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Amount: N/A
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EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: City Clerk's Office

PURPOSE: To amend Section 17-251 titled “Required documents; prohibitions” of Chapter 17 (“Health and Sanitation”), Article VIII (“Tattooing”) of the Code of Ordinances to remove the requirement for a written statement from a physician that a tattoo artist is free of communicable disease prior to receiving an artist’s card.

REMARKS: The attached ordinance has been prepared at the request of the City Council pursuant to discussion that occurred during the March 6, 2023, City Council meeting. In significant part, the modification will remove a requirement that tattoo artists “furnish the director [of Health] with a written statement from a licensed physician verifying that he or she is free of communicable disease” in order to obtain an artists card that allows the artist to administer tattoos. This requirement was originally imposed as a measure to protect the public against communicable disease. Over time, a limited number of tattoo artists have inquired about the necessity of the physician verification. The Health Department has explained that the tattooing process opens a wound to which the artist is exposed—often for an extended period of time—and, therefore, the regulation prevents the spread of communicable disease. Additionally, artists have occasionally suggested that the requirement to provide a physician's statement is a violation of HIPAA; however, the regulation is valid under HIPAA as a “Public interest and benefit activit[y].” Finally, the regulation has been criticized as requiring blood work; however, that criticism is not accurate because only a physician’s statement that an artist is free of communicable disease is required—actual blood work is not a requirement.

The State also regulates tattooing and requires all artists to speak with the patron to explain the tattoo is permanent, how the process works, and verify that they are 18 years of age. The person receiving the tattoo must also provide contact information, basic medical and medication information, and verifications that the tattoo artist must maintain on file. The State does not require artists to provide a physician’s verification that the artist is free of communicable disease; however, Health Department officials continue to recommend the verification as a means of protecting St. Joseph citizens and minimizing the possibility of a spread of communicable disease.