

## Legislative Auditor

# OVERVIEW

## SUNSET EVALUATION REPORT: REGULATION OF TATTOO ARTISTS, ELECTROLOGISTS, AND SANITARIANS

Honolulu, Hawaii

December 1989

### Summary

Tattoo artists create indelible marks and designs on the body and face by introducing pigments under the skin with electric needles. Electrologists remove unwanted hair by destroying the hair follicle with an electric current. Sanitarians inspect, sample, and test public swimming pools, food markets, restaurants, water systems, and other environmental areas that might harm the public.

In Hawaii, it is against the law to practice these occupations without a license from the Department of Health. The department now licenses 69 tattoo artists and 181 sanitarians. It will begin licensing electrologists after new rules are formally adopted.

An advisory committee administers the program for sanitarians.

As required by the Sunset Law, the auditor reviewed the need to regulate these practices. Tattooing and electrology are found to pose significant danger to the public from infection, disease, and disfigurement. Facial tattooing has seriously harmed people because tattoo artists lack the skills, knowledge, and training to do this safely. However, the licensing of sanitarians serves little purpose, and there is no evidence that the public will be harmed by unlicensed sanitarians. Many unlicensed sanitarians now work for government agencies, including the Department of Health.

### FINDINGS

*The practices of tattooing and electrology pose potential harm to the public, particularly from the use of unsterilized or contaminated needles. Facial tattooing should be limited to licensed physicians because of its obvious dangers and the high probability of violating the laws on controlled substances and the practice of medicine.*

*The statutes regulating tattoo artists and electrologists are outdated and should be replaced with new laws.*

*The department's regulatory program is weak. Among other problems, the sanitation branch staff lacks the expertise to develop rules; the exam for tattoo artists is not adequate; and the complaints system is confusing and unresponsive.*

*There is no evidence that the public would be endangered if sanitarians were not licensed.*

### RECOMMENDATIONS

*1. The Department of Health should continue to regulate tattoo artists and electrologists, but under entirely new statutes which clearly establish guidelines and standards for licensure.*

*2. Regulation of sanitarians should not continue.*

*3. If regulation of tattoo artists and electrologists continues under current statutes, the statutes should be amended to clarify standards and guidelines for licensure. The department should also establish an advisory panel composed of licensees and physicians.*

*4. For tattoo artists, the department should amend its rules on sterilizing and discarding needles and should have a professionally developed licensing examination. The department should adopt the rules implementing the electrologists licensing program.*

*5. If these programs remain on the sunset schedule, the department should assess each licensee a compliance resolution fee and work out an agreement with the Department of Commerce and Consumer Affairs to handle complaints and cases of unlicensed activity.*

### RESPONSE

*The Department of Health agrees that regulation of sanitarians should be terminated and that regulation of tattoo artists and electrologists should continue under new statutes. However, it believes that licensing of the two occupations should be handled by the Department of Commerce and Consumer Affairs.*