



Tattoo and Body Art Checklist (Chapter 5.10, El Paso City Code)
City of El Paso Code Compliance Division

I. Studio Checklist				
Item	Requirement	Answer	Ordinance Reference	Comments
1	Is the tattoo studio registered with the City? If "NO," verify whether the studio is exempt IAW 5.10.030.C	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.A 5.10.030.C	
2	Is the registration posted inside the studio, where it can be viewed by customers and inspectors?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.B	
3	Is studio located in the appropriate zoning according to Title 20? If "NO," registration may be suspended or revoked.	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.010.B 5.10.020.O	
4	Is the studio compliant with building and construction standards according to Title 18 (including appropriate certificate of occupancy)? If "NO," studio may be suspended or revoked.	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.010.B 5.10.020.O	
5	Has studio employed only licensed artists?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.D	
6	Has studio maintained a list on the Studio Log required by the City, of all licensed artists employed at the studio?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.D.1	
7	Are artists that are no longer employed by the studio recorded on the log as a strikeout (each strikeout must remain on the list for 2 years)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.D.2 5.10.030.D.3	
8	Has studio provided a dedicated hand-washing station?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.E.2	
9	Is hand-washing station labeled "HAND-WASHING ONLY" with a permanent sign, of black, two-inch letters on a white background, directly above the station?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.E.2.a	
10	Has the studio maintained the hand-washing station free of the presence of equipment or supplies?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.E.2.b	

11	<p>Has the studio maintained compliance with requirements listed in ATTACHMENT A?</p> <p>If "NO," list instances of noncompliance in the COMMENTS block, using the appropriate Requirement Number.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.E.1	
12	<p>Has studio offered supplies for use only to licensed artists?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.F	
13	<p>Has the studio ensured that supplies are stored in a manner consisted with the manufacturer's specifications?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.G.1	
14	<p>If stored on the floor, has the studio ensured that supplies are stored in fully-enclosed containers that are kept closed at all times?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.G.2	
15	<p>For studios requiring renewal of registration, has studio submitted renewal application within 20 days of receiving a renewal of DSHS Tattoo or Body Piercing Studio License?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.050.C	
16	<p>Has studio ensured that all licensed artists have received an approved Bloodborne Pathogens course?</p> <p>If "NO," refer to Regional OSHA Enforcement Office and DSHS local office.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.010.B	
17	<p>Is studio in possession of a current, valid license with the Texas Dept. of State Health Services?</p> <p>If "NO," refer to local DSHS Office. In addition, registration may be suspended or revoked.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.010.A 5.10.040.A.6	
18	<p>If studio is offering branding, are applicable state and federal rules and regulations being followed?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.E.3 5.10.010	
19	<p>Is studio offering branding only (no tattooing or body art)?</p> <p>If "YES," this is prohibited. Studio registration may be suspended or revoked.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.030.H	

20	<p>Is the studio owner a person other than the person listed on the studio registration?</p> <p>If "YES," the registration may have been transferred to a new owner, which is not allowed. Studio registration may be suspended or revoked.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.060	
21	<p>Violations of the following 25 TAC 229 sections will be referred to the local DSHS Office:</p> <ul style="list-style-type: none"> • 406 (Client Qualifications, Disclosure and Records) • 408 (Care of the New Tattoo and/or Body Piercing) • 410 (Report of Infection or Allergic Reactions) • 413 (Tongue Splitting) <p>Violations of the following 25 TAC 229 section will be referred to the regional TCEQ Office:</p> <ul style="list-style-type: none"> • 411 (Disposal of Infectious Waste) 	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.010.B	

ATTACHMENT A

Physical Facility		
Requirement		25 TAC 229.
1	<p>Studio must be in a permanent, non-dwelling building or portion of a building which must be in a location which is permissible under local zoning codes. The studio shall be separated from living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.</p> <ul style="list-style-type: none"> • Allowable zoning for studios: <ul style="list-style-type: none"> ○ C-OP ○ C1 – C5 ○ M1 – M3 • Allowable zoning with detailed, approved site plan: <ul style="list-style-type: none"> ○ S-D ○ U-P ○ P-C • Allowable zoning with master zoning plan: <ul style="list-style-type: none"> ○ R-MU ○ I-MU • Allowable upon review: <ul style="list-style-type: none"> ○ Smart Code Zoning 	404(a)
2	<p>Studio shall be maintained in a sanitary condition.</p> <ul style="list-style-type: none"> • Germicidal solution and detergent disinfectant must be made available for inspection • A violation will be noted if waste/litter is observed other than in a trash receptacle • A violation will be noted if food or drink is observed in a workstation • A violation will be noted if any restroom doors are not kept closed at all times 	404(b)
3	<p>The walls, ceilings, and floors shall be kept in good repair. The tattoo and body piercing area shall be constructed of smooth, hard, surfaces that are non-porous, free of open holes or cracks, and easily cleaned.</p>	404(c)

4	Studios shall have adequate lighting of at least 50 foot candles of illumination in the tattooing, body piercing, and sterilization area.	404(d)
5	Adequate mechanical ventilation shall be provided in the studio. <ul style="list-style-type: none"> HVAC IAW Title 18 required HVAC must be fully operational at time of inspection	404(e)
6	Each studio shall be equipped with hand-washing facilities for its personnel with unobstructed access to the tattoo and body piercing area such that artists can return to the area without having to touch anything with their hands. Hand-washing facilities shall be equipped with hot and cold running water under pressure; liquid germicidal soap; single-use towels or other approved hand-drying devices; and a covered refuse container. Such facilities shall be kept clean and in good repair. <ul style="list-style-type: none"> Other approved hand-drying devices = heated air dryer 	404(f)
7	Animals are not permitted in the studios, except for guide or service animals accompanying persons with disabilities, or non-mammalian animals in enclosed glass containers such as fish aquariums, which shall be outside the tattooing, body piercing, and sterilization area.	404(g)
8	Use of tobacco products shall be prohibited in the tattoo, body piercing, and sterilization area. Consumption of alcoholic beverages shall be prohibited in the studio.	404(h)
9	The studio shall be kept free of rodents and vermin and protected from infestation by insects. <ul style="list-style-type: none"> Violation will be noted if live or dead insects or rodents are observed in the studio 	404(i)
10	If tattooing or body piercing is performed where other non-tattooing or non-body piercing services are provided, it shall be provided in an area that is physically separate, and with protection from other activities to avoid the transfer of disease-causing microorganisms or other irritant particles into to the artist's workstation or sterilization area. <ul style="list-style-type: none"> Allowable separation shall include: <ul style="list-style-type: none"> Walls and/or dividers must be compliant with Requirement 3 Dividers, if not permanent walls, must be composed of or covered in non-porous material, such as plastic Workstation must have a door or non-porous divider that closes completely, in order to separate it from other activities Walls and/or dividers 5 feet or taller, measured from the floor, will be considered compliant with this requirement 	404(j)

Sterilization

Requirement	25 TAC 229.	
11	A studio is required to utilize instruments that have been prepared as described in §229.409(a)-(e) of this title (relating to Tattooing and Body Piercing Instruments and Jewelry). The studio shall use sterilization equipment that is approved by the United States Food and Drug Administration for the purpose of sterilization, and adequate in size to accommodate necessary utensils and instruments. A copy of the manufacturer's recommended procedures for operation of the sterilization unit(s) must be available for inspection by an authorized agent at the time of inspection.	407(a)
12	Instruments and jewelry requiring sterilization shall be packed in packages approved for the sterilization unit. Instruments and jewelry shall be packed individually, or as a set provided such set is intended to be used for a single procedure. Each package shall be labeled with the date of sterilization and the initials of the person sterilizing the instruments. Packaged sterilized instruments shall be kept in a sterile condition and stored in a clean dust-tight container when not in use. Instruments and jewelry may be sterilized immediately before tattooing or body piercing without the use of sterilization packages as provided by the sterilization unit's manual.	407(d)

13	Each package of instruments and jewelry sterilized shall be monitored for sterilization by the use of chemical/heat sensitive indicators.	407(e)
14	Each sterilization unit used by the studio to sterilize instruments and jewelry must have a spore test performed each calendar month by an approved laboratory, and the test results be made available for inspection.	407(f)
15	<p>Each studio shall maintain sterilization records. The information shall be permanently recorded and made available for examination by an authorized agent in the studio for at least two years from the date of the last entry. These permanent records shall be maintained at the studio and shall include the following:</p> <ul style="list-style-type: none"> (1) date of sterilization; (2) quantity and type of instruments to be sterilized; and (3) name or initials of the individual sterilizing the instruments. 	407(g)
16	<p>Sterilized instruments and jewelry stored in accordance with the sterilization unit owner's manual and stored in accordance with the sterilization packet manufacturer's labeling or letter provided by the manufacturer of the sterilization packets will be considered sterile for the length of time set out in the sterilization unit owner's manual or packet labeling or supporting documentation. If the studio personnel cannot provide a manual for the sterilization equipment at the time of inspection or if no length of time is set out by the sterilization unit's manual, the equipment must be stored in an approved manner and the instruments and jewelry not used within 60 days after sterilization shall no longer be considered sterile. If pre-sterilized instruments are used, the artist shall obtain documentation from the manufacturer that describes the method of sterilization utilized by the manufacturer and the manufacturer's recommendations for storage and maintenance of sterility. This documentation shall be available for inspection by an authorized agent. The artist shall follow the manufacturer's instructions for storage and maintenance of sterility.</p>	407(h)
17	<p>One of the following methods of sterilization shall be used.</p> <ul style="list-style-type: none"> (1) Autoclave--steam under pressure: <ul style="list-style-type: none"> (A) 121 degrees Celsius (250 degrees Fahrenheit) and a pressure of at least 15 pounds per square inch for not less than 30 minutes after the chamber of the autoclave has reached the required temperature and pressure; or (B) as specified in the manufacturer's operator's manual. (2) Dry heat sterilization: <ul style="list-style-type: none"> (A) 160 degrees Celsius (320 degrees Fahrenheit) for not less than one hour under atmospheric pressure after the sterilizer has reached the required temperature; or (B) as specified in the manufacturer's operator's manual. 	407(i)

II. Artist Checklist				
Item		Answer	Ordinance Reference	Comments
1	Is the artist licensed with the City? ARTISTS WHO PERFORM EAR PIERCING ONLY ARE EXEMPT FROM LICENSURE (5.10.070.C).	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.070.A	
2	Does the artist have the license in his possession, in addition to a state-issued photo ID card?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.070.B	
3	Is the artist applying tattoos or body art within a registered studio?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.070.D	
4	Is the artist using only supplies that conform to health & safety standards required by state and federal laws?	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.070.E	
5	Has the artist maintained compliance with requirements listed in ATTACHMENT B? If "NO," list instances of noncompliance in the COMMENTS block, using the appropriate Requirement Number.	<input type="checkbox"/> YES <input type="checkbox"/> NO	5.10.010.B	

ATTACHMENT B

Personnel Responsibilities		
Requirement		25 TAC 229.
1	All artists while tattooing or body piercing shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.	405(a)
2	All artists shall wash their hands thoroughly using hot water with a liquid germicidal soap before and after tattooing or body piercing and as often as necessary to remove contaminants.	405(b)
3	All artists shall wear single-use gloves while assembling tattooing and body piercing instruments and while tattooing and body piercing.	405(c)
4	When a session is interrupted or immediately after gloves are torn or perforated: (1) gloves shall be removed and discarded; and (2) hands shall be washed and a fresh pair of gloves used.	405(d)
5	Artists shall use universal precautions while tattooing or body piercing. An artist diagnosed with a communicable disease shall provide to the Texas Department of State Health Services a written statement from a health care practitioner that the artist's condition no longer poses a threat to public health.	405(e)
6	The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.	405(f)

7	The external skin of the client to be pierced shall be cleaned with an approved germicidal soap according to label directions. In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this paragraph for both skin and oral piercings shall be followed.	405(g)
8	If shaving is required, razors shall be single-use. The razor or razor's head must be placed in a biohazard container after use.	405(h)
9	Each artist performing any tattoo or body piercing procedure in the studio shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.	405(i)
Sterilization		
Requirement		25 TAC 229.
10	Each person responsible for the sterilization of instruments and jewelry shall be able to demonstrate to the inspector the correct sterilization procedures and the proper operation of autoclave and/or dry heat sterilization equipment.	407(b)
11	After each use, the reusable instruments and jewelry shall be cleansed to remove blood and tissue residue before sterilization as described in §229.409(n) of this title.	407(c)
Tattooing and Body Piercing Instruments and Jewelry		
Requirement		25 TAC 229.
12	Instruments and jewelry used during tattooing and piercing procedures which may contact blood or other bodily fluids, or which come in direct contact with skin which is not intact shall be sterilized after each use or disposed of. These devices include, but are not limited to, bars, tubes, forceps, receiving tubes, and tapers . This does not include ear piercing guns or tattoo machines/devices.	409(a)
13	Instruments and jewelry used during tattooing and body piercing which do not come in contact with broken skin but may come in contact with mucous membranes and oral tissue should be sterilized after each use. If, however, sterilization is not feasible because the instrument or jewelry will be damaged, the instrument or jewelry shall be treated with a germicidal solution prior to use. These devices include, but are not limited to, calipers and gauge wheels .	409(b)
14	Instruments that come into contact only with intact skin shall be treated with a germicidal solution prior to use. These devices include, but are not limited to, hand mirrors .	409(c)
15	Reusable instruments shall be constructed in a manner that permits easy cleaning and sterilization. <ul style="list-style-type: none"> Instruments should be constructed of a nonporous material capable of being disinfected, such as plastic or steel 	409(d)
16	Needles and razors or razors' heads used to perform body piercing and tattooing shall be single-use and disposed of in a sharps container .	409(e)
17	Single-use disposable instruments shall be maintained in clean condition and dispensed in a manner to prevent contamination to the unused instruments. These devices include, but are not limited to, cups, cotton swabs, corks, rubber bands, and toothpicks .	409(f)
18	Use of styptic pens or alum solids to control blood flow is prohibited.	409(g)
19	All dyes or pigments used in tattooing and piercing shall be non-toxic, free from adulteration, and made from materials generally regarded as safe. Marking instruments shall be single-use or sanitized by design, such as alcohol based ink pens, and shall be used only on intact skin that has been treated with a germicidal soap. Any marking instrument that comes in contact with mucous membranes or broken skin shall be single-use.	409(h)

20	Only single-use pigment or dye containers shall be used for each client. Pigments and dyes shall be dispensed from containers in a manner to prevent contamination to the unused portion. Individual containers of dye or pigment shall be discarded after use.	409(i)
21	In order to minimize transmission of body fluids and disease, single-use plastic covers shall be used to cover spray bottles or other reusable accessories for multiple client use that are handled by the artist during tattooing and body piercing.	409(j)
22	All stencils shall be single-use. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied using aseptic technique and in a manner to prevent contamination of the original container and its contents. The applicator shall be single-use.	409(k)
23	Contaminated reusable instruments shall be placed in a labeled covered container which may contain a disinfectant solution such as 2.0% alkaline glutaraldehyde (not to be construed as all inclusive) until it can be cleaned and sterilized.	409(l)
24	All containers holding contaminated instruments and container lids shall be emptied of contaminated solution and cleaned and sanitized daily or more often if needed.	409(m)
25	<p>Reusable instruments shall be cleaned by gloved personnel prior to sterilization by one of the following methods:</p> <p>(1) mechanically pre-clean the items by using a clean cotton ball or swab moistened with a solution of low-residue detergent and cool water, with care taken to ensure the removal of any pigment or body substances not visible to the eye, thoroughly rinse with warm water and then drain, and clean by soaking in a protein dissolving detergent-enzyme cleaner used according to manufacturer's instructions; or</p> <p>(2) clean the items in an ultrasonic cleaning unit used according to manufacturer's instruction. A copy of the manufacturers recommended procedures for operation of the ultrasonic cleaning unit must be available for inspection by an authorized agent; and</p> <p>(3) rinse and dry the items prior to packaging for sterilization.</p>	409(n)