



INJURY PREVENTION AND SAFETY Fact Sheet

Tattoo Regulation and Public Health

Why Should the Public Health Community Care About the Regulation of Tattoo Businesses?

- Tattoos have increased in popularity, with 40 percent of 18- to 34-year-olds having at least one.
- Giving and getting a tattoo involves health risks like:
 - exposure to bloodborne pathogens (Hepatitis B and C, HIV, HPV, HSV);
 - bacterial infections through contaminated needles and ink; insufficiently sterile procedures, and insufficient aftercare;
 - potential allergic reaction to ink;
 - exposure to carcinogenic compounds in tattoo ink.

Proper health and safety measures greatly reduce these health risks.


What is the National Environmental Health Association (NEHA) Model Code Related to Tattoos?

NEHA's Body Art Model Code (BAMC) is a resource governments can use to develop tattoo regulations that align with best practices to prevent negative health outcomes and protect the public health. The BAMC covers myriad issues, the core of which fall into four categories: Licensing; Operational; Documentation; and Inspection/Enforcement. We summarize each section and encourage jurisdictions to compare their tattoo regulations with the best practices suggested in the BAMC.

[NEHA'S BODY ART MODEL CODE](#)

[NEHA'S POLICY STATEMENT ON BODY ART](#)

Licensing Requirements

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- Licenses should be required for tattoo businesses and individual tattoo artists.
 - For a business to be licensed, the building should meet specific standards that are intended to create sanitary conditions, reduce environmental health risks related to getting a tattoo.
 - For a tattoo artist to be licensed, they should complete health training, like OSHA bloodborne pathogen training and first aid training, and be tested on knowledge of their jurisdiction's tattoo regulations.

Operational Health Requirements

- Equipment utilized in the tattooing procedure should be cleaned and maintained according to protocols that will ensure that the equipment is sterile.
- Single-use equipment should be discarded after each use, and multi-use material should be washed and sterilized in an autoclave between uses and stored in a space without risk of contamination.
- Every instrument or object applied to a customer's skin should be single-use.
- Tattoo artists must wash their hands and disinfect customer's skin to be tattooed before starting the tattoo process.
- Gloves must be worn by the tattoo artist during the entire procedure and should be replaced if they are torn.
- The tattoo artist and the customer must both be free of visible or communicable diseases or easy vectors of transmission, like an infection or an open wound.

Documentation Requirements

- Tattoo artist training and health records must be collected and maintained by the tattoo business.
- Customer personal information and informed consent forms must be collected and maintained by the tattoo business.
- Customer information should include confirmation that the customer is at least 18 years of age, not impaired by alcohol or drugs, and aware of risks of the procedure.
- The customer must be provided with aftercare instructions, receipt of which should be documented.


Inspection and Enforcement

- Health inspections should be allowed whenever a tattoo shop is occupied and be performed at least once a year and in response to any health-related complaints.
- The regulating entity should have the power to fine, or suspend or revoke the license of, a tattoo artist and/or a tattoo business that is not in compliance with the code. Appropriate administrative procedures should apply to any licensure action, such as requiring a hearing before license revocation.

Are Tattoo Businesses Subject to State or Local Regulation?

Across the country the answer to this question varies and in some cases the answer is that both state and local law regulate tattooing, with the following characteristics of regulations:

- State law may exist as codified statute or within the administrative/regulatory code.

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- State law may confer power to local governments to enforce state tattoo laws or to create and enforce local tattoo laws.
 - Local jurisdictions may impose tattoo regulations in the absence of state law based on existing local public health authority.
 - Unless there is explicit preemption, typically local laws can be more stringent than those created by the state.

Is There Federal Regulation of the Tattoo Industry?

While the federal government does not regulate tattoo businesses and artists directly, the U.S. Food and Drug Administration (FDA) does offer guidance to the industry and public health agencies regarding reducing the risks associated with tattoos particularly with respect to tattoo ink. In June 2023, the FDA issued draft guidance, and the FDA offers a resource page.


- U.S. Food and Drug Administration, [Draft Guidance for Industry: Insanitary Conditions in the Preparation, Packing, and Holding of Tattoo Inks and the Risk of Microbial Contamination](#) (June 2023; remains draft as of October 2024).
- U.S. Food and Drug Administration, [Think Before You Ink: Tattoo Safety](#) (June 6, 2023), with additional resources linked at the bottom of that page.

After concern about contaminated ink in 2012, the FDA supported research into the safety of inks used in tattooing in the U.S., resulting in a 2024 article published in Applied and Environmental Microbiology, [Detection of anaerobic and aerobic bacteria from commercial tattoo and permanent makeup inks](#). The research revealed “that unopened and sealed tattoo inks can harbor anaerobic bacteria, known to thrive in low-oxygen environments, such as the dermal layer of the skin, alongside aerobic bacteria.” Contaminated tattoo inks may cause infection despite sanitary practices by the business and artist such that “monitoring these products for both aerobic and anaerobic bacteria, including possibly pathogenic microorganisms,” is critical to public health. As of October 2024, the FDA has not updated the Guidance or published proposed regulations on tattoo ink despite these concerns.

Conclusion

Tattoos have become increasingly popular across many demographics. State and local laws should be in place to assure sanitary conditions in tattoo businesses and proper training of artists. NEHA’s BAMC can help state and local governments establish regulations that comport with best practices. FDA Guidance can also support state and local governments develop effective regulations and the FDA should play a role in regulating tattoo ink sold throughout the U.S.

If you have questions about your own state or local jurisdiction’s tattoo regulations or want to know how they compare to the NEHA Model Code, please contact the Network for Public Health Law for technical assistance [here](#).



This Factsheet was written by Alex Sadzewicz, J.D. '24, Research Assistant, under the supervision of Kathi Hoke, Director, Network for Public Health Law, Eastern Region. The Network promotes public health and health equity through non-partisan educational resources and technical assistance. These materials provided are provided solely for educational purposes and do not constitute legal advice. The Network's provision of these materials does not create an attorney-client relationship with you or any other person and is subject to the [Network's Disclaimer](#).

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