



Montana Sanitation Standards for Tattooing, Cosmetic Tattooing, Body Piercing, and Ear Piercing

Questions and Answers

Updated April 2007

Q. Is a license required for a tattoo, cosmetic tattooing, body piercing, or ear piercing business in Montana?

A. Yes, the Montana Department of Public Health & Human Services adopted new administrative rules (ARM Title 37, Chapter 112, subchapter 1) requiring licensing of tattooing, permanent make-up, body piercing and ear lobe piercing establishments, effective March 23, 2007. The rules were drafted from the authority given to the department in Title 50, Chapter 48, subchapter 1 MCA. The department had sanitation standards in place since 1997, but they lacked licensing requirements, fees, enforcement, training, and sanitation standards for piercing. Two local health departments require licensing in lieu of the State- Yellowstone County and Big Horn County. They regulate tattooing operations locally, using regulation based on the state standards. In all other parts of the state, the Montana license is required.

Q. If an establishment has a Certificate of Sanitation from the department already, does it need a license?

A. Yes. Obtaining a Certificate does not automatically qualify the establishment and operator for a license because the rules for licensing are not the same as the previous rules for certification. A new license requires the applicant to go through a review of plans with the department.

Q. Can a person under the age of 18 get a tattoo or piercing without consent of the parents?

A. No. Tattooing or piercing, including ear piercing, can only be done legally 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". The parent or legal guardian must be with the minor at all times during the tattooing or piercing.

Q. What are the risks of getting an infection with a tattoo or 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 inks can cause allergic skin reactions, even years after you get the tattoo, or heavy metal poisoning. Facial tattoos can cause swelling and burning during a magnetic resonance imaging (MRI) procedure, or interference with the image. Abscesses, granulomas (bumps), or keloiding (scarring) can form with tattooing or piercing. Body piercing can cause muscle paralysis, nerve paralysis, or excessive bleeding. Oral piercings can chip or crack your teeth and cause gum damage. Young children can remove earrings intentionally or accidentally while sleeping and choke on them.

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, expensive, and rarely restore the skin to its previous appearance. 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 is often used when the tattoo is relatively small. There is also a laser procedure, which can produce satisfactory results with most, but not all, pigment colors. Keep in mind that a tattooing license does not endorse any activities beyond the scope of the rules pertaining to tattooing, such as medical procedures or medical practice. Methods should be considered under the advice of your licensed doctor or dermatologist.

Q. I've heard that ear piercing guns are dangerous. It 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.

Q. Why is licensing for ear lobe piercing different from ear cartilage piercing?

A. 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. Tattooing and piercing establishments are required to use autoclave sterilization for all items that come into contact with the customer, or use sterile prepackaged disposable items. Regardless of the sterilization method, Montana rule requires that the

package be opened in view of the client.

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

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, cosmetic tattooing, body piercing or ear lobe piercing in Montana, or if you would like a copy of the rules and related information mailed to you, contact the following:

FOOD & CONSUMER SAFETY, BODY ART PROGRAM
P O BOX 202951
HELENA MT 59620-2951
phone (406) 444-2408 or e-mail rpicccone@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

Do you have a question that was not answered here? Please send a message to rpicccone@mt.gov.