

# Exhibit J

## DEPARTMENT OF HEALTH

**SUBJECT: Rules and Regulations Pertaining to Body Art**

**DESCRIPTION: The changes follow:**

1. Title changes to Rules and Regulations Pertaining to Body Art to be all inclusive of procedures now regulated by the department which includes body piercing, branding and scarification.
2. Added definitions to explain terminology and abbreviations used in the regulation and to include terms defined by Acts 596 and 597 of 2013.
3. Upgraded requirements for artist licensure per Act 596 to include: Annual Blood borne Pathogens Course, completion of approved training program at a facility approved by the Board of Private Career Education, trainer must be licensed in compliance for not less than 5 years, written and practical exam by the department, and eliminated medical exam and eye exam as requirements for permanent cosmetic artists.
4. Added provision for Qualifications Review to determine eligibility for licensure of out of state and out of country artists per Act 596.
5. Updated the requirements of the physical environment of the work room such as specifying all materials for floors, walls and ceilings be non-absorbent and non-porous, tempered water at hand sinks, lined waste containers, adequate lighting and ventilation.
6. Disposable barrier protection shall be used and a decontamination area shall be provided within the facility with "employees only" label to avoid clients or public from entering. To comply with industry standards, added the wording: cleaning and sterilizing of dirty instruments, in which the placement of sterilizer is at least 36 inches from any sink or processing equipment and there is physical separation of any ultrasonic cleaner from the work area.
7. Critical items for closure as specified in Act 596.

8. Suspected infections to be reported changed to 1 business day for possible weekend issue. Added “visible” skin infections to reasonably restrict a body art procedure.
9. No use of topical anesthetics or other medications provided by the patron. No chemicals shall be added to intensify scarring.
10. Updated language in Aseptic Procedures to reflect current industry standards.
11. Equipment standards revised to require a monthly biological monitoring of the sterilizer. Added requirement of an adequate number of sterilized single-use, disposable needles per artist be on hand or be properly stored. Approved modes of sterilization including use of enzymatic cleaner prior to sterilization.
12. Body piercing standards established including a mill test certificate for jewelry be on file per Act 596. No personal client jewelry may be used for an initial piercing. “Non-tattooing” marking instruments used to indicate location for piercings shall be single use and disposable.
13. Operation standards concerning recordkeeping updated and include digital record keeping with an adequate method of backing up data and due diligence to keep all records private and separate records for each form of body art. Required proof of age and guardianship, written consent requirements and prohibitions of certain procedures on minors as specified in Acts 596 and 597. Added “incapacitated adults under legal guardianship” to address concerns of appropriate action when a person is thought to be incapacitated and unable to give informed consent.
14. Material Safety Data Sheet required for all chemicals used within the establishment for cleaning, disinfection, or serving clients.
15. Branding standards established include personal protection equipment for the artist during the procedure, equipment being single use or capable of being properly sterilized.
16. Scarification Artists are required to complete basic first aid and CPR training which is approved by the department. Standards established

include both oral and written after care given to the client prior to beginning the procedure, only single use disposable razor for shaving, marking instruments single use and disposable, instruments for scarification shall be pre-sterilized single use and disposed of in approved sharps containers. Artists shall wear disposable eye and respiratory protection, adequate hair restraint and prepackaged sterile gloves for scarification procedures. Scarification and branding procedures shall be performed in a dedicated enclosed work room used for no other purpose at the time of the procedure. All surface barriers used during the procedure shall be considered medical waste and disposed of accordingly after the procedure.

17. Temporary demonstration license and updated wording for temporary mobile establishments added to the regulations per Act 596 for trade shows, educational purposes, demonstrations of body art procedures and for guest artists in licensed establishments.

18. Treatment and disposal of infectious waste wording update to conform to Act 96 of 1913 as amended Act 41 of 1992, and the Rules and Regulations Pertaining to Management of Medical Waste from Generators and Health Care Related Facilities.

19. Inspections change from as often as necessary to at least 1 per year by the department.

20. Penalty section fines updated to Ark. Code Ann. § 20-27-1512.

Note: Many minor provisions are made throughout document to provide clarification, correct grammar, provide consistency, and to update wording to match code.

**PUBLIC COMMENT:** Public hearings were held on September 22, 2015 and December 15, 2015. The public comment period expired on December 15, 2015. The Department received the following comments:

**COMMENT:** Wes Hogue, Two Guns Tattoos:  
What regulatory body oversees pre-packaged/pre-sterilized needles in the United States for tattooing? No it's not food and drug. They do not regulate tattoo sterilization on needles. The answer is nobody. Nobody. There is no pre-packaged/pre-sterilization regulation on any tattoo needles in the United States of America. None.

For those of you who volunteer your time for the furtherance of good of the tattoo industry in the state of Arkansas, thank you very much. There were some good inroads made in the last legislative session. But I'm able to read and I'm able to comprehend and I'm telling you I don't know who is pushing the promulgation of new regulation. Is that the Health Department? I don't know. All I know is I came down here for a public hearing last year and I made public comment; I was told that I would receive a transcript of that public comment. I have received none. We have new proposed modified regulations and we are here again. Once again I am asking for a transcript of these proceedings and an answer to the comments and the questions that are posed here. I will touch briefly on the policing issue. Unlike most people in this room, I have actually run a police department and I understand the prosecutorial side of the law. That is a wonderful thing. You're right. We need to cooperate with local law enforcement, but also the Health Department and the lawyers in the Health Department could do a lot to move that along. Especially through the attorney general's office. We did a little survey prior to that legislation and we arrived at the idea through verifiable methodology that in the state of Arkansas there is a least as many illegal tattoos being done in the state of Arkansas as legal tattoos. The new legislation has seemed to have a dampening effect. And I believe there are lot fewer illegal underground artists, but I would encourage the Department of Health and the attorneys to please push that with all your might, because that is not only harmful to the business, it is also a huge danger to the public health. I will submit written comments again on the hazards of removing sterilization requirements because what you are doing is in effect removing on needles and tubes, removing the requirements for autoclave sterilization or any sterilization because there is no oversight regulation in the state of Arkansas or in the United States. If the FDA is working on that, my goodness, we all better pucker up, because once the FDA gets involved in regulation tattoo equipment and tattoo inks and pigments, we are going to pay a high price. And no amount of getting along is going to get us past that. I have not heard that the FDA is working on that. I haven't seen anything on the website about it. So I don't know. I'm not doubting your word. I know the FDA has been looking at the tattoo industry for years. And once they come down with both feet, it is going to be a sad day for all of us. Immediately I have a couple of problems. First, removing the equipment for sterilization on single service needles and tubes. If you don't have an autoclave in the shop then that is just bizarre. Who would even think of that and I've never gotten a good answer for that from the Department of Health. On the other hand, I have never, last time I was up at this meeting in December of 2014. I prodded the Department of Health to get an opinion from the medical board on scarification and methodology of scarification. Once again I've seen no transcripts. Gotten no answers. I

notice that there are new regulations written pertaining to scarification. Woefully weak and there seems to be no definitive line between scarification and medical procedures. On medical devices, the questions abound.

**RESPONSE:**

It is correct that the FDA does not regulate tattoo needle sterilization. It is important to buy equipment with a trusted, reputable manufacturer that will provide sterilization test strips on their packaging to show proper sterilization along with a batch and lot number to refer to in case of a problem.

There are reputable supply companies that provide color change sterilization strips on packaging to indicate proper sterilization along with lot number and batch number in case of a problem with the product. We recommend that shops using pre-sterilized equipment purchase from these supply companies.

We apologize that you did not receive the previous dictation of the public hearing in November of 2014. Please feel free to contact us at any time if you have questions or comments or to obtain a copy of the comments received and our responses to them.

We continue to contact local law enforcement to get them involved in the problem concerning illegal Body Art Artists and illegal Body Art shops.

Hopefully this will continue to improve in the future.

The Department cannot speak on what the FDA may or may not be working on.

Pre-sterilized needles and tubes will not need additional autoclave sterilization. If a shop has any equipment that isn't pre-sterilized/pre-packaged then they will be required to continue to use autoclave sterilization.

We have gotten opinions on scarification and body modification from the Arkansas Board of Health and many respected physicians within the State. Most agree that there should be strong regulations regarding scarification. We will continue to work to gather more information and improving the wording for regulation on scarification as it is a very new procedure in the rules and regulations for the state of Arkansas.

**COMMENT:** Simon Garcia, NOMIS TAT2 Studio:

My question is do y'all intend on increasing the number of inspections and the number of people doing the inspections along with all of these more strict rules that we are getting? I didn't ask how many you have. The question was, do you intend on getting more? And do intend on investigating more as to what the shops are doing? We used to have two inspectors and people to help them. We used to get inspected twice a year.

As of the last changes, y'all moved it down to at least once a year.

Correct? Do you intend on increasing that or do you intend on once every two years? So you are not intending to do anymore. You are strictening our rules, but decreasing your burden. It used to be two and we were doing so much better, but who is going to enforce them? What is the point if no one is going to enforce them? We sure are doing pretty good, which tells me that we do not need you guys over us regulating what we do. You said y'all are not gonna do anymore. You are not gonna get any more people. You are not gonna get anymore inspections done on these shops. Just because we do good doesn't mean we shouldn't be inspected. Like I said, I got licensed in '93. I understand the program. I also understand that it is becoming more relaxed on y'all's end, aside from these black and white pages; which is to me, a major problem. Can we get this on paper? If you are gonna put all this stuff in there.

Another question would be, as a shop owner if I have people working for me that violate this and I can't get them on board and I end up with violation fines and all that other stuff, thanks to a lazy Artist for lack of a better word, do I get to pay the bill or is there any way I can pass it on to my Artist? That is why I don't want anyone working for me, because I don't want that problem in my life. That's a terrible, terrible state of affairs. The person violating should be the one to get the fine. If I let my kids drive my car and they get a speeding ticket, I don't gotta pay it, they do, because they were the ones out speeding in it. Correct?

Again I do not understand why we are just moving on with more stuff to do and the lack of ability to enforce it. Time. Ok, it's been since 93 right? The rules were written. Things have gotten better because we chose to get involved with each other and go check each other's shops out and learn stuff. Becky and Ken went to meetings and took the APP course or meeting and got educated. Then they were able to go to shops and look around to see what we were doing to see who was doing the right thing and who was not. If y'all's job is public health. Has something in public happened that I was not notified through the news or something else that our rules were lacking. No? Because I didn't think so. IF that is the case then why are we stiffening the rules? If some people cannot afford to have a tattoo shop, they are going to go home and tattoo and they are going to do the best they can and you're are going to try hard to find them. I don't understand how that is helping the public health or looking out for it when people no longer manage to afford a tattoo. Much less to run a tattoo

shop. What's the point? I am of the mindset that these days I would rather not play with y'all. I would rather do my job, because the regs you have got here. You have finally caught up. Good job. It's about time, but at the same time I'm not impressed. I do not like the idea of crappy shops going out of business. Just so that y'all can get people tattooing at home. That just makes no sense. I don't understand why you would enforce that other than you don't like the competition of the guy doing it down the street doing a cheap tattoo. I have been doing, covering my stuff, wiping things down, blah, blah, blah since 93. In 2011 I shut down my big studio and cut loose anyone that worked for me and in about 2009, 2010 I quit wrapping all my equipment. I quit doing all these things that are above and beyond because there is no point in it and I have had enough of trying to do something that wasn't even necessary. And little did I know, here I am today in 2015 with no longer wrapping my equipment, no longer doing all these extra things. I don't even have a biohazard room anymore, but I have got one being built. I get it. I understand that it is a good thing to have an above par studio. That's what I've been doing, but just because you put a nice wrapper on everybody who does trashy work or everybody who has unsafe practices and you get them to follow all these great things. If they don't understand why they are doing it or they take the, I put a barrier film on all of my stuff, I'm not gonna waste Sani cloth wiping it down, if it's a matter of money for those people. I will wrap it up, what do I gotta wipe it down for, it's safe. Just, you can make it look pretty and make it look they are professional but they may not be. And to me that's the problem. Let the guy who doesn't do his thing to the same level as everyone else do his thing. Y'all are looking out for them. Those are the ones that y'all are inspecting more than once, correct? Yes. So why are the other people, I was going to say the rest of us, but I'm not even in the boat except for right now in my small studio. I don't understand why you are bullying the little people that they don't even have to nerve to come here and say anything to you, because they are not educated enough. They don't have enough knowledge in the industry to be able to stand up here and say anything because their children in the industry. I didn't realize until I got your Facebook page that I'm a little offended to have to educate you, make sure that you are aware of the right and wrong thing to do. I get it. When you come to my studio I will show you what I do, but the last thing I am going to do is tell you now when you leave here make sure you go to every other shop and they do the same thing because I know I'm above them. That's wrong.

It is in reference to the Walmart thing. I forwarded it on the information and etc., etc. You said you are working on it? Have y'all heard anything about it yet? Or is there kind of an idea of what is going to be coming from that? What's to stop it? I think y'all should just give up.

**RESPONSE:**

We have had and will continue to have two Environmental Health Specialists in the program at this time. The current regulations do not specify the number of times an inspection must be done.

Act 596 of 2013 §20-27-1503 states (a)(4) at least one inspection by the department per year.

We have revised our Rules and Regulations Pertaining to Body Art to comply with this law. Multiple inspections will be determined on a priority basis.

The Department of Health officials will continue to work with you on violation corrections. Act 596 of 2013 codified at §20-27-1512, states (a) An artist who violates this subchapter or rules adopted by the State Board of Health pertaining to body art commits a misdemeanor punishable by a fine of not less than one thousand (\$1,000) and not more than five thousand dollars (\$5,000) for each offense. Each individual Artist will be responsible for his or her own actions, but the establishment owner will be held responsible for actions within his or her establishment.

The wording from the proposed regulations: 22.1. Every firm, person, or corporation violating any of the provisions of these Rules and Regulations shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (Ark. Code Ann. § 20-27-1512.). This wording has not changed from the current regulations. The only difference is the monetary fine amount.

Act 596 of 2013 went into effect in August 2013. The current Department of Health Rules and Regulations Pertaining to Body Art had to be updated in order to comply with the new laws.

The Department of Health will continue to work with all Artists and Establishments in opening their shops and maintaining their shops in a manner that is consistent with the Rules.

Please continue to abide by the current Rules and Regulations Pertaining to Body Art until the proposed, revised Rules and Regulations Pertaining to Body Art are approved and active.

The Department of Health, with the help from The Board of Private Career Education, will continue to do our best to make sure that all new Artists



have been educated on the importance of public health involving Body Art.

As stated above: Act 596 of 2013, codified at §20-27-1503 states (a)(4) at least one inspection by the department per year.

We have revised our Rules and Regulations Pertaining to Body Art to comply with this law. Multiple inspections will be determined on a priority basis.

As stated above: Walmart allows third parties to sell products on their website. We have contacted Walmart in the past and will continue to do what we can to resolve this issue. Unfortunately, many situations similar to this are out of the Department of Health's authority to regulate.

**COMMENT:** Richard Moore, Backroads Tattoo:

Are you going to regulate these people that are advertising on Facebook that are illegitimate shops that are working out of their house since it is a law not that it's supposedly a federal offense to be tattooing without a license and outside of your house without a shop and a misdemeanor to own equipment? You are going to come in and regulate us even tighter. Which I have no problem with regulations if everyone goes by them. But what about these guys that are openly advertising on Facebook? That are not paying their taxes and not paying a license fee or a shop fee? Are you going to be able to regulate them like you are doing to us? The police haven't even been made known of the federal, well every shop and every county has a health department. Can they not get a hold of the police there, because it's not just in towns that have shops? It's in Ola, Arkansas, but you're gonna be able to go and get these people that are advertising on Facebook. They are advertising just as a shops advertise.

**RESPONSE:**

The Body Art section of the Health Department has limited authority to regulate the illegal tattooists advertising on Facebook. When we receive or find this information we will work with local law enforcement in order to assist them in pursuing criminal charges. We will continue to try to contact, educate, and work with our law enforcement in order reduce the amount of illegal activity involving Body Art.

The Health Department does not have criminal jurisdiction however it can take administrative action under the Rules when enough information has been gathered. That is why it is important for the licensed artist community to work with law enforcement and the Department by submitting detailed complaints regarding violations of this nature.

**COMMENT:** Brenden Clements:

A friend of mine owns a shop and she gave me, you know, the packet because she doesn't need to be here. And for all y'all, I mean I've got one thing to say to you. Talk is cheap. If you want to change things, instead of working against each other, you need to work with each other. Y'all are shop owners, y'all are licensed. I know how hard it is. I've been there. I've been the hated guy, but the things on Facebook in my area, the people over it are regulating it. There are actual sites that you have to have a license and you have to prove to have a license to get it. That's one of the reasons I'm here. There's not a lot of people that are gonna be like "oh man, the law, the law". They'll get theirs in the end man and they are taking money out of your mouth, I understand. "[indiscernible comment]" I heard that, I heard that, but either way, you know what I'm saying, there will be people that are trying to get their license and do it the right way, you know what I'm saying, just cost little funds, but you know what I'm saying, y'all work together.

A friend of mine owns a shop in Mountain Home. I have been trying to get my license for 5 years I've heard of apprenticeships up in the \$10,000 range. I've heard the guys who think all I am better than this, I'm better than that. I'm gonna go ahead and tell you, I've seen what rules and regulations can do. I own the twisted cauldron in Shreveport. You can probably still find it on the internet. We throw a tattoo convention. It wasn't for a national hey look at me or anything like that. It was for everybody to come together and have fun. Well first year went great. Made the papers. Had people come to my shop and all that stuff. Hey it was great. Second year they didn't even charge me my \$1000 licensing fee because the health inspector shook my hand and told me that oh yeah, well these guys really don't like what you doing so they are changing the law. I've had laws changed over me. I have been the hated guy. I've told y'all that there. And in clarification I wanted to come up here and tell y'all is I'm not saying that y'all or y'all or y'all have to work together, because these work and me sitting right there I can see the separation and I'm all about separation. I love that stuff, but what I'm saying, my clarification is not for y'all, not for y'all, but for y'all. If y'all want to do something, if y'all want to change something, y'all need to work together and if that requires working with these people over here, or working with these people over here, that is what you are going to have to do. I mean, I've lost money for the last 5 years. I'm not butt hurt about it, but you know it's like taking money away from the state because I pay taxes you know I take credit cards. You know, I walk into a shop, cash only. I don't even bother looking at the portfolio. You are in it for the money man; you aren't in it for the right reason. You know I like to make my art. I have stuff on my old lady that I haven't finished. My old lady has not been tattooed in 5 years. A friend of mine is fixing to tattoo her. I am probably going to make the rounds to some of the shops and get some advice from

y'all, because, I'm a newcomer here. I'm a guest in y'all's house. I just want my license so I can do what I can do. But if y'all want things to change, y'all need to stick together. I've seen this before. It's like this, If y'all see something that you don't like on this piece of paper. Y'all need to get together and get your voices heard as one. Not as well this shop over here, this shop over there. Y'all need to work together. I cannot express that enough. I know this guy and this guy may not like it, but you have certain organizations that they don't like this guy and they don't like this guy, but you know what they work together because they really don't like this guy.

**RESPONSE:** Thank you for your comment. In order to receive an Arkansas license transferred from another State, please refer to the out of state qualifications review process. Please contact the Body Art Program at (501) 661-2171 for more information.

**COMMENT:** Unknown:

Mine is a two part question.

One is for the administrator, the program administrator. First question is, under the current regulations, autoclave sterilization, autoclave in a shop is required. Indicator packaging. Has the Department of Health currently been enforcing that rule if people are using pre-packaged, or what is supposed to be pre-packaged and pre-sterilized equipment, needles and tubes? Have you been enforcing that regulation? It is the current regulations with the force of law. Using pre-packaged/pre-sterilized purchased from a manufacturer. If a person is using needles and tubes they bought from CAM manufacturing, and they have them in their set up box when you come to inspect, do you say that is perfectly okay and that's acceptable? The point I'm making is, as an administrator, are you accepting that as sterilized? You are admitting that you are violating the current regulations, because that is not in the current regulations. Steam pressure sterilization is the only accepted sterilization in the state of Arkansas for tattoo needles and tubes at this time. Are you telling me that the Department of Health has arbitrarily and capriciously decided to ignore that rule and regulation and just accept what is billed without any documentation of pre-packaged/pre-sterilized needles and tubes? Because I know Becky Binz was doing it. I know that Kenny Free was doing it. I was just wondering if this is a carry over to the new administration. And my other question while you are researching that is for the Attorney. I have a question for her. In the proposed regulations they are saying that autoclave sterilization on site if they are using what is called pre-packaged/pre-sterilized needles and tubes; on-site autoclave sterilization is not required. What methodology is the Department of Health accepting, what evidence are they accepting that those actually are pre-sterilized. It's a legal question, because you have no definition for what is a

manufacturer. You have no definition for what is, who accepts that a manufacturer is actually sterilizing anything? It's a legal question because it puts the Department of Health at exposure, not only that, any shop that's using that methodology, puts them at exposure because if there is a civil remedy. If a customer gets an infection and they know they are using pre-packaged/pre-sterilized needles that are undocumented from a third world company. Who do you think they'll have the civil remedy against? Not CAM incorporated, but probably against the shop owner and probably, maybe even possible the State Department of Health. My question is, what methodology is going to be accepted by the Department of Health for evidence that what is billed as pre-packaged/pre-sterilized actually is pre-packaged/pre-sterilized? What I am saying is nobody has oversight over that. For example, let me give you an opposing example. If you go into a Doctor's office and they give you a shot, that piston syringe before it can ever go to market; it has to be submitted to the FDA. They have to identify exactly what the product is, they have to identify all of their sterilization techniques and the FDA has to be able to go and verify the sterilization with testing methodology. But there is nothing that exists like that for tattoo needles. Nothing. And yet, the Department of Health has taken a position that this is industry standard. That everybody does this and it's safe. And my position is it's not industry standard and it's not safe. I use pre-packaged needles, but whenever we receive them in our shop, we take them out of the packaging, we examine them, we clean them up according to regulation, we sterilize them according to regulation, and then we use them, and then only do we use them when we can guarantee the safety under the regulations. We're following the law. Wonderful, pre-assembled needles are a wonderful thing. Single-service tubes are a wonderful thing. But accepting sterilization where there is no evidence of any sterilization is wrong. And so I don't understand why legally would the Department of Health go back 30 years. 30 years we've had good sterilization regulation and now all of sudden they are ready to chuck it. Legally I think that puts you at exposure, and it puts the shop owners at exposure. And it puts the public health in danger.

You are more concerned about paperwork and inspections instead of concerned about safety involved in tattooing. We had in regulations had to have autoclave sterilization. I know that when Becky and Ken were here, I'm not gonna mention any shops, but I know they never had an autoclave, one, because they have used pre-packaged, sterilized, which we know can't be proven. Cam has a little thing at the bottom that says they aren't held responsible for the sterilization of that product. We need to get back on the health side of this and I have no problem with regulations, but see they have never been enforced. Don't get me wrong, I liked Becky and I liked Ken both, but they were never enforced. It don't matter how many new regs you want to put in and how much you want to tighten up on the

people that are trying to do right if we aren't going to try to go by the same game plan or if you're not going to pursue getting these guys that is doing it illegally. You say Walmart is selling stuff? You say Walmart.com sells tattoo stuff? What is up with that? Can the health department not say hey you know there is a health side to think about here and stop Walmart? Or is Walmart too big? We are getting away from what we were trying. Before the regs we were putting together the regs to see what was right and to see what we can make. They didn't even have wearing gloves when I was licensed in 1986. We are losing sight and we are trying to over regulate ourselves as an industry when we've got good regulations if you just go by them. I have a problem with the fines. If somebody has got a chip on their shoulder. I might have put a chip on somebody's shoulder today. I don't know. They come in. "Oh, your bathroom trash thing is left up, it's not closed, so here's you a \$500 fine." That's crap.

I give up. I'm done, I'm done. I will make my comments to somebody else. I am done because this is a giant cluster. This is just like the ABMA. Number one you got uneducated people that are supposed to be the branch of the Health Department. I can read the law. That doesn't make me a law enforcer. I just said that this isn't a stone throw at you guys. It's just that when you are put in a position to enforce the rules that are out there. It's hard for us to sit there that have been, there shouldn't be any education is what I am saying. But they enforce the laws. They are the ones that ok enforce the rules and regulations. They got people in here, ok I don't know y'all from nothing, ok, but you are a small, small group and I have heard about the stuff and yet this was kind of closed door. You can say it wasn't and that because I've talked to "[indiscernible arguing]".

I came up here and I wasn't going to comment, but I just gonna have to say a few things. It's all about public health. A few people here have worked with me throughout the years. My only concern here is safe tattooing. If not done proper and safe you are going to draw a lot of attention to you and that is why there is regulations for public health, but when you take the regulations and totally water them down to where it is not protecting the consumer, I have a problem with that. Doing away with sterilization for one. Well I haven't read the underlined draft, but working. When I got into the tattoo business you had to have individual work rooms. I had a room built out in the big room. Now you are trying to re-draft and you people know that doing away with sterilization and you have employees. You better have a sterilizer, you better have a biohazard room, because "[indiscernible]".

The reason we can't enforce the online sales is because the sales of equipment is not illegal in every state, correct? Marijuana is not illegal in every state either. And just for the record I feel terrible for you guys.

There is nothing worse than herding kittens like all of us. You know getting a bunch of weirdos and misfits to all get along. And everybody in here, I can't speak for everybody, but everybody that I know personally is here to help so when you guys do call and you are new and you do have questions. You really can't learn everything about tattooing in a year or 5 years. So if there is something that comes where you're like "I don't know what EO certification or sterilization is" you should reach out.

What about the trainers? We have had a tat school now for a whole stinking year. And the training should be teaching microbiology and all that garbage crap because oh we have all pre-sterilized. It comes in the mail, and we're all good. They don't know anything about sterilization or how diseases transfer or about the staph outbreaks in Arkansas. There are people in the room now who have had staph outbreaks out of their shops.

**RESPONSE:**

The current rules: C. Sterilization of needles and tubes shall be accomplished by:

1. Holding in an approved autoclave for thirty (30) minutes at fifteen (15) pounds pressure at a temperature of 248 degrees F. or 120 degrees C. The use of approved autoclave packaging is required. The date the procedure is performed shall be written on the packaging. Indicator tapes or strips for checking temperature shall be provided each time the autoclave is used.

If there is no need to sterilize because the needles and tubes have already been sterilized then this process with the autoclave is not needed. If an Artist and/or an Establishment possess needles and tubes that have been pre-sterilized with documentation of method of sterilization then we will not require them to autoclave in addition to the pre-sterilization.

Manufacturers are able to provide a sterilization indicator strip with batch and lot numbers for all products that have been pre-packaged/pre-sterilized.

The FDA currently does not inspect tattoo needles and tubes. Trusted manufacturers that can provide sterilization strips, lot number, and batch number to verify pre-sterilization and to report if there is a problem with the product are recommended.

The Department of Health officials involved in the Body Art program are involved in continuing education. We are open to any question or comments at any time in the future from all Artists or interested parties.

It is a Department's policy to work with a licensee to correct any issues concerning violations of the Rules and Regulations before issuing any fines.

We will continue to work with anyone on any questions or comments now and in the future. The Department of Health is concerned with the public health. We will continue to work on issues within the laws and regulations in order to improve on them in the future.

We appreciate everyone's help, effort and patience in improving the inspections, the knowledge of everyone involved, and the body art regulations.

At this time there is no required curriculum regulated by The Board of Private Career Education. It is something that has been a concern and discussion for possible changes. We encourage all artists and artist trainers to get involved in the legislative process.

**COMMENT:** Sherry Girdner, Divine Lines:

12.4. The area of the client's skin to which body art is to be applied shall be prepared by washing with distilled water and approved germicidal soap. Why use opened unmonitored distilled water to clean the skin with to prep for a tattoo? Water from the tap is monitored and safe to drink.

13.2. All instruments that come in direct contact with a client's skin or are exposed to blood or bodily fluid shall be sterilized prior to reuse. Body piercing establishments are required to sterilize initial piercing jewelry. Needles should never be allowed to be reused and re-sterilized and this should be specified here in there is no loop in the regulation.

13.8 Approved closed cabinets for the storage of instruments, dyes, pigments, and other paraphernalia used in the establishment shall be provided. All needles and instruments shall be handled in such a manner as to prevent recontamination.

Approved closets? By who and by what criteria?

**RESPONSE:**

Distilled water should be closed when not in use. Tap water may contain additives (i.e. chlorine) not conducive for body art procedures. Impurities, such as dissolved salts and colloidal particles, have been removed by one or more processes of distillation in distilled water.

There is already a provision that needles cannot be reused. Other items can be sterilized and reused, but not needles. (See Rule 13.1)

The Health Department will approve the cabinets at the time of initial inspection. The purpose is to prevent contamination by ensuring all materials inside the cabinet are closed off.

**COMMENT:** Jeremiah Furney, Divine Lines:

*12.4. The area of the client's skin to which body art is to be applied shall be prepared by washing with distilled water and approved germicidal soap.*

If tap water is approved, contaminate free, for consumption, then it should be approved for use in diluting germicidal/enzymatic solutions.

If distilled water is required, can further clarification of requirements be made as to define use, disposal, and expirations of distilled water?

**RESPONSE:** See above response to Sherri Girdner.

**COMMENT:** Christina Lewis, Psychedelic Butterfly:

*7.8 The work room shall be free of and physically separated from any ultrasonic cleaner.*

(1) In most tattoo/piercing studios an ultrasonic cleaner is primarily used as a storage container for used equipment during the work day.

(2) As long as an ultrasonic is not ran during any time in which a procedure is being done and is located at least 5 square feet away from a work station it does not pose any risk of cross contamination.

(3) If an Artist (piercers and tattoo artist included) were required to walk across a shop to separate room carrying equipment that is contaminated with blood and other bodily fluids/tissues substantially increases the chances of accidental contamination of customers and customer waiting areas. This can happen through accidentally bumping into customers (vice versa) or accidentally dropping equipment while carrying them to the sterile room.

To require a separate room for washing and another for sterilization is not needed, unrealistic, and a waste of potential limited space. The washing of reusable equipment is usually done during pre or post business hours and in a room closed off to public access. For establishments that are set up in a studio layout (single room layout with dividing walls defining work spaces) the space and sterilizing equipment are placed away from the work stations thus limiting any potential access by customers. Further all customers that come into the work areas are accompanied, supervised, and directed on where to go by the attending artist thus further reducing any chance of access to sterilizing equipment, contamination, cross contamination, or injury.

*10.1.7 A photocopy of a valid government-issued photo identification for each client*

Q: what is the purpose for this regulation?



- (1) All information other than physical information (height, hair/eye color, weight and sex) is already required information on the consent forms.
- (2) When filling out paperwork before tattoo/piercing it is already common practice for the employee in charge of paperwork to make sure that the person filling out the paperwork is the same person on the ID. It is not uncommon for a client to be turned away for questionable legitimacy of ID.

This is accomplished by

- (a) Looking at the picture on the ID and comparing the person in front of them using things like visible tattoos/piercings, face/nose/eye shape, hair/eye color, visible facial markings etc.
- (b) Looking at the consenting signature. Matching the way the client has signed the consent form to the way the client signed their ID.
- (3) The threat of legal repercussion is more than enough incentive to not forge or misrepresent any information that I presented on the consent forms.

The only for photo copying a ID is to prove a cross reference that eh minor is the person standing in front of you and that the person signing for the minor legally has the right to do so. Also so that we have proof that the person who signed for the minor met all requirements by law in the unlikely event of dispute by another party. There is no reason or need to photocopy a of age (over 18) ID. The employee that is responsible for filling out the consent forms and checking IDs has a variety of ways to check that the ID holder is the person on the ID if there is any question on the authenticity of the ID or the ID holder is the owner of said ID the client is turned away. (reference above)

#### **RESPONSE:**

Ultrasonic devices release bio-aerosols. Research studies from the Association of perioperative Registered Nurses and the American Society for Testing and Materials have confirmed that bio-aerosols contain toxic gases, vapors, dead and live cellular debris (including blood fragments), and viruses. These airborne contaminants can pose respiratory, ocular, dermatological and other health related risks, including mutagenic and carcinogenic potential, to clients and personnel.

The use of ultrasonic cleaners is recommended in the current and proposed rules and regulations as part of the process of decontamination and sterilization, but does not need to be used as a transportation tool for dirty or contaminated equipment.

A closed medical tray would be sufficient to get your dirty and contaminated equipment to your disinfection area safely.

The proposed Rules and Regulations Pertaining to Body Art State: 7.13.5. Provide physical separation of areas within the room to designate the difference between dirty and clean instruments.

Each establishment's physical design would be reviewed and a reasonable resolution determined on the "physical separation". A simple half wall, Plexiglas panel or other minor construction could easily meet the requirement. The word "area" is used rather than "room" to indicate that a separate room will not be required. The purpose of this requirement is to segregate dirty instruments from clean.

Ark. Code Ann. § 20-27-1502 prohibits body artists from performing body art on certain individuals based on age. The Department is requiring a photocopy of the client's ID so that compliance with this law can be verified by comparing it to the consent form. This Rule is designed to help protect the artist and to ensure compliance with the statute.

**COMMENT:** Dustin Jackson, Anchor:  
The FDA is currently working with the industry to work with some of these things.

**RESPONSE:** Thank you for your comment.

**COMMENT:** Joe Phillips, Psycho Ink:  
I think what we need to understand guys is we really need to work with the current inspectors and everything that just happened when Becky and Ken left. They were thrown into a situation that they are working there best to get trained and try to help us and what we are doing to them is bombarding them with all these demands and we want answers and we want this and we want that and instead of trying to work with them to help them and to help train them. All these regulations that were just written came basically from Becky. They have made some changes in there that I don't like, some people do like them, some people don't like them, but the thing is we all need to come together. Stop arguing and bickering, work together, talk about things, and then come to a consensus to help them. Not everyone will like what they come up with, but we have got to get out of the old way of thinking how it's this pissing contest for here and there. The faster we all come together, work together, and increase the regulations to where they are acceptable to everybody, the better the industry is going to be in the State of Arkansas.

**RESPONSE:** Thank you for your comment.

**COMMENT:** Misty Forsberg:  
On the prosecution of home artists; the lack of enforcement and the reason we put anything in the regulation, isn't because overnight it is going to change, because with the old regulation it is not in writing this problem results in this punishment because that wasn't in writing there is no

enforcement for law enforcement or the health department because the health department would send it to law enforcement and law enforcement had nothing in legislation that allowed them to prosecute or pursue it. They are not pursuing it right now, that's the next step we have to fight. Trust me we want to see it prosecuted, but to say well I'm not going to report it and I'm not going to help them, but I want them to do their job. Those two don't go hand in hand. We have to be willing to help law enforcement to pursue it and to prosecute it and that comes with educating them. One of the things that we put in place is that the local law enforcement that prosecutes does receive part of that fine and it goes to the city and the county. That was to encourage them to prosecute because we all know that money speaks a lot louder than words when it comes to most law enforcement. A lot of the system is going to come down to talking the prosecuting attorney, talking to local law enforcement in a civil way. Educating them and letting them know what the fines are, letting them know that it can be prosecuted right now and working hand in hand with them. It's probably going to be a long time before we see a really good result from that, but it's the first step in that because we had to give them some teeth to pursue that. We aren't going to see change overnight with that, but it is a step, but nothing happens if we don't work hand in hand with them. They're not the enemy here. We're only giving them a way to pursue those that are breaking the law. We have to help them to learn how to pursue it. It's gonna take time.

The other thing I was gonna mention on the one inspection per year, the reason we wrote that, we may have seen more inspections previously, but it wasn't in writing saying this has to happen X number of times per year. Our thought was, because we knew Ken was leaving, we knew Becky was going to be leaving, we don't want to see a new group come in and inspections go to less than one time per year. It wasn't to say it can only happen once a year. It was to say it has to happen at least once a year so that we wouldn't ever see it drop below that. We didn't want to see it go below a minimum.

**RESPONSE:** Thank you for your comments.

**COMMENT:** Jud Ferguson, 7<sup>th</sup> Street Tattoo:

I kind of feel like this guy back here. We've gotta be careful on how much we allow them to regulate. I understand that it's healthy for the tattooing and piercing industry in Arkansas, but these guys bottom line are here to make money. They're here to regulate and I've only been tattooing for 12 years and it's gotten more strict, more moneys getting involved. My biggest thing is with prosecution of people that tattoo illegally, because I live here and tattoo here in Little Rock, and it affects us and we're the big city. And it probably affects us more than some of the smaller cities and

you know with tattoo equipment becoming so readily available through the internet. You can go to Walmart.com and buy tattoo equipment. There is something very wrong with that in my opinion. It doesn't matter if it is garbage or not. That is not relevant. Good, bad, whatever, there's still that they don't know what they are doing, they don't know proper sterilization techniques. And sometimes I feel like we are the ones being punished because we abide by all the laws. We pay our fees. We do everything, and then these guys come in, they do whatever they want. And I understand that in Fort Smith you guys had that big bust. And that's great, but I don't like hearing people say well it's going to be a few years before something happens. I know that in other States that have a task force that work specifically for the Health Department and they regulate or they watch Facebook, and they watch Instagram, and they watch Craigslist and they take down all the information and they go out and they nail these people and I understand that in a perfect world we can have that and but you know it probably won't happen. I just think it is a shame, because somebody earlier said that all these regulations don't correlate with people tattooing illegally. Yes it does. That's the bigger picture, because if you guys don't do anything, eventually these regulations are not going to mean anything, because the people that pay their dues and do what they are supposed to are going to get fed up and I don't think tattooing will go underground, but there is a possibility. So you've got to look at it in that respect.

**RESPONSE:**

We will continue to work with anyone on any questions or comments regarding compliance with the Rules, now and in the future. The Department of Health is concerned with the public's health. We will continue to work on issues within the laws and regulations in order to improve on the public's health in the future.

**COMMENT:** Crissie Clegg, True Grit Tattoo Parlor:

The first thing is the FDA is making moves on EO gas certification and ink regulation. We were trying to make this a little bit more pro-active so we don't have to back up and do this again. That is why it is there. Our group with the ABMA, we were not good with removing autoclaves. We had asked repeatedly. Becky Binz had been asked by Permanent Cosmetics Artists specifically. I had given it to them in comment multiple times and it has been kicked out of legal multiple times that we could not separate the Permanent Cosmetic end and say that only they can use all disposable equipment. So that is why it is still there. It is not on our part trying to change that. The other is it's not a federal offense. That is a state law. That you can take it to your local and handle that. If you would like we can help you do it. We have had some actions and at the moment it is still kind of sitting there in limbo because of the court system, but we are

making that change. It is a slow go, but there's lots of people making effort on that.

Regarding the regulations and why they happened. The legislature had put in front of them a law that had nothing to do with us. None of the body art artist were included in any of that discussion and it was very poorly worded to the point that almost anybody in here would not be in business. We made a response to that, because once you open that door, you've kicked it open. And anyone can make that change to the law. If anyone else is petitioning the legislature as was then we, can do so as well. Any change in the legislative action, the law itself, we have to have new regulations to make those changes. What we were trying to do is update them so that we can do this more frequently than once every 15 years and have something that is a little bit more modern. Regarding the sales of tattoo equipment, New York State had some things that made the media here very recently. It was being pushed through very quietly and very slimly by some manufactures that only do business with mainly the unlicensed. The same way that we got to respond I have been in communication with them to get them to respond. As California goes, New York goes, and pretty much the rest of the US follows that in legislative actions. Our legislative action banning the sale of tattoo equipment of possession of critical tattoo equipment in Arkansas was groundbreaking. They are getting to look and our legislation and say hey this can be done. They are watching to see they can work it or possibly how they can work it better, but they are looking into outlawing it. I am working with some Artist in Louisiana and Oklahoma. If anyone has some leads on any Oklahoma tattooists that would be interested in stepping forward and taking that to their legislature. We are trying to push it nationwide so this stuff is as much as a problem. The third part sales. It started with Sears, and then it was Amazon, now it is Walmart. If you contact Walmart they will tell you that it is a third party and they lease their site out just like Amazon. Now, Walmart is an Arkansas based company, so we do have a leg to stand on and some of us are trying to do something with it. If you are interested, contact them.

**RESPONSE:** Thank you for your comment.

**COMMENT:** Ashley, 7<sup>th</sup> Street Tattoo:

I run the business, so I see all the paperwork and all of that. My biggest thing is for us to; I don't understand why we have to have the Artist name and the license number. The license number is on file. You have and we have it. So for us to have to go through and put that on every piece of paperwork at a shop like mine that has high volume is just its redundant. And y'all have seen our books. You see how we operate. To require us to go through and make a copy of everyone's Id when we already have been

doing this properly it's one not only bad for the environment, but it just seems like it is something that could be recommended for our own protection, but to require us to it, again, when we are doing high volume, y'all will be at our shop for 10 hours going through books to make sure. I think it would be good to have it be recommended, but to have it required just seems kind of more work for me and more work for the Health Department. To make it required, I would like to have it looked at.

**RESPONSE:**

We removed the wording that would require Artist signature and input the wording requiring Artist license number as the alternative. The license number is necessary on every consent form, because we have had an issue in the past with being unable to identify the Artist for the procedure due to handwriting or nicknames.

Ark. Code Ann. § 20-27-1502 prohibits body artists from performing body art on certain individuals based on age. The Department is requiring a photocopy of the client's ID so that compliance with this law can be verified by comparing it to the consent form. This Rule is designed to help protect the artist and to ensure compliance with the statute.

The proposed effective date is April 1, 2016.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** There is an estimated cost to the regulated community of \$12,775 for the next fiscal year. It will cost \$55 per artist in training to complete CPR/First Aid training. There are approximately 60 new artists in training per year. Also, any tattoo establishment which does not choose to use all disposal tattoo tubes or establishments who also do body piercing will be required to use monthly spore strip testing at an approximate cost of \$75 per year. There are approximately 130 tattoo and body piercing establishments currently licensed.

**LEGAL AUTHORIZATION:** Ark. Code Ann. § 20-27-1503(a) provides that the Department shall license body art establishments, body artists, and body art training facilities.

Ark. Code Ann. § 20-27-1503(b) provides that the Department "may adopt appropriate rules regarding the artists, premises, equipment, procedures, techniques, and conditions of establishments which perform procedures subject to this subchapter to assure that the premises, equipment, procedures, techniques, and conditions are aseptic and do not constitute a health hazard".

Ark. Code Ann. § 20-27-1503(e) requires the Department to levy the following fees:

- \$150 annually per facility for issuance of a license to an establishment that performs body art
- \$100 annually per artist for issuance of a license to an artist who performs body art
- One-time fee of \$500 per artist licensed in a state other than Arkansas or a country other than the United States who applies for qualifications review by the department
- \$50 for an artist in training who applies to take the written and practical examinations for licensure as an artist
- \$50 per artist to a sponsor of an event, not to exceed \$2,000 per event

Ark. Code Ann. § 20-27-1506 requires each artist, artist trainer, and artist in training to complete Occupational Safety and Health Administration blood-borne pathogens training. This training must be renewed annually.

Ark. Code Ann. § 20-27-1509 provides that the Department may issue a temporary demonstration license for an educational purpose, a trade show, a demonstration, or for an appearance as a guest artist. The temporary demonstration licenses may be issued to the event sponsor or to a guest artist.





**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Health  
DIVISION Center for Local Public Health-Environmental Health  
DIVISION DIRECTOR J. Terry Paul  
CONTACT PERSON Katie Wirges  
ADDRESS 4815 W. Markham St., Slot 46, Little Rock, AR  
PHONE NO. 501-280-4497 FAX NO. 501-661-2582 E-MAIL katherine.wirges@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Robert Brech  
PRESENTER E-MAIL robert.brech@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201**

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1. What is the short title of this rule? Rules and Regulations Pertaining to Body Art
2. What is the subject of the proposed rule? Revisions to the requirements for tattoo, body piercing, permanent cosmetic and branding artists and establishments. Provides requirements for artists and establishments who perform scarification procedures which were legalized in 2013.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No   
If yes, what is the effective date of the emergency rule? \_\_\_\_\_
- When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes  No

If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes  No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

\_\_\_\_\_

Is this an amendment to an existing rule? Yes  No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. § 20-27-1503

7. What is the purpose of this proposed rule? Why is it necessary? To update requirements for body art (tattoo permanent cosmetic, body piercing, and branding establishments and artists per Act 596 of 2013. To provide requirements for artists and establishments who perform scarification procedures.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.healthy.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes  No

If yes, please complete the following:

Date: September 22, 2015

Time: 10:00 a.m.

Arkansas Department of Health

Place: Auditorium

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

September 22, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

April 1, 2016

12. Do you expect this rule to be controversial? Yes  No

If yes, please explain. \_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?  
Please provide their position (for or against) if known.

All licensed body art artists

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health  
**DIVISION** Center for Local Public Health  
**PERSON COMPLETING THIS STATEMENT** Katie Wirges  
**TELEPHONE NO.** (501) 661-2171 **FAX NO.** (501) 661-2582 **EMAIL:** katherine.wirges@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Rules and Regulations Pertaining to Body Art

1. Does this proposed, amended, or repealed rule have a financial impact?    Yes     No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?    Yes     No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?    Yes     No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

\_\_\_\_\_

(b) The reason for adoption of the more costly rule;

\_\_\_\_\_

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

\_\_\_\_\_

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>

Other (Identify) 0

Other (Identify) 0

Total 0

Total 0

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue 0  
Federal Funds 0  
Cash Funds 0  
Special Revenue 0  
Other (Identify) 0  
  
Total 0

**Next Fiscal Year**

General Revenue 0  
Federal Funds 0  
Cash Funds 0  
Special Revenue 0  
Other (Identify) 0  
  
Total 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 12,775.00

\$55.00 per artist in training to complete CPR/First Aid training. Approximately 60 new artists in training per year. Also any tattoo establishment which do not choose to use all disposal tattoo tubes or establishments who also do body piercing will be required to have monthly spore strip testing at an approximate cost of \$75.00 /year. There are approximately 130 tattoo and body piercing establishments currently licensed.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

