & Human Services (DPHHS) began enforcing sanitation standards for tattoo facilities in 1997 as a result of legislation requiring the creation, adoption and enforcement of such standards. Senate Bill 137 was passed in 2005 requiring licensing of tattooing and body piercing establishments which went into effect on January 1, 2006. However, the rules that specify the licensing requirements, fees, enforcement, training, and other sanitation standards are still in draft form. Although obtaining a license is not required until the new rules are finalized, *all tattoo and permanent make-up operations must be certified by DPHHS as complying with the current standards.* Two local health departments require licensing- Yellowstone County and Big Horn County. They regulate tattooing operations locally, using state standards. In all other parts of the state, the Montana "Certificate of Compliance" is required.

Q. Is a license or certificate of compliance required for persons doing body piercing or ear piercing?

A. Senate Bill 137, which went into effect January 1, 2006 requires licensing of body piercing establishments, including ear piercing. However, the rules that specify the licensing requirements, fees, enforcement, training, and other sanitation standards are still in draft form and are not enforced at this time. Once the rules are finalized, licensing will be required.

Q. How will I know when the new rules go into effect?

A. You can contact DPHHS to be placed on a mailing list, in order to be notified when the new rules are published. This document will give instructions on how to comment on the draft rules either in writing or at a public hearing. Once on the mailing list, you will also receive a copy of the final rules. DPHHS contact information is given at the end of this article.

Q. Can a tattoo artist (or anyone else) tattoo a child without consent of the parents?

A. No. Tattooing can legally be done only on someone who is at least 18 years of age, or who has the explicit in-person consent of a parent or guardian. A fake I.D. or driver's

license is not sufficient for proving parenthood or guardianship. For greater detail on this issue, refer to the statute (state law) on the matter. It is Section 45-5-623 of the Montana Codes Annotated, titled "UNLAWFUL TRANSACTIONS WITH CHILDREN".

Q. May someone perform a body piercing on a child without consent of the parents?

A. No. Just like tattooing, body piercing can legally be done only on someone who is at least 18 years of age, or who has the explicit in-person consent of a parent or guardian. A fake I.D. or driver's license is not sufficient for proving parenthood or guardianship. For greater detail on this issue, refer to the statute (state law) which was amended in 2005 to include body piercing. It is Section 45-5-623 of the Montana Codes Annotated, titled "UNLAWFUL TRANSACTIONS WITH CHILDREN".

Q. What are the risks of getting an infection with a tattoo or body piercing?

A. Any time a needle pokes through your skin, you face the risk of an infection. If the equipment used to do your tattoo or piercing is contaminated with an infected person's blood, you can contract a serious blood-borne disease. These include hepatitis C and HIV (the AIDS virus), both of which can be fatal, as well as hepatitis B, tetanus and tuberculosis. Hepatitis B is highly infectious. This virus is more easily transmitted via needle stick than the AIDS virus. Although the risk of contracting a bloodborne infection is unlikely, it is serious enough that the American Red Cross requires you to wait a year after getting a tattoo or piercing before you can donate blood.

For the tattooist, the risk is somewhat higher in contracting a bloodborne infection. They deal with many clients over time, and it is likely that some of their clients are infected with a blood borne disease. If an artist is working on a client who is infected, and an accidental needle-stick occurs, the risk of infection goes up dramatically.

Tattoos and piercings can lead to local bacterial infections, especially if the equipment is contaminated or proper aftercare is not followed. Typical signs of an infection include redness, warmth, swelling, pain and a discharge containing pus. Contact a licensed physician immediately if you have any signs of infection.

Q. Other than infections, what are possible complications from getting a tattoo or piercing?

A. Tattoo dyes can cause allergic skin reactions, even years after you get the tattoo. Granulomas (bumps) or keloid formation (scarring) can form with tattooing or piercing. Facial tattoos can cause swelling and burning during a magnetic resonance imaging (MRI) procedure, or interference with the image. Oral piercings can chip or crack your teeth and cause gum damage.

Q. How do I know the ink for my tattoo is safe?

A. Although a number of color additives are approved for use in cosmetics by the U.S. Food & Drug Administration (FDA), none are approved for injection into the skin. The FDA does not regulate tattoo ink or the pigments in them. Many pigments used in tattoo inks are not approved for skin contact at all. Some are industrial grade colors that are originally produced for printer's ink or automobile paint. The current rules in Montana requires that pigments or dyes disapproved or under recall by FDA or under the Montana Food, Drug, and Cosmetic Act may not be used.

Q. What's the most common problem with getting a tattoo?

A. The most common complaint reported is dissatisfaction. Skill levels vary widely among people who perform tattooing. You may want to ask for references and ask yourself how willing you are to risk permanently wearing someone else's mistake. The tattoo that seemed stylish at first may become dated and embarrassing. Changing tattoos or permanent makeup is not as easy as changing your mind. Additionally, tattoos can change in appearance over time.

Q. Is there a way to have a tattoo removed?

A. Yes, but the processes are painful and expensive. That is why they call it permanent. There is conventional surgery, in which a section of tattooed skin is removed and the surrounding skin stretched in cover the gap. This method works where the tattoo is relatively small. There is also a laser procedure, which produces satisfactory results with most pigment colors. Methods should be considered under the advice of your licensed doctor or dermatologist.

Q. I've heard that ear piercing guns are dangerous. Is this true?

A. The level of risk of getting pierced with an ear piercing gun depends on what type of gun is used and where the piercing is done. Some guns come with pre-sterilized studs and backing. In this case, hands never touch the jewelry, which lowers the risk of infection tremendously. Most complications reported in ear piercing have been located in the cartilage, not lobes. Infections from upper ear cartilage piercing can be serious. Taking antibiotics is often ineffective, because cartilage does not have its own blood supply and the drug cannot travel to the infection site.

Q. What are the Montana requirements for sterilization?

A. Autoclave sterilization is required for all tattoo facilities to be certified, unless the

operation uses only disposable, single use needles, bars and tubes. In these cases, an autoclave is not required.

Q. *Where can I get a copy of Montana's Standards for Tattooing?*

A. The Montana standards for Tattooing are found in Title 37, Chapter 112, Subchapter 1 of the Administrative Rules of Montana. If you think you may be interested in starting a business of tattooing or permanent makeup in Montana, or if you would like a copy of the rules and related information mailed to you, contact the following:

FOOD & CONSUMER SAFETY, TATTOO PROGRAM
P O BOX 202951
HELENA MT 59620-2951
phone (406) 444-2408 or e-mail rpicone@mt.gov

If you are in Billings or Yellowstone County, contact:

YELLOWSTONE CITY/COUNTY HEALTH DEPT
PO BOX 35035
BILLINGS MT 59107
phone (406) 256-2770 or e-mail tedk@ycchd.org

If you are in Hardin or Big Horn County, contact:

BIG HORN COUNTY HEALTH DEPARTMENT
809 N Custer Ave
Hardin, MT 59034
phone (406) 665-8724 or e-mail ctaft@co.bighorn.mt.us