

ARTICLE 44:12

TATTOOING AND BODY PIERCING

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CHAPTER 44:12:01

MINIMUM SANITATION STANDARDS FOR TATTOOING

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44:12:01:01. Definitions. The terms used in this chapter mean:

- (1) "Autoclave," a device for sterilization by steam, usually at 250 degrees Fahrenheit, for a specified length of time as determined by the manufacturer's instructions;
- (2) "Communicable disease," a disease which is capable of being transmitted from person to person;
- (3) "Department," the state Department of Health;
- (4) "Disposable setup," a setup that consists of one liner tube, one shade tube, and a needle bar setup for the liner tube and the shade tube;
- (5) "Minor," a person who is under the age of 18 years;
- (6) "Patron," a person who receives a tattoo;
- (7) "Permanent tattoo establishment," a building where tattooing is practiced on a year-round basis;
- (8) "Tattoo artist," a person engaged in the practice of tattooing or microblading, or both;
- (9) "Tattoo establishment," the building or structure where tattooing is practiced;
- (10) "Tattooing," to ~~puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs~~ make marks or

designs into the skin by puncturing it and inserting indelible colors. Tattooing includes microblading and similar techniques used to partially or fully simulate natural hair;

(11) "Tattooing area," within a tattoo establishment, the immediate vicinity where tattooing is performed;

(12) "Temporary tattoo establishment," a building or structure where tattooing is practiced for not more than 30 days.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:14. Communicable disease reporting. A tattoo artist shall report within three days to the department any known or suspected communicable disease associated with the practice of tattooing. A report may be filed during normal business hours by a toll-free report line at 1-800-592-1861 or 605-773-3737; ~~by a confidential answering device at 1-800-592-1804;~~ by fax at 605-773-5509; or by a secure website at <https://apps.sd.gov/applications/PH93Morbidity/secure/index.asp> ~~https://apps.sd.gov/PH93Morbidity/secure/index.asp~~. A report may be filed after normal business hours for a Category I disease by calling 605-773-3737 or 1-800-592-1861.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Mandatory communicable disease reports from physicians, laboratories and institutions -- State tuberculosis register -- Surveillance and control -- Adoption of rules, SDCL 34-22-12.

CHAPTER 44:12:02

MINIMUM SANITATION STANDARDS FOR BODY PIERCING

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- 44:12:02:01 Definitions.
- 44:12:02:02 Applicability.
- 44:12:02:03 General provisions.
- 44:12:02:04 Handwashing facilities.
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- 44:12:02:06 General-use equipment.
- 44:12:02:07 Animals prohibited -- Restricted activities.
- 44:12:02:08 Maintenance of establishment.
- 44:12:02:09 Inspection.
- 44:12:02:10 Record of patrons.

44:12:02:10.01 Required equipment for body piercing establishments.

44:12:02:11 Required equipment -- Reusable equipment.

44:12:02:11.01 Required equipment -- Single use disposable equipment.

44:12:02:12 Control of infectious disease.

44:12:02:13 Consent of patron required.

44:12:02:14 Communicable disease reporting.

44:12:02:14.01 Record of patrons.

44:12:02:15 Equipment requiring sterilization.

44:12:02:16 Needle construction -- Sterilization required.

44:12:02:17 Sterilization methods.

44:12:02:18 Sterile equipment -- Packaging and storage.

44:12:02:19 Razor requirements.

44:12:02:20 General-use equipment -- Sanitization required.

44:12:02:21 Linen cleaning and storage.

44:12:02:22 Hygienic practices -- Gloves required.

44:12:02:23 Skin preparation.

44:12:02:24 Use of styptics.

44:12:02:25 Jewelry preparation.

44:12:02:26 Care instructions for body piercing.

44:12:02:27 Care instructions for oral piercing.

44:12:02:28 Ear piercing.

44:12:02:29 Use of ear piercing gun.

44:12:02:30 Storage of soiled equipment.

44:12:02:31 Disposal of contaminated products.

44:12:02:32 Inspection fees.

44:12:02:01. Definitions. The terms used in this chapter mean:

(1) "Autoclave," a device for sterilization by steam, usually at 250 degrees Fahrenheit for a specified length of time as determined by the manufacturer's instructions;

(2) "Body piercing," ~~the placing of~~ to place a permanent or temporary foreign object in a person's body; ~~such as ears, nose, lips, genitals, nipples, or parts thereof,~~ for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11; ~~the site or location, on the patron, of the body piercing;~~

(3) "Body piercing area," within a body piercing establishment, the immediate vicinity where body piercing is performed;

(4) "Body piercing artist," a person engaged in the practice of body piercing;

(5) "Body piercing establishment," the building or structure where body piercing is practiced;

(6) "Communicable disease," a disease which is capable of being transmitted from person to person;

(7) "Department," the State Department of Health;

(8) "Patron," a person who receives a body piercing;

(9) "Permanent body piercing establishment," a building where body piercing is practiced on a year-round basis;

(10) "Temporary body piercing establishment," a building or structure where body piercing is practiced for not more than 30 consecutive days.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:14. Communicable disease reporting. A body piercing artist shall report within three days to the department any known or suspected communicable disease associated with the practice of body piercing. A body piercing artist shall consult with the artist's medical provider or the department for medical management of any needle-stick injuries. A report may be filed during normal business hours by a toll-free report line at 1-800-592-1861 or 605-773-3737; ~~by a confidential answering device at 1-800-592-1804;~~ by fax at 605-773-5509; or by a secure website at <https://apps.sd.gov/applications/PH93Morbidity/secure/index.asp> ~~https://apps.sd.gov/PH93Morbidity/secure/index.asp~~. A report may be filed after normal business hours for a Category I disease by calling 605-773-3737 or 1-800-592-1861.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013

General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Mandatory communicable disease reporting from physicians, laboratories and institutions -- State tuberculosis register -- Surveillance and control -- Adoption of rules, SDCL 34-22-12.