

Text added to existing rules in **bold italics**
Text deleted from existing rules ~~struck through~~
Text that is all new (introduced with “**Adopt**”) in plain font
Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

REV DRAFT

02-12-25 1

CHAPTER Plc 600 BODY ART RULES

Statutory Authority: RSA 310:6, II; RSA 314-A:6

Readopt with amendments Plc 601, eff. 9-21-18 (doc. #12622), and renumber as Plc 601.01 through Plc 605.09, to read as follows:

PART Plc 601 ~~LICENSING~~ **PURPOSE AND APPLICABILITY; SENDING NOTICES AND LICENSES; INCORPORATED DEFINITIONS**

Plc 601.01 Purpose. ~~These rules establish licensing requirements and regulate~~ *The purpose of this chapter is to implement RSA 314-A relative to regulating* the practices of body piercing, branding, and tattooing, pursuant to RSA 314-A ~~by establishing requirements for:~~

- (a) *Obtaining and renewing a license to practice body piercing, branding, or tattooing;*
- (b) *Regulating the practices of body piercing, branding, and tattooing, including establishing ethical and professional standards required to be met by each holder of a license; and*
- (c) *Establishing the requirements and procedures for licensed cosmetologists and licensed estheticians to obtain a microblading certificate.*

{Plc 601.02 moved, renumbered as PART Plc 602}

Plc 601.0302 ~~Exemptions~~ **Applicability.**

- (a) *This chapter shall apply to:*
 - (1) *Any individual who intends to practice or who does practice body piercing, branding, or tattooing in New Hampshire, except as provided in (b), below; and*
 - (2) *Any individual holding a NH license as a cosmetologist or esthetician who wishes to be authorized to perform microblading.*
- (b) ~~Pursuant to~~ *As provided in* RSA 314-A:4, the following individuals shall be exempt from licensing *under this chapter:*
 - (a1) Any person licensed by the New Hampshire board of medicine; and
 - (b2) Any person or facility ~~which~~ *that* performs only soft-tissue ear lobe piercing.

Plc 601.03 Notifications; Issuance of Licenses. *The office of professional licensure and certification (OPLC) shall send all notifications to applicants and licensees and all licenses issued pursuant to this chapter in accordance with Plc 301.03.*

Plc 601.04 Incorporated Definitions. *All terms used in these rules relative to procedures, applications, inspections, and fees that are defined in Plc 100, Plc 200, Plc 300, Plc 400, or Plc 1000 shall have the meaning specified in those chapters.*

PART Plc 602 **CHAPTER-SPECIFIC DEFINITIONS**

Plc 601.02 ~~Definitions.~~

Plc 602.01 *“Advisory board” means the advisory board of body art practitioners established pursuant to RSA 314-A:14.*

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 2

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(a) **Plc 602.02** “Applicant” means an individual who is seeking a license to practice body art, whether as an apprentice or a practitioner and whether an initial license or renewal license.

(b) **Plc 602.03** “Apprentice” means ~~a person~~ **an individual who is** at least 18 years of age, who works under a ~~supervising licensee~~ **qualified supervisor** for the purpose of learning the practice of body art.

(c) **Plc 602.04** “Appropriate” means suitable, fit, or proper, or as further defined by federal and state laws and regulatory requirements of professional accreditation.

(d) **Plc 602.05** “Autoclave” means an apparatus for ~~sterilization utilizing~~ **sterilizing tools and equipment that uses** steam pressure for a minimum of 30 minutes at 15 pounds of pressure (PSI) at a temperature of 250 degrees Fahrenheit and results in the destruction **to destroy** of all forms of microbial life, including highly resistant spores, ~~maintained according to the manufacturer’s direction.~~

(e) **Plc 602.06** “Body art” means ~~the practice of physical body adornment by a body artist in~~ **by** any of the following classifications:

(1a) Body piercing;

(2b) Branding; or

(3c) Tattooing, **including cosmetic tattoos.**

(f) **Plc 602.07** “Body piercing” means “body piercing” as defined in RSA 314-A:1, I, namely, “the creation of an opening in human tissue, except piercing of the ear lobe, through which jewelry or other items are inserted”.

(g) **Plc 602.08** “Branding” means “branding” as defined in RSA 314-A:1, II, namely, “a permanent mark made on human tissue by burning with a hot iron or other instrument, excluding laser burning”.

(h) **Plc 602.09** “Clean” means to be free from dirt, stains, impurities, ~~or~~ **and** foreign matter.

(i) **Plc 602.10** “Client” means any individual accepted for body art services.

(j) “Cooperate” means ~~to provide the office with any information requested by the executive director during an investigation and to answer any questions posed by the office in order to enable it to determine compliance with RSA 314-A and Plc 600.~~

(k) **Plc 602.11** “Cosmetic tattoo” means any process using a needle, scalpel, or bladed instrument to cut, inject underneath, or otherwise abrade the surface of the skin for the purposes of replicating makeup or cosmetics, with or without pigment. The term includes “permanent makeup”, “micropigmentation”, and “microblading”.

Plc 602.12 “**Establishment**” means **a location at which a licensed practitioner maintains a regular place of business for practicing body art.**

(l) “Executive director” means ~~“executive director” as defined in RSA 314-A:1, III, namely, “the executive director of the office of professional licensure and certification”.~~

(m) **Plc 602.13** “Infectious waste” means any:

(1a) Liquid or semi-liquid blood;

(2b) Items contaminated with blood, ~~which would~~ **that could** release ~~these substances~~ **the blood** in a liquid or semi-liquid state if compressed;

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 3

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(3c) Items that are caked with dried blood and are capable of releasing ~~these materials~~ ***the blood*** during handling; ***or***

(4d) Contaminated sharps ***that have been used or are otherwise contaminated***; ~~or~~.

(5) ~~Pathological and microbiological wastes containing blood.~~

(n) ***Plc 602.14*** “Initial license” means the first body art ***practitioner*** license an individual receives from the office ***OPLC*** pursuant to RSA 314-A:2 ~~and~~. ***The term does not include an apprentice license issued pursuant to RSA 314-A:3.***

(o) ~~“Investigation” means the process used by the office to respond to allegations of non-compliance with RSA 314-A and Plc 600.~~

(p) ***Plc 602.15*** “Legal guardian” means an individual who, by legal appointment or by the effect of a written law, has been given custody of a minor or adult.

(q) ***Plc 602.16*** “License classification” means the specific category of services authorized by a license, ***such as*** including body piercing, branding, ~~and or~~ tattooing. ***The term includes “classification” and “body art classification”.***

(r) ***Plc 602.17*** “Licensee” means the individual to whom a practitioner ***license*** or apprentice license has been issued pursuant to RSA 314-A ***and Plc 600***.

(s) ~~“Office” means the office of professional licensure and certification.~~

(t) ~~“Plan of correction” means a written representation of a revised policy or practice that reflects how a body artist will come into compliance with, a violation of RSA 314-A or Plc 600 as found by the office.~~

(u) ***Plc 602.18*** “Practitioner” means “practitioner” as defined in RSA 314-A:1, IV, namely, “a person who practices tattooing, body piercing, or branding”. The term includes “body artist” ***but excludes “apprentice”.***

(y) ***Plc 602.19*** “Supervising licensee ***Qualified supervisor***” means a body art practitioner; ***who has been licensed in New Hampshire*** pursuant to RSA 314-A:2 for a minimum of 5 years in the body art classification(s) being supervised, who is responsible for the supervision and performance of an apprentice.

(v) ~~“Scarification” means the process of making any indelible mark creating scar tissue.~~

(w) ***Plc 602.20*** “Spore testing” means the use of bacterial spores ***provided by, and subsequently analyzed by, an independent laboratory or other testing facility*** to determine the efficacy of a sterilizing device ~~by an independent laboratory or other testing facility.~~

(x) ~~“Sterilized” means the use of an autoclave for sterilizing all instruments or materials, or the use of pre-packaged, pre-sterilized, and disposable instruments or materials.~~

(z) ***Plc 602.21*** “Tattoo” means “tattoo” as defined in RSA 314-A:1, V, namely, “an indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin or by the production of scars”.

(aa) ~~“Violation” means any action, failure to act, or other set of circumstances that causes noncompliance with RSA 314-A or Plc 600.~~

Commented [GH1]: Definitions of “license” and “licensing bureau” are now in Plc 102, so do not need to add them to this chapter.

Commented [GRH2]: deleted per em t/f RO; requirements stated in the rules

Commented [GH3R2]: See 606.05(c)

Text added to existing rules in **bold italics**
Text deleted from existing rules ~~struck through~~
Text that is all new (introduced with “**Adopt**”) in plain font
Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

REV DRAFT

02-12-25 4

PART Plc 603 ADVISORY BOARD

Plc 603.01 Advisory Board Members Appointment and Qualifications.

(a) *As required by RSA 314-A:14, the executive director shall establish an advisory board of body art practitioners consisting of 3 members, who shall be licensed body art practitioners.*

(b) *As provided in RSA 314-A:14:*

(1) *Each member shall be appointed to a term of 3 years; and*

(2) *No member shall serve more than 2 consecutive full terms.*

(c) *Each of the licensed body art practitioners appointed to the advisory board shall:*

(1) *Be currently licensed in New Hampshire when appointed and for the duration of the term; and*

(2) *Have actively practiced in New Hampshire for at least one year immediately preceding appointment to the advisory board.*

Plc 603.02 Meetings and Records of Advisory Board.

(a) *The advisory board shall meet at the call of the executive director.*

(b) *Meetings of the advisory board shall be held at the OPLC’s offices in Concord, NH, or in such location as the executive director determines will be most convenient for the largest number of anticipated attendees.*

(c) *Notice of meetings shall be provided as required by **RSA 91-A.***

(d) *Records of the advisory board shall be maintained by the executive director as required by RSA 91-A.*

Commented [EE4]: Should this also refer to 310:5?

Plc 603.03 Responsibilities of Advisory Board.

(a) *The advisory board shall have the responsibilities listed in RSA 314-A:14.*

(b) *If requested by the executive director based on a determination that the expertise of the advisory board members is needed, members of the advisory board shall sit as part of a panel for an adjudicative hearing conducted pursuant to applicable provisions in Plc 200 and RSA 541-A.*

(c) *If requested by the executive director based on a determination that the expertise of the advisory board members is needed, the advisory board shall assist with an investigation commenced pursuant to Plc 204 relative to complaints and investigations.*

{Plc 601.04 Initial Practitioner License Application Submission moved, renumbered as Plc 605.02 (same)}

PART Plc 604 APPRENTICESHIPS

Plc 601.05604.01 Application for Initial Apprentice License Application Submission.

(a) Any person *individual* who wishes to engage in the practice of body art, but *who* does not meet the practitioner licensing requirements ~~of~~ *restated in* Plc ~~601.04,605.01~~ shall apply for an apprentice license.

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 5

Text deleted from existing rules struck through

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(b) Each applicant for initial apprentice license shall submit the following ~~documentation~~ to the office *licensing bureau in accordance with Plc 304.01(a) intro:*

(1) A completed ~~“Body Art License-Universal Application –for Initial License”~~ form as described *dated February 2025, that provides the information required by in Plc 601.04(b)(1)-304.03 and is signed and attested to as specified in Plc 304.05;*

(2) The ~~information-documentation~~ required ~~in by~~ Plc 601.04(b)(2), (4), and (5) *304.04 and Plc 604.02, as applicable; and*

(3) A fee ~~in accordance with Plc 601.08(b)-The application-related fee for initial apprentice licenses specified in Plc 1002.08, subject to (c), below,; and-~~

{(4) moved, renumbered as Plc ✓604.02(a)}

(e) The applicant shall mail or hand-deliver the documents in (b) above to:

Office of Professional Licensure and Certification
121 South Fruit Street, Suite 303
Concord, NH 03301

{(c) now covered by (b) intro}

(d) ~~If a supervising licensee becomes unable or unavailable to provide apprentice supervision, the apprentice shall submit to the office a request to change his or her supervising licensee within 10 days of the change in accordance with Plc 601.06(g), (h), and (i) or-~~ *{(d) now covered by Plc ✓604.09(a)}*

(ec) If the applicant wishes to apprentice in more than one classification of body art, the applicant shall; also comply with Plc 601.07(b).

(1) Identify in the application each classification in which an apprentice license is sought; and

(2) Pay the application-related fee specified in Plc 1002.08 for each classification.

Plc 604.02 Additional Documentation Required for Initial Apprentice License Application. In addition to the documentation required by Plc 304.04, an applicant for an initial apprentice license shall submit, or arrange for the licensing bureau to receive, the following:

~~Plc 601.05(b)(4a) Proof of supervision that shall include for each license classification being applied for, as follows:~~

a.(1) The name, mailing address, including city, state, and zip code, and telephone number of the supervising licensee *qualified supervisor* offering the apprenticeship program;

b.(2) A copy of the New Hampshire body art practitioner license of the supervising licensee *qualified supervisor* offering the apprenticeship program; and

e.(3) A statement signed and dated by the supervising licensee *qualified supervisor*, attesting that he or she ~~the~~ *qualified supervisor* understands and accepts the responsibility of supervision of *supervising* the applicant as an apprentice.

Plc 604.03 Processing of Applications for Initial Apprentice License; Decisions.

(a) Within 30 days of receipt of an application for initial apprentice license submitted pursuant to Plc 604.01, the licensing bureau shall process the application as provided in Plc 304.06.

(b) The application shall be subject to the abandonment provisions of Plc 304.06(h) and the withdrawal provisions of Plc 304.07.

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 6

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

~~— (c) If the application is abandoned, the application processing and licensing fee shall not be refunded.~~

~~— **Plc 604.04** *Withdrawal of Application for Initial Apprentice License.* An applicant may withdraw the application for apprentice license at any time prior to being notified of a decision under Plc 604.05, by proceeding in accordance with Plc 304.07.~~

~~— **Plc 604.05** *Review of Complete Applications for Initial Apprentice License; Decisions.*~~

~~(ac) After determining that an application is complete, the licensing bureau shall review the application in accordance with Plc 304.08.~~

~~(bd) The licensing bureau shall make a decision and notify the applicant in accordance with Plc 304.09, subject to (ee), below.~~

~~(ee) The licensing bureau shall approve an application for initial apprentice license and issue an apprentice license if the applicant:~~

~~(1) Has complied with Plc 604.01; and~~

~~(2) Has not answered “yes” to any of the background and character questions in Plc 304.03(e) or has provided an explanation of each “yes” answer pursuant to Plc 304.04 demonstrating that similar circumstances are not likely to arise in New Hampshire.~~

Plc 604.046 *Initial Apprentice Licenses: Issuance and Duration.*

~~(a) The OPLC shall issue initial apprentice licenses in accordance with Plc 304.11, subject to (b), below.~~

~~(b) Initial apprentice licenses shall:~~

~~(1) Expire 2 years from the date on which the license was issued unless a timely and complete renewal application is filed or the license is sooner:~~

~~a. Suspended or revoked in accordance with Plc 311 or other applicable law;~~

~~b. Expired~~s~~ or terminated pursuant to Plc 604.09; or~~

~~c. Replaced with a body art practitioner license that is not an apprentice license; and~~

~~(2) Be subject to renewal if the apprentice has not completed all requirements for licensure as a practitioner.~~

~~**Plc 604.057** *Challenging a Denial of Initial Licensure; Challenging License Conditions.* An applicant who wishes to challenge the denial of an application for initial apprentice licensure or who wishes to challenge any conditions included in the apprentice license shall do so as provided in Plc 304.10.~~

~~**Plc 604.068** *Facilitated Licensure for Active Duty Military and Military Spouses.* An applicant for initial apprentice license who is on active military duty or who is a military spouse shall apply as provided in Plc 304.02.~~

~~**Plc 601.06604.079** *Apprenticeship Requirements.*~~

~~(a) An apprenticeship for an initial body art practitioner license in a single body art classification shall ~~include~~ consist of:~~

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 7

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

- (1) A minimum of 1500 hours of training ~~per year~~ under the supervision of a qualified ~~supervising licensee~~ **supervisor**;
 - (2) Completion of the training in a period of time no less than 12 months and no more than 24 months, unless the apprentice receives a waiver under Plc ~~212.01-211~~; and
 - (3) The instruction and demonstration of ~~all tasks~~ by the ~~supervising licensee~~ **qualified supervisor of the following tasks** prior to the apprentice performing the task ~~including~~:
 - a. Setting up, breaking down, and maintaining workstations and equipment;
 - b. All tasks performed on clients; ~~and~~
 - c. Sterilization of reusable equipment and proper use of the autoclave; **and**
 - d. **Disposal of waste products.**
- (b) An apprenticeship for additional body art classifications ~~for a licensed practitioner~~ shall:
- (1) Include a minimum of **an additional** 750 hours training in the ~~each additional~~ license classification;
 - (2) Be completed in no less than 6 months and no more than 24 months; and
 - (3) Include the instruction and demonstration by the ~~supervising licensee~~ **qualified supervisor** of each task unique to the **additional** license classification prior to the apprentice performing the task, until the apprentice is proficient enough to perform such tasks under supervision only.
- (c) An apprentice shall only practice on clients under the direct supervision of the ~~supervising licensee~~ **qualified supervisor**.
- (d) Direct supervision shall ~~include-mean~~ **that**:
- (1) The ~~supervising licensee~~ **qualified supervisor** ~~being-is~~ in the establishment and available to assist the apprentice at all times when the apprentice is practicing on a client; and
 - (2) The ~~supervising licensee~~ **qualified supervisor** ~~observing and being-is~~ in the same room **and observing** at all times when the apprentice is practicing on a client until:
 - a. The apprentice has completed the first 750 hours of the apprenticeship, **or the first 375 hours of an apprenticeship for an additional classification**; and
 - b. The ~~supervising licensee~~ **qualified supervisor** judges the apprentice to be competent to practice ~~under such circumstances~~ **without the qualified supervisor’s continuous observation**.
- (e) ~~Supervising licensees~~ **Each qualified supervisor** shall:
- (1) ~~S~~supervise no more than one apprentice at any time; ~~and shall keep~~
 - (2) **Maintain** a monthly record of the apprentice’s attendance that includes the following:
 - (1)~~a.~~ The month and year of the record;
 - (2)~~b.~~ The total number of hours of supervision completed; and
 - (3)~~c.~~ The signatures of the apprentice and ~~supervising licensee~~ **qualified supervisor**; **and**

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 8

Text deleted from existing rules struck through

Text that is all new (introduced with "Adopt") in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(3) Submit each monthly record to the licensing bureau and provide a copy of the submitted record to the apprentice no later than the 15th day of the month immediately following the month the record is for.

Plc 601.06(f)~~604.0840~~ ***Completion of Apprenticeships.*** At the completion of the apprenticeship, an apprentice shall apply for a practitioner license in accordance with Plc 601.04-605.02 ***when the individual meets the requirements summarized in Plc 605.01, and submit*** include with the application a statement signed by the supervising licensee-qualified supervisor certifying that the apprentice:

(1a) Has completed the apprenticeship program, including completion of ~~completing~~ all ***hours and tasks*** required hours in accordance with (a) and (b) above ***by Plc 604.07;***

(2b) Practices in a manner that demonstrates competence in each of the following applicable areas:

a-(1) The duties-obligations and responsibilities of licensees in accordance with ~~as specified in Plc 602.02606.01 through Plc 606.04;~~

b-(2) The standards of hygiene in accordance with ~~specified in:~~

a. Plc 602.03606.05 relative to required infection control practices;

b. Plc 606.06 relative to client-specific hygiene requirements; and

c. Plc 606.07 relative to establishment hygiene requirements;

(3) Prohibited practices as specified in Plc 606.08;

(4) Ethical conduct standards specified in Plc 606.09;

e-(5) Compliance with RSA 314-A and Plc 600;

f-(6) The proper techniques and practices for sterilization ***of equipment using an autoclave, including the procedures for spore testing;***

g-(7) The ***potential*** adverse effects of the body art practices being performed;

h-(8) The contraindications of body art;

i-(9) Anatomy and physiology as related to body art;

j-(10) Skin diseases and disorders as related to body art; and

k-(11) After care instructions; and

(3c) For all body piercing apprentices, a statement signed by the supervising licensee certifying that the apprentice demonstrates a competence in the knowledge of the metals and forms of jewelry used.

Plc 604.0944 Changes in Qualified Supervisor; Termination of Apprenticeship.

{text that was proposed to be added has been removed}

601.06(ga) If a supervising licensee-qualified supervisor terminates an apprenticeship ***for any reason,*** the ***qualified*** supervisor shall notify the ***office-licensing bureau*** and the apprentice in writing within 3 business days of the termination ~~and in writing that~~ includes:

(1) The name and license number of the ~~supervising licensee-qualified supervisor and;~~

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 9

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(2) ***The name and license number of*** the apprentice;

(23) The name and address of the establishment where the apprenticeship is ***or was*** taking place; and

(34) The ***Each*** reason~~(s)~~ for the termination of the apprenticeship.

601.06~~(b)~~ An apprentice, whose apprenticeship ends due to the supervising licensee's ***qualified supervisor's*** inability to continue the supervision, shall prevent expiration of the apprentice license by ***who wishes to continue as an apprentice shall*** submitting a written request to ***notice of a change in supervising licensee-qualified supervisor to the licensing bureau,*** providing that:

(1) ***Explains*** ~~The reason(s)~~ for the change in supervising licensee-***qualified supervisor***; and

(2) ***Is accompanied by a*** written statement ***signed*** by another licensed body art practitioner ***who meets the definition of “qualified supervisor”, by which the practitioner*** accepting the responsibility of ***continuing*** the supervision of the apprentice in accordance with Plc 601.05(b)(4) 604.02(a).

~~(i) The replacement supervisor shall be licensed in the same license classification(s) as the apprentice.~~
{(i merged into (d)(2) - “qualified supervisor”}

601.06~~(c)~~ In the case ~~event~~ that an apprenticeship terminates ***fails to file a notice of change in qualified supervisor as required by (b), above, then:***

(1) Any hours worked prior to the apprentice notifying the licensing bureau of the new qualified supervisor shall not be credited towards the total needed to complete the apprenticeship; and

(2) The hours obtained under the prior qualified supervisor shall be counted-credited toward the completion of a future apprenticeship in the same license classification, upon the recommendation of the original supervising licensee, subject to (d) through (f), below.

(d) Hours obtained under the prior qualified supervisor shall expire if not credited to another apprenticeship within 2 years.

(e) A qualified supervisor who believes that the hours obtained by an apprentice prior to the qualified supervisor terminating the apprenticeship should not be credited may submit an objection in writing to the licensing bureau that explains each reason why some or all of the hours should not be credited.

(f) If an objection is filed under (e), above, the OPLC shall initiate an adjudicative proceeding under Plc 200 to determine whether the hours will be credited.

Plc 604.10~~12~~ Application for Renewal of Apprentice License.

(a) The licensing bureau shall notify licensed apprentices whose license is expiring in accordance with Plc 308.03.

(b) A licensed apprentice who does not qualify for a practitioner license who wishes to renew who does not receive information about renewing from the licensing bureau shall contact OPLC customer support at CustomerSupport@opl.nh.gov to obtain the necessary information.

(c) A licensed apprentice who wishes to continue the apprenticeship shall submit the following to the licensing bureau for each license classification the applicant wishes to renew:

(1) A completed “Universal Application to Renew License” dated February 2025, together with a “Body Art Supplement to Universal Application to Renew License” dated [month] 2025, that

Commented [GH5]: Q re: still needed?

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 10

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with "Adopt") in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

identifies each classification in which renewal is requested and provides the information required by (4), below, and Plc 308.06, and is signed and attested to as specified in Plc 308.08;

(2) The documentation required by Plc 308.07, as applicable;

(3) The application-related fee for renewal specified in Plc 1002.08 for each classification in which the apprentice license is being renewed, provided that an applicant applying to renew as active military or a military spouse shall not pay the application-related fee; and

(4) Relative to the on-going apprenticeship(s), the following:

a. The name of the qualified supervisor;

b. The qualified supervisor's license number;

c. The qualified supervisor's telephone number; and

d. The qualified supervisor's mailing address. {(c)(4) previously covered by 602.01(c)(5)}

(d) Applications to renew an apprentice license shall be processed in accordance with Plc 308.09 through Plc 308.11.

PART Plc 605 INITIAL LICENSURE

Plc 605.01 Qualifications for Licensure. (a) As provided in RSA 314-A:2, III(c) and (d), to qualify for a practitioner license, an individual shall:

(a1) Have either:

(1) Successfully completed an apprenticeship in each classification in which a practitioner's license is sought; or

(2) Subject to (b), below, have been practicing body piercing, branding, or tattooing in an establishment another jurisdiction under the supervision of a qualified individuals supervisor practicing body piercing, branding, or tattooing in compliance with the applicable statutes and rules of the state jurisdiction for not less than 3 years; and

(b2) Have completed a course approved by the executive director pursuant to Plc 609 in methods and techniques for the proper sterilization of instruments and materials used in body piercing, branding, or tattooing.

(b) Individuals who have practiced in another jurisdiction who do not qualify for licensure by endorsement under Plc 313.19 shall:

(1) Meet the requirements for initial licensure; or

(2) Request a waiver under Plc 211.

Plc 601-04605.02 Application for Initial Practitioner License Application Submission.

(a) Any person individual who wishes to engage in the practice of body art shall file an application for a body artist license in accordance with this section for each license classification in which the applicant wishes to be licensed.

(b) Each Subject to (c), below, Thean applicant for an initial practitioner license shall submit the following to the office-licensing bureau in accordance with Plc 304.01(a) intro:

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 11

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(1) A completed “*Universal Application for Initial License*” dated February 2025, that provides the information required by Plc 304.03 and is signed and attested to as specified in Plc 304.05, together with a “Body Art Practitioner Supplement to Universal License Application –for Initial License” form, revised September 2018 and available on the board’s website, www.oplc.nh.gov/body-art dated **month** 2025, that provides the information required by Plc 605.03 and is signed and attested to as specified in Plc 304.05;

(2) A recent 2”x 2” photograph of the applicant’s face ~~The documentation specified in Plc 304.04 and Plc 605.04, as applicable; and~~

(3) ~~A The application-related fee specified in accordance with 601.08(b); Plc 1002.08, provided that if the applicant is active military or a military spouse, no fee shall be required.~~

{(4), (5) moved, renumbered as Plc 605.04(b), (c)}

(c) If the applicant is requesting licensure in more than one classification, the applicant:

(1) Shall identify each classification in the application; and

(2) Pay the application-related fee for each classification.

(e) ~~The applicant shall mail or hand-deliver the documents in (b) above to:~~

Office of Professional Licensure and Certification
121 South Fruit Street, Suite 303
Concord, NH 03301

{(c) now covered by (a), above}

(d) ~~If the applicant wishes to practice more than one classification of body art, the applicant shall comply with Plc 601.07(a).~~

{(d) now covered by (a), above}

Plc 605.03 **Additional Information Required for Initial Application Registration.** In addition to the information required by Plc 304.03, the applicant shall provide the following information:

(a) If qualifying based on Plc 605.01(a)(1), the following information for each qualified supervisor who supervised the applicant’s apprenticeship, the following:

(1) The name, license number, mailing address, including city, state, and zip code, and telephone number of the qualified supervisor;

(2) The name, physical address, and telephone number of the each establishment at which the apprenticeship occurred; and

(3) The beginning date of the apprenticeship, the total number of hours of the apprenticeship, and the end date of the apprenticeship if it is no longer on-going; or

(b) If qualifying based on Plc 605.01(a)(2), the following information:

(1) The name of each jurisdiction and the name of each establishment in which the applicant has been practicing or has practiced the body art classification in which New Hampshire licensure is sought;

(2) For each establishment identified pursuant to (1), above, the following:

a. The address of the establishment;

b. The name and daytime telephone number of the qualified individual who supervised the applicant; and

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 12

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

c. The total amount of time spent working at that establishment as a body artist or apprentice body artist.

Plc 605.04 Additional Documentation Required for Initial Application Registration. In addition to the information and documentation required by Plc 304.04, the applicant shall submit:

(a) Proof of being 18 years old or older, in the form of an official government identification card showing date of birth or an official birth certificate;

~~Plc 601.04(b)(4) Documentation of the completion of a course in sterilization pursuant to~~ ***as required by RSA 314-A:2, III-(d) and Plc 605.01(b);*** and

~~Plc 601.04(b)(5c) Documentation that proves the applicant meets the~~ ***applicable*** requirements for licensure pursuant to RSA 314-A:2, III(e) and RSA 314-A:3, including ~~as applicable;~~ ***specified in Plc 605.01(a) and (b).***

- a. A signed statement from the supervising licensee confirming that the apprenticeship requirements described in Plc 601.06 have been met; ~~[text previously shown as added has been deleted based on new xref]~~
- b. Proof of authorization to practice in another state, including copies of all licenses that document at least 3 years of licensure in another state; or
- e. For an out-of-state applicant who has practiced for at least 3 years in another state that does not require licensure:
 1. A signed statement from a state official affirming that the state does not require licensure for the practice of body art;
 2. The name, address, and phone number of the place(s) of employment;
 3. The months and years worked;
 4. Copies of business records, tax returns, or pay stubs for the months of employment providing proof of at least 1500 hours of employment per year;
 5. The owner's or manager's name and phone number; and
 6. A signed statement from the owner or manager verifying the employment history.

{c. now covered by Plc 605.01(b)}

~~Plc 601.07 Additional Body Art Classification Application Submissions:~~

~~(a) Each licensed body art practitioner wishing to add additional body art classifications to their initial license shall submit the following documentation to the office:~~

- ~~(1) A completed “Body Art License Application—Initial” form as described in Plc 601.04(b)(1), including current license number; and~~
- ~~(2) Documents that prove the applicant meets the requirements, including:~~
 - a. Proof of successful completion of an apprenticeship in the additional body art classifications, as documented by a signed statement from the supervising licensee, confirming that the apprenticeship requirements described in Plc 601.06(b) are met;
 - b. Proof of authorization to practice each additional body art classification in another state, including copies of all licenses that document at least one year of licensure in another state; or
 - e. For an out-of-state applicant who has practiced for at least 3 years in another state that does not require licensure:
 1. A signed statement from a state official affirming that the state does not require licensure for each additional classification of body art;
 2. The name, address, and phone number of the place(s) of employment;
 3. The months and years worked;

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 13

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

4. ~~Copies of business records, tax returns, or pay stubs for the months of employment providing proof of at least 750 hours of employment completed in no less than 12 months and no more than 24 months;~~

5. ~~The owner’s or manager’s name and phone number; and~~

6. ~~A signed statement from the owner or manager verifying the employment history.~~

~~(b) Each licensed body art practitioner or licensed apprentice wishing to apprentice in additional body art classifications shall submit the following documentation to the office:~~

~~(1) A completed “Body Art License Application—Initial” form as described in Plc 601.04(b)(1), including current license number; and~~

~~(2) Proof of supervision that shall include:~~

~~a. The name, mailing address, including city, state, and zip code, and telephone number of the supervising licensee offering the apprenticeship program;~~

~~b. A copy of the New Hampshire body art practitioner license of the supervising licensee offering the apprenticeship program; and~~

~~c. A statement signed and dated by the supervising licensee, attesting that he or she understands and accepts the responsibility of supervision of the applicant as an apprentice.~~

~~(c) The applicant shall mail or hand-deliver the documents in (a) or (b) above to:~~

~~Office of Professional Licensure and Certification~~

~~121 South Fruit Street, Suite 303~~

~~Concord, NH 03301~~

~~Plc 601.08 Fees.~~

~~(a) The applicant shall submit check, cash, or money order in the appropriate amount in accordance with this section.~~

~~(b) Fees, pursuant to RSA 314-A:6, for initial and renewal licensees shall be \$110.~~

~~Plc 601.09~~***605.05 Processing of Applications for Initial Licensure; and Issuance of Licenses Decisions.***

~~(a) The executive director shall review the application and notify the applicant in writing within 30 days of receipt if the application does not meet the requirements of Plc 601.04, Plc 601.05, or Plc 601.07, specifying any additional information or documentation the applicant shall submit. *{(a) now covered by Plc 304.06}*~~

~~(a) Within 30 days of receipt of an application for initial licensure submitted pursuant to Plc 605.02, the licensing bureau shall process the application as provided in Plc 304.06.~~

~~(b) The application shall be subject to the abandonment provisions of Plc 304.06(h) and the withdrawal provisions of Plc 304.07.~~

~~(c) After determining that an application is complete, the licensing bureau shall review the application in accordance with Plc 304.08.~~

~~(d) The licensing bureau shall make a decision and notify the applicant in accordance with Plc 304.09, subject to (e), below.~~

~~(be) The executive director-licensing bureau shall grant-approve an application for initial licensure and issue a license to practice body art to applicants-who if the applicant:~~

~~(1) Meets the requirements stated in Plc 605.01;~~

~~(12) Submit a complete application in accordance with Plc 601.04, Plc 601.05, or Plc 601.07-Has complied with Plc 605.02; and~~

~~(23) Have not engaged in an activity that violates any of the provisions of RSA 314-A or Plc 600-Has not answered “yes” to any of the background and character questions in Plc 304.03(e) or~~

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 14

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

has provided an explanation of each “yes” answer pursuant to Plc 304.04 demonstrating that similar circumstances are not likely to arise in New Hampshire.

- ~~(e) The license shall be sent to the applicant at the address shown on the application.~~
- ~~(d) Fees shall not be refundable or transferable to any other application(s).~~

Plc 605.06 Initial Practitioner Licenses: Issuance and Duration.

~~(e) Licenses issued by the executive director shall be renewed biennially on the last day of the licensee’s birth month in odd-numbered year.~~

- (a) The OPLC shall issue initial practitioner licenses in accordance with Plc 304.11.***
- (b) Initial practitioner licenses shall be valid as provided in Plc 304.12.***

- ~~(f) The executive director shall deny any application if the applicant:
 - ~~(1) Knowingly makes any false statement regarding the application or license or in any report the executive director requires to be made;~~
 - ~~(2) Fails to respond to any lawful inquiry of the executive director;~~
 - ~~(3) Has failed to pay an administrative fine imposed by the executive director;~~
 - ~~(4) Has not met all of the requirements of Plc 601.04, Plc 601.05, or Plc 601.07; or~~
 - ~~(5) Has engaged in an activity that violates any of the provisions of RSA 314-A or Plc 600.~~~~

~~(g) The executive director shall send the decision to deny the application to the applicant at the address shown on the application.~~

(h) Plc 605.07 Challenging a Denial of Initial License; Challenging License Conditions.

~~Application denials shall be conducted in accordance with Plc 602.06. ***An applicant who wishes to challenge the denial of an application for initial licensure or who wishes to challenge conditions included in the license shall do so as provided in Plc 304.10.***~~

~~(i) If the application is denied in accordance with Plc 601.09(f), the fee that accompanied the application shall not be refunded to the applicant.~~

~~(j) The office shall issue an amended license certificate for the addition of body art classifications to initial practitioner and apprentice licenses, as described in Plc 601.07.~~

~~(k) When a license is lost, destroyed, or damaged, the licensee shall request a replacement license from the office within 10 days of discovery by sending the office written notification of the lost, destroyed or damaged license.~~

~~(l) Notification in (k) above shall include the name, mailing address including street address, city, state, and zip code, phone number, and license number of the licensee.~~

Change the heading of Plc 602 and renumber as Plc 606, to read as follows:

**PART Plc 602606 PRACTICE OF BODY ART, RENEWALS, AND DISCIPLINARY ACTIONS
LICENSÉE OBLIGATIONS AND RESPONSIBILITIES**

Adopt Plc 606.01 and Plc 606.02 to read as follows:

Plc 606.01 Licensee Obligations to Notify.

- (a) Each licensee shall:
 - (1) Notify the licensing bureau within 10 working days when a change of name occurs; and
 - (2) Update the OPLC’s records within 10 working days when a change of contact information occurs.

Text added to existing rules in **bold italics**
Text deleted from existing rules ~~struck through~~
Text that is all new (introduced with “**Adopt**”) in plain font
Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

REV DRAFT

02-12-25 15

(b) Each licensee shall know, and have available in the establishment at which the licensee engages in the practice of body art, information regarding how complaints can be filed with the OPLC.

(c) Each licensee shall inform the licensing bureau within 10 working days of any of the circumstances identified in Plc 307.02(c).

Plc 606.02 Licensee Responsibilities for ~~Continuing Education and~~ Renewal, Including Continuing Education.

(a) Each licensee shall:

(1) Know when the licensee’s license is due to expire;

(2) Prior to applying for renewal, obtain:

a. Not less than 3 hours of continuing education for each year of the renewal period as required by RSA 314-A:5 and (bc)-(ed), below, for each the first body art classification held by the licensee; and

b. An additional 3 hours of continuing education per renewal period in each additional classification in which the licensee is licensed; and

(3) File an application for renewal prior to the expiration of the current license in accordance with Plc 607 if the licensee wishes to continue to practice as a body artist in New Hampshire.

(b) Each licensee shall maintain documentation of the continuing education obtained in accordance with Plc 308.04.

(cb) Each licensee shall take one continuing education course covering blood-borne pathogens and the prevention of disease transmission and one continuing education course for cardio-pulmonary resuscitation (CPR) in each 2-year renewal period.

(de) The remaining hours shall be in subject areas that relate to the practice of body art, including but not limited to:

(1) Basic first aid;

(2) Cardio-pulmonary resuscitation (CPR);

(3) Anatomy and physiology; and

(4) Skin diseases, disorders, and conditions; and

(4) Micropigmentation.

{(c) previously at Plc 602.01(c)(2)}

Readopt with amendments Plc 602.02, eff. 9-21-18 (doc. #12622), and renumber as Plc 606.03 and Plc 606.04, to read as follows:

Plc 602.02606.03 Duties and Responsibilities of All Licensees **Obligations for Compliance with Applicable Law.**

(a) ~~The~~ **Each** licensee shall maintain full compliance with RSA 314-A, **Plc 300**, and Plc 600.

(b) ~~The~~ **Each** licensee shall ~~only~~ perform body art **only** in a facility approved for use as a body art establishment in compliance with applicable town or city regulations.

Commented [GRH6]: 314-A:5 Renewal of License; Continuing Education Requirement. – Renewal of licenses shall be contingent upon the licensee’s completion of 3 hours of continuing education related to the practice of body piercing, branding, or tattooing **during the preceding year.**

Concerned that if just change “3” to “6”, OLS will say it exceeds the statutory requirement -- so think it is safer to say “3 hours for each year of the renewal period”

Commented [EE7]: Who approves the establishment? What is the criteria? I’m missing something because I don’t see an approval process or criteria for establishments. Are they inspected? Or do they use an honor system?

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 16

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(c) ~~The~~ **Each** licensee shall: ~~only~~

(1) ~~P~~**perform** body art **only** on individuals who present valid, government-issued identification to verify ~~his or her~~ **the individual's** identity.; ~~and Licensees shall~~

(2) ~~K~~**keep** a photocopy, **photograph, records or scan** of the identification provided or, if the client refuses to allow such photocopying, **photographing, or scanning**, shall require **and retain** a written acknowledgment ~~from~~ **signed by** the client that ~~his or her~~ **the client's** identification was checked.

(d) ~~The~~ **Each** licensee shall ~~only~~ perform branding and tattooing **only** on individuals 18 years of age or older, **as required by** pursuant RSA 314-A:8.

(e) ~~The~~ **Each** licensee shall perform body piercing of individuals under the age of 18 **only** in accordance with RSA 314-A:8 and Plc 600 by:

- (1) Obtaining written consent for the piercing from the minor's parent ~~al~~ or legal guardian;
- (2) Requiring the parent or legal guardian to provide photographic identification to verify ~~his or her~~ **the identity of the parent or legal guardian**;
- (3) Verifying evidence of the **relationship of the** parent ~~al~~ or legal guardian's ~~relationship with to~~ **the** minor through inspection of a birth certificate or court order;
- (4) Preparing documentation ~~noting that identifies~~ the physical location of the piercing on the minor's body;
- (5) Ensuring the minor's parent or legal guardian is physically present at all times during the procedure; and
- (6) Maintaining the documentation required in (1)-(3) above for ~~a minimum of not less than 7~~ **years, to include or not less than one year past the individual's minor's 18th birthday, whichever is longer.**

Plc 606.04 Licensee Obligations to Clients.

(~~f~~**a**) ~~The~~ **Each** licensee shall disclose to ~~every body art~~ **each** client the health risks and potential adverse effects of the procedure prior to beginning ~~every~~ **any** procedure.

(~~g~~**b**) ~~The~~ **Each** licensee shall provide written and verbal aftercare instructions applicable to the body art performed to ~~every~~ **each** client, including but not limited to:

- (1) Bandaging instructions;
- (2) Skin care instructions;
- (3) Appropriate clothing to wear during healing;
- (4) Acceptable levels of exposure to ultra-violet light;
- (5) Acceptable types of exposure to chlorinated and salt water;
- (6) Appropriate use of skin care products; and
- (7) Written guidelines regarding when to seek medical treatment if necessary.

{no paragraph (h) in certified rules}

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 17

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with "Adopt") in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(i-c) ~~The~~ *No* licensee shall ~~not~~ accept as a client any individual who appears to be under the influence of intoxicating beverages or chemical ~~any~~ substances *described in (f), below.*

(j-d) ~~The~~ *No* licensee shall ~~not~~ allow *in a workspace where body art is being performed, the consumption by any practitioner, apprentice, ~~or~~ client, or visitor of any substance described in (f), below.*

(ke) ~~The~~ *No* licensee shall ~~not~~ perform any body art while under the influence of any *substance described in (f), below.* ~~intoxicating beverages, controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substance, natural or synthetic, which impair to any extent their ability to perform body art in compliance with these rules.~~

(f) *Substances prohibited by (c) through (e), above, shall be any chemical substance, natural or synthetic, in an amount that impairs a licensee's ability to practice body art or that impairs an client individual's decision-making ability, including but not limited to intoxicating beverages, controlled drugs, prescription drugs, over-the-counter drugs, and any herbal or other naturally psychoactive substances.* ~~or any other chemical substances, natural or synthetic, which impairs a person's ability to practice body art or which calls into question a client's decision-making ability, to be consumed in a workspace where body art is being performed including by the practitioner, apprentice, and client.~~

Readopt with amendments Plc 602.03, eff. 4-13-21 (doc. #13187), and renumber as Plc 606.05 through Plc 606.07, to read as follows:

Plc 602.03~~606.05~~ ~~Standards of Hygiene-Required Infection Control Practices.~~ (a) ~~The~~ *Each* licensee shall use the following infection control practices:

{(a)(1) moved, renumbered as Plc 606.06(a) intro, (1)-(2)}

(2a) ~~The~~ *p*Proper coverage of open wounds on the licensee at all times by an impermeable, tight-fitting bandage;

(3b) The proper handling of infectious waste as required by Env-Sw 904;

(4c) The use of an autoclave for sterilizing all instruments *that are not purchased presterilized in sterile packets and all metals to be inserted by body piercers that is:*

(1) Maintained in accordance with the manufacturer's requirements; ~~and~~

(2) Operated for a minimum of 30 minutes at 15 pounds of pressure (PSI) at a temperature of 250 degrees Fahrenheit; and

(3) ~~The~~ Subjected to spore testing of all autoclaves at a minimum of not less frequently than once each month, with and the maintenance of spore test records being retained for a minimum of not less than 7 years;

(5d) The storage of all instruments *that have been sterilized per (c), above,* in sterile packets *and in a rigid case or storage cabinet while not in use;*

{(7)-(9) moved, renumbered as Plc 606.06(b)(1)-(2) and (c)}

(4e) The storage of all ~~clean and ready-to-use~~ needles and instruments *that are purchased pre-sterilized* in sterile packets and in a rigid case or storage cabinet while not in use *and the retention of all documentation of sterilization from the manufacturer for not less than 7 years;*

(4f) The proper disposal of used needles in a sharps container that:

(1) ~~Is~~ puncture-resistant, and leak-proof;

Commented [GRH8]: Want to require records to be submitted for renewal?

Commented [GRH9]: Want documentation to require this to be submitted for renewal?

Text added to existing rules in **bold italics**
Text deleted from existing rules ~~struck through~~
Text that is all new (introduced with “**Adopt**”) in plain font
Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

REV DRAFT

02-12-25 18

- (2) Can be closed for handling, storage, transportation, and disposal; and
- (3) Is labeled with the international biohazard symbol; **and**

(12g) The prohibition of eating, drinking, the use of tobacco of any form, the use of vaping equipment of any kind, and the application of cosmetics by any individual present in the room while body art is performed;

Plc 606.06 Client-Specific Hygiene Requirements.

~~Plc 602.03(a)(1)~~ Prior to performing **any** service, the licensee shall:

- (1) ~~W~~ash his or her ***the licensee's*** hands with soap for a minimum of 20 seconds; and shall
- (2) ~~D~~ry his or her ***the licensee's*** hands with a disposable towel ~~or air dryer~~;
- (7b) The licensee shall use ~~of~~ new, single-use needles for:
 - (1) ~~T~~he piercing of each individual; **and**
 - (2) The use of new, single-use needles for the tattooing of each individual;
- (9c) The licensee shall use ~~of~~ piercing guns only for the piercing of ear lobes;

(13d) The licensee shall **thoroughly wash the** area of skin to be tattooed, ~~or pierced, or branded~~ **first be** thoroughly washed with skin-appropriate cleanser **using a new single-use sponge, gauze, or paper towel** for a the period of time according to **required or recommended by the cleanser** manufacturer's directions ~~with a new single-use sponge, gauze, or paper towel~~;

(14e) The application of **licensee shall apply** all ointments, creams, or jellies on the skin with a sterile gauze, a single-use sterile tongue depressor, or a **gloved hand; that is completely enclosed in a disposable, single-use glove.**

(15f) A prohibition of ~~t~~The licensee shall **not** use ~~of~~ styptic pencils, alum blocks, or other solid or liquid styptics to check the flow of blood; ~~and~~

(16g) The licensee shall **thoroughly cleaning and disinfecting of each** service areas and related equipment ~~between~~ **after** each client.

(eh) The licensee shall ensure that any body piercing jewelry ~~he or she~~ **to be inserted** into a newly-pierced area is:

- (1) Made of steel, **niobium, titanium, platinum, or** solid 14k or 18k nickel-free; white, yellow, or rose gold, ~~niobium, titanium, or platinum~~;
- (2) Free of nicks, scratches, or irregular surfaces; and
- (3) Sterilized prior to ~~use~~ **insertion**.

Plc 606.07 Establishment Hygiene Requirements. (b) The licensee shall practice in a clean and sanitary manner including only practicing in an establishment that has:

- (1a) An adequate supply of potable water;
- (2b) Adequate lighting;

Commented [EE10]: Is the word “adequate” specific enough?

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 19

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(3c) Floors, walls, service tables, and chairs in work stations or sterilization areas that are non-porous; and

(4d) A toilet, a sink with hot and cold water, soap, and single-use disposable towels located in the establishment and accessible to the practitioner, apprentice, and client at all times.

Readopt with amendments Plc 602.04, eff. 9-21-18 (doc. #12622), and renumber as Plc 606.08, to read as follows:

Plc 602.04**606.08** Prohibited Practices.

(a) ~~Only individuals licensed by the state of New Hampshire may~~ ***No person shall*** practice body art in New Hampshire ***without holding an active New Hampshire body artist license.***

(b) ***No person who is subject to this chapter shall:***

(1) ~~The practice of body art shall not include~~ ***Engage in*** practices that are considered surgical procedure by “***surgery***” as defined in RSA 329:1, including, but not limited to: (1) ~~implants under the skin; and (2) Tongue splitting or forking,~~ ***provided that superficial cuts or burns within the scope of a body art license shall be allowed;***

(e2) ~~The practice of body art shall not include~~ ***Engage in*** pigmentation ***or tattooing*** of the eyeball; ***or***

(d) ~~An applicant who has been denied a license, or a licensee whose license has been suspended or revoked, shall not practice body art.~~

(e3) ~~The tattooing, branding, and piercing of~~ ***Perform any practice constituting body art on any*** animals by a licensee shall be prohibited.

Readopt with amendments Plc 604.01, eff. 9-21-18 (doc. #12622), and renumber as Plc 606.09, to read as follows:

PART Plc 604 **STANDARDS OF PRACTICE**

Plc 604.01**606.09** Code of Ethical Conduct Standards.

(a) ~~Violations of~~ ***Noncompliance with*** these ethical conduct standards shall constitute unprofessional conduct resulting in disciplinary proceedings pursuant to Plc 602.07**311**.

(b) A licensee shall:

(1) ~~Obey~~ ***Comply with*** these ethical conduct standards;

(2) Comply with RSA 314-A, ***Plc 300***, and the board’s administrative rules ***Plc 600***;

(3) ~~Obey in good faith, and within any time periods specified,~~ ***Comply with*** any disciplinary orders issued by the board ***executive director***, including orders requiring the payment of fees of fines, ***within any time period specified;***

(4) Deal with colleagues and clients with honesty and integrity;

(5) Maintain shop premises in a sanitary and hygienic manner;

(6) Not perform any service that is outside the scope of practice for the license that ~~he or she~~ ***the practitioner license*** holds;

Commented [GRH11]: 329:1 Practice. – Any person shall be regarded as practicing medicine under the meaning of this chapter who shall diagnose, treat, perform surgery, or prescribe any treatment of medicine for any disease or human ailment. “Surgery” means any procedure, including but not limited to laser, in which human tissue is cut, shaped, **burned, vaporized, or otherwise structurally altered, except** that this section **shall not apply** to any person to whom authority is given by any other statute to perform acts which might otherwise be deemed the practice of medicine. “Laser” means light amplification by stimulated emission of radiation. **Source.** 1915, 167:1. PL 204:1. RL 250:1. RSA 329:1. 1959, 144:1. 1981, 396:1. 1997, 214:2, eff. June 18, 1997.

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 20

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

- (7) Not misrepresent professional qualifications or credentials;
- (8) Not aid or abet, directly or indirectly, the practice of any person who is not duly licensed;
- (9) Not advertise claims that are misleading, untrue, or insupportable by fact;
- (10) Use industry-appropriate products according to manufacturer’s directions;
- (11) ~~Cooperate with~~ **Respond within the time period specified to** lawful investigation by the executive director **inquiries from OPLC representatives;**
- (12) Maintain sexual boundaries by:
 - a. Refraining from any behavior that exploits the practitioner-patient **client or practitioner-apprentice** relationship in a sexual way; and
 - b. Avoiding any behavior that is sexual or sexually demeaning, or could be reasonably interpreted as such, even when initiated by or consented to by the client **or apprentice;**
- (13) Hold confidential any information disclosed by the client regarding medical conditions;
- (14) Not engage in hazing or sexual, verbal, or physical harassment of apprentices, clients, co-workers, or customers;
- (15) Not discriminate based on any protected class of race, sex, sexual orientation, or gender identity; and
- (16) Comply with all local, state, and federal labor laws.

Adopt Plc 607.01, cited and to read as follows:

PART Plc 607 LICENSE RENEWAL

Plc 607.01 Notification of Pending **Practitioner** License Expiration.

- (a) The licensing bureau shall notify licensees of pending **practitioner** license expiration in accordance with Plc 308.03.
- (b) A licensee who wishes to renew who does not receive an application or ~~registration code~~ **information and instructions** shall contact OPLC customer support at CustomerSupport@opl.nh.gov to obtain an application or ~~code~~ **information and instructions.**
- (c) If an application for renewal is received by the OPLC after the expiration date of the license, the license shall be expired.
- (d) A body art practitioner whose license has expired shall not practice body art in New Hampshire unless and until a license has been reobtained.
- (e) A body art practitioner whose license has expired who wishes to be reauthorized to practice body art shall apply for reinstatement of the license in accordance with Plc 312.

Readopt with amendments Plc 602.01, eff. 9-21-18 (doc. #12622), and renumber as Plc 607.02 and Plc 607.03, to read as follows:

Plc ~~602.01~~**607.02** Renewal of Body Art **Practitioner** License and Expired License.

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 21

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

~~(a) A body artist *Subject to (b), below, a licensed practitioner* who wishes to maintain his or her license licensure in New Hampshire shall complete and submit “Body Art Practitioner and Apprentice Renewal Application” form to the executive director in accordance with RSA 314-A:5. *the following to the licensing bureau for each license classification the applicant wishes to renew in accordance with Plc 308.05:*~~

~~(1) A completed “Universal Application to Renew License” dated February 2025, together with the “Body Art Practitioner Supplement to Universal Application to Renew License” dated *[month] 2025, that provides the information required by Plc 308.06 and Plc 607.03 and is signed and attested to as specified in Plc 308.08;*~~

Commented [GRH12]: 607.03 and 607.04 just relate to CE

~~(2) The documentation required by Plc 308.07 and Plc 607.04, as applicable; and~~

~~(3) The application-related *processing and licensing* fee for renewal specified in Plc 1002.08, provided that an applicant applying to renew as active military or a military spouse shall not pay the application-related *processing and licensing* fee.~~

~~***(b) If the applicant is requesting licensure in more than one classification, the applicant shall:***~~

~~***(1) Identify each classification in the application; and***~~

~~***(2) Pay the application-related fee for each classification.***~~

~~(b) At least 60 days prior to the expiration of a license, the executive director shall:~~

~~(1) Notify, in writing, the licensees whose licenses are to expire that their licenses are due to expire; and~~

~~(2) Include with the written notice an application for renewal license. *{now covered by Plc 607.???*~~

~~(c) In order to process the applications in a timely manner, the licensee shall submit to the executive director, at least 30 days prior to the expiration of his or her license, the following:~~

~~(1) A “Body Art Practitioner and Apprentice Renewal Application” form that contains the following:~~

- ~~a. The applicant’s first and last name and middle initial;~~
- ~~b. The applicant’s home and mailing address;~~
- ~~e. The applicant’s home telephone number;~~
- ~~d. The body art classification(s) in which the applicant is applying for renewal license;~~
- ~~e. Whether or not the applicant is renewing his or her apprenticeship or practitioner license;~~
- ~~f. The name of each body artist business where the applicant is employed;~~
- ~~g. Each body artist business address and telephone number;~~
- ~~h. All information on disciplinary action taken, if any, in any other state regarding applicant’s activities as a body artist; and~~
- ~~i. The applicant’s signature and date signed; *{(c)(1) now covered by Plc 607.???*~~

~~602.01(e)(2) Evidence of 3 hours of continuing education for each body art classification held by a licensee pursuant to RSA 314-A:5, in subject areas including, but not limited to:~~

- ~~a. Basic first aid;~~
- ~~b. Cardio-Pulmonary Resuscitation (CPR) certification;~~
- ~~e. The prevention of disease transmission and blood-borne pathogens;~~
- ~~d. Anatomy and physiology;~~
- ~~e. Skin diseases, disorders, and conditions; and~~
- ~~f. Micropigmentation; *{(c)(2) now covered by Plc 607.???*~~

~~***Plc 607.03 Additional Information Required for License Renewal Application. In addition to the information required by Plc 308.06, the applicant for renewal of a practitioner license shall provide:***~~

Text added to existing rules in **bold italics**
Text deleted from existing rules ~~struck through~~
Text that is all new (introduced with “**Adopt**”) in plain font
Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

REV DRAFT

02-12-25 22

Plc 602.01(e)(3a) Evidence in (2) above shall include ~~The following information for each continuing education course taken by the applicant:~~

- ~~a.(1) The Course information, including *name of the* course; title;~~
- ~~(2) The name and address of the course sponsor;~~
- ~~(3) The date(s) of the course;~~
- ~~(4) The number of continuing education hours claimed for the course; and~~
- ~~(5) The location where the course was presented; and.~~

b. Course completion certificate;

~~(4) The appropriate fee in accordance with Plc 601.08(b); and~~

~~(5) For apprentice renewals only:~~

- ~~a. The name of the supervising licensee;~~
- ~~b. The supervising licensee’s license number;~~
- ~~c. The supervising licensee’s telephone number; and~~
- ~~d. The supervising licensee’s mailing address. *{(5) now covered by Plc 604.12(c)(4)}*~~

~~(d) Applications for license renewal shall be approved if the application contains all the information required by (e) above and the applicant is not subject to any enforcement action as listed in Plc 602.07 or Plc 602.08.~~

~~(e) A licensee who does not submit an application for license renewal prior to his or her license expiration date shall reapply for an initial license in accordance with Plc 601.04 or Plc 601.05.~~

~~(f) Failure to receive an application for renewal of the current license sent by the office shall not excuse the body artist from the obligation to submit an application for renewal at least 30 days prior to the expiration of the current license in accordance with (e) above.~~

Adopt Plc 607.04 through Plc 607.07, to read as follows:

Plc 607.04 **Additional Documentation Required for License Renewal Application.** In addition to the documentation required by ~~Plc~~ Plc 308.07, the applicant for renewal of a practitioner license shall provide:

(a) A copy of the course completion certificate for each continuing education course listed pursuant to Plc 607.03(a) that covers blood borne pathogens or CPR training; **and**

(b) For renewals on or after 2 years from the 2025 effective date of this chapter, copies of the documentation of sterilization required by Plc 606.05(c)(3) and (e), as applicable.

Plc 607.05 Processing of Renewal Applications; Decisions.

(a) Within 30 days of receipt of an application for renewal submitted pursuant to Plc 604.12 or Plc 607.02, the licensing bureau shall process the application as provided in Plc 308.09.

(b) The application shall be subject to the abandonment and withdrawal provisions of Plc 308.10.

(c) The licensing bureau shall review complete applications and notify the applicant of its decision as provided in Plc 308.11 and RSA 541-A:29, II.

(d) The applicant shall be eligible for license renewal if the applicant:

- (1) Has submitted a renewal application in accordance with Plc 604.12 or Plc 607.02, as applicable;

Commented [GRH13]: Want to require this to be submitted for renewal?

Suggest starting in 2 years so people who haven't retained are not punished. (OLS will say is retroactive)

Commented [GH14]: Here and below, language revised and compressed.

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 23

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(2) Meets the eligibility for renewal requirements of Plc 308.02.

(e) If the licensing bureau determines that the applicant has not demonstrated that all requirements to renew a license are met, the licensing bureau shall proceed in accordance with Plc 308.11(d)-(f).

Plc 607.06 Renewal Licenses: Issuance and Duration.

(a) The OPLC shall issue body art practitioner licenses in accordance with Plc 308.13(a).

(b) Renewal licenses shall be valid as provided in Plc 308.13(b).

Plc 607.07 Challenging a Denial of Registration Renewal; Challenging License Conditions. An applicant who wishes to challenge the denial of an application for license renewal or who wishes to challenge conditions included in the license shall do so ~~as provided~~ in accordance with Plc 308.12.

Readopt with amendments Plc 603, eff. 9-21-18 (doc. #12622), and renumber as Plc 608, to read as follows:

PART Plc ~~603608~~ ***WAIVERS-PROCEDURES; DISCIPLINARY PROCEEDINGS***

Plc 608.01 Rules of Practice and Procedure.

(a) The rules in Plc 200 and Plc 310 shall govern:

(1) The receipt of misconduct complaints and the investigation thereof; and

(2) The conduct of disciplinary hearings and the imposition of sanctions.

(b) The rules in Plc 200 shall govern:

(1) The conduct of all other adjudicative and non-adjudicative proceedings;

(2) Waivers of rules;

(3) Voluntary surrender of licenses; and

(4) Any other procedures not included in this chapter.

~~Plc 603.01 Waivers.~~

~~(a) Applicants or licensees seeking waivers of specific rules in this chapter shall submit a written request for waiver to the executive director which includes the following:~~

~~(1) Specific reference to the rule for which a waiver is being sought;~~

~~(2) Full explanation of why a waiver is necessary; and~~

~~(3) Full explanation of alternatives proposed by the applicant or licensee, which shall be equally as protective of public health as the rule from which a waiver is sought.~~

~~(b) The executive director shall approve a request for waiver if:~~

~~(1) The executive director concludes that authorizing deviation from strict compliance with the rule from which waiver is sought does not contradict the intent of the rule;~~

~~(2) The alternative proposed by the applicant or licensee ensures that the objective or intent of the rule from which waiver is sought will be accomplished; and~~

~~(3) The alternative proposed by the applicant or licensee does not violate any statutory provision.~~

~~(c) If a waiver is approved, the applicant's or licensee's subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which waiver was sought.~~

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 24

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

~~(d) Waivers shall correspond with the effective dates of the license. Licensees shall resubmit waiver requests during subsequent license periods if the waiver is still needed.~~

Readopt with amendments Plc 602.05 through Plc 602.08, eff. 9-21-18 (doc. #12622), and renumber as Plc 608.02 through Plc 608.05, to read as follows:

~~Plc 602.05 Complaints. The office shall, in accordance with Plc 200, investigate written complaints that allege a violation of RSA 314-A or Plc 600.~~

Plc 608.02 Procedures for Disciplinary and Non-Disciplinary Remedial Proceedings and Imposing License Conditions. The procedures in Plc 311 shall govern disciplinary and non-disciplinary remedial proceedings and imposing license conditions.

~~Plc 602.06 Enforcement Actions and Administrative Appeals.~~

~~(a) Prior to taking enforcement action against an applicant or body artist such as denial, suspension, or revocation of license or imposition of a fine, the office shall send to the applicant or body artist a written notice which states:~~

- ~~(1) The action to be taken by the office;~~
- ~~(2) The reasons for the proposed action; and~~
- ~~(3) The right of the applicant or the body artist to an administrative hearing to contest the enforcement action taken by the office.~~

~~(b) Failure of the applicant or body artist to request a hearing within 30 days of receipt of the notice shall result in the proposed action becoming final and immediately imposed.~~

~~(c) If the applicant or body artist requests a hearing in writing, no action shall be imposed on the applicant or body artist pending the completion of an administrative hearing conducted in accordance with RSA 541-A:31 through 36 and Plc 200, unless the office immediately suspends a license in accordance with RSA 541-A:30, III.~~

Plc 602.07608.03 Obtaining a License After Expiration, Suspension, or Revocation, and Denial of a License.

~~(a) The executive director shall suspend a license in accordance with Plc 602.06 if the body artist fails to:~~

- ~~(1) Cooperate with an investigation by the office to the extent required by these rules; or~~
- ~~(2) Pay a fine in accordance with Plc 602.08.~~

~~(b) The length of suspension shall be until such time as the licensee:~~

- ~~(1) Both:
 - ~~a. Complies with the requirements for which the suspension was issued; and~~
 - ~~b. Has paid all fines, if any, associated with the suspension; or~~~~
- ~~(2) Has his or her license revoked in accordance with (d) below.~~

~~(c) Upon reinstatement of a suspended license, the licensee shall not be required to pay an additional fee, and the expiration date of the license shall remain the same.~~

(a) An individual whose license has expired or been suspended or revoked shall reobtain a license in accordance with Plc 312, subject to (b), below.

~~(e**b**) A-The OPLC shall not issue a license to a body artist whose license has been was revoked or whose application has been was denied based on one or more of the violations listed in (b), below, for committing an act or acts of Plc 602.07(d), (1) through (3) shall not reapply for a body artist license for:~~

- ~~(1) At least one year from the date the revocation or denial became final, for the first offense; and~~
- ~~(2) At least 3 years from the date the revocation or denial became final, for the second offense.~~

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 25

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

~~(d)~~ The executive director shall revoke a license in accordance with Plc 602.06 if the licensee **violations that result in the waiting periods identified in required by (a), above, shall be as follows:**

(1) Has performed ~~B~~branding or tattooing on a person ~~an individual~~ under the age of 18 in violation of RSA 314-A:8, I;

(2) Has performed ~~Performing~~ body piercing on a person ~~an individual~~ under the age of 18 without the consent of that person's ~~individual's~~ parent or legal guardian as required under Plc 602.02(e) ~~RSA 314-A:8, II;~~

(3) **Performing body piercing on an individual under the age of 18 without complying with all conditions other than consent of the parent or guardian specified in RSA 314-A:8, III and Plc 606.03(e); or**

(34) Has performed ~~Performing~~ any prohibited act as described under ~~in~~ Plc 602.04; **606.08.**

(4) Has given false information on his or her renewal application relative to continuing education; or

(5) Fails to comply with the conditions for the removal of a suspension within 90 days of the suspension taking effect.

~~(f)~~ License revocations and application denials, for committing an act or acts of Plc 602.07(d), (1) through (3), shall be permanent for the third offense.

~~(g)~~ Except for (f) above, a body artist whose license has been revoked and who wishes to reapply for a license shall reapply as for an initial body artist license in accordance with Plc 601.04 or Plc 601.05.

~~(h)~~ Except for (f) above, a body artist whose application has been denied and who wishes to reapply for a license shall reapply as for an initial body artist license in accordance with Plc 601.04 or Plc 601.05.

~~(i)~~ In addition to (g) and (h) above, a license shall not be granted to any applicant until the applicant has complied with the requirements for which the revocation or denial was issued and has paid all fines, if any, associated with the revocation or denial.

Plc 608.04 Rehearings and Appeals. Rehearings and appeals shall be in accordance with RSA 310:14 and Plc 206.

Plc 602.08 ~~608.05~~ Procedures for Imposing, and Schedule of, Administrative Fines.

~~(a)~~ When the executive director has determined that a violation of RSA 314-A or Plc 600 has occurred, the executive director shall impose a fine in accordance with RSA 314-A:10 and (d) below.

~~(b)~~ If the applicant or body artist waives the right to a hearing and chooses to pay the imposed fine, the fine shall be paid to and received by the office within 30 days of receipt of the notice of fine by the applicant or body artist.

~~(c)~~ The payment of a fine shall be:

(1) Sent to the executive director in the form of cash, check, or money order for the exact amount of the fine; and

(2) Made payable to “Treasurer—State of New Hampshire” if payment is by check or money order.

~~(d)~~ **For purposes of RSA 310:12, I(e) and Plc 311.12,** ~~F~~ines for violations of the provisions of RSA 314-A and Plc 600 shall be imposed in accordance with the following schedule:

(1a) For knowingly making any false statement or providing false information on the ~~any body artist~~ application, the fine shall be ~~\$1000.00~~ **\$2,000;**

Commented [EE15]: Is this after notice and opportunity to be heard?

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 26

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(2b) For falsification of a license to practice body art, the fine shall be \$2,000.00;

(3c) For practicing or advertising body art *services in New Hampshire* without a *New Hampshire body art* license, the fine shall be \$2,000.00 *per advertisement*;

(d) *For practicing body art in New Hampshire without a New Hampshire body art license, the fine shall be \$32,000 per client served*;

(4e) For failure of a supervising licensee *qualified supervisor* to properly supervise an apprentice, the fine shall be \$500.00 *per failure that had the potential to harm any individual*;

(5f) For failure *willfully failing* to cooperate during an investigation, the fine shall be \$1000.00 *2,000*;

(6g) For performing branding or tattooing on a person *an individual* under the age of 18, the fine shall be \$2000.00 *3,000 per underage individual, per tattoo*;

(7h) For performing body piercing on a person *an individual* under the age of 18 without the consent of that person's *individual's* parent or legal guardian as required *under by RSA 314-A:8 and Plc 602.02606.03(c)*, the fine shall be \$2,000.00;

(8i) For performing any prohibited act *prohibited by RSA 314-A:7, I or III or by as described under Plc 602.04606.08*, the fine shall be \$2,000.00; and

(9j) For performing body art in a location that has not been approved for use as a body art establishment in accordance with Plc 602.02606.03(b), the fine shall be \$1000.00 *\$300 per day that clients are served in the unapproved location, to a maximum of \$2,000*.

Adopt Plc 609 to read as follows:

PART Plc 609 APPROVED ~~EDAL-OF~~ COURSES FOR PROPER STERILIZATION OF INSTRUMENTS AND MATERIALS

Plc 609.01 Purpose. The purpose of this part is to implement RSA ~~314-A:2, III(d)~~ by:

(a) Identifying courses that are deemed approved by the executive director in methods and techniques for the proper sterilization of instruments and materials used in body piercing, branding, or tattooing; and

(b) Establishing ~~the criteria and procedures for obtaining approval for such a process by which licensees can request approval of alternate~~ courses.

Plc 609.02 Approved Courses. The following courses are deemed approved:

(a) “Bloodborne Pathogens for Tattoo Artists & Piercers (All States – Except CA, FL, MN)” offered by Biologix Solutions, LLC, available at <https://blxtraining.com/course/bloodborne-pathogens-for-tattoo-artists-piercers/>; and

(b) Any course that meets the requirements of OSHA’s Bloodborne Pathogens Standard, [29 CFR 1910.1030](https://www.federalregister.gov/documents/2014/07/29/2014-14831/occupational-safety-and-health-administrative-code-cfr-29-cfr-1910.1030), for tattoo artists and piercers that is offered by:

(1) A NH-licensed health care facility;

(2) A college or post-secondary technical institution accredited by a regional or professional accrediting agency recognized by the U.S. Secretary of Education; or

Commented [GRH16]: 314-A:2 License Required; Fees.

-

...
III. Licenses shall be issued to any person who:

...
(d) Has completed a **course approved by the executive director** in methods and techniques for the proper sterilization of instruments and materials used in body piercing, branding, or tattooing.

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 27

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(3) A professional association such as the Alliance of Professional Tattooists (APT), which can be contacted at <https://safe-tattoos.com/>, or the Association of Professional Piercing (APP), which can be contacted at <https://safepiercing.org>.

Plc 609.03 ~~Requests for~~ ***Approval of Other Courses.***

~~(a) A licensee who has obtained, or would like to obtain, training in bloodborne pathogens that is not covered by Plc 609.02 may request a waiver under Plc 211 to allow the alternative training to be accepted.~~

~~(b) The executive director shall grant the requested waiver if the licensee demonstrates that the training:~~

~~(1) Meets the requirements of OSHA’s Bloodborne Pathogens Standard, 29 CFR 1910.1030, for tattoo artists and piercers;~~

~~(2) Is or was not less than 3 hours in length for an initial course or not less than 2 hours in length for a refresher course; and~~

~~(3) Will be or was taught by a licensed health care or body art professional who:~~

~~a. Has practiced under a body art practitioner license for not less than 5 years;~~

~~b. Has not less than 3 years of experience in teaching the specific course being offered, as documented by materials prepared for the prior course(s) by the individual or advertising or other informational material for the prior course(s) showing the individual as the instructor, or both; and~~

~~c. Has not been subject to any disciplinary action(s) in the past 5 years relating to sanitary practices.~~

Commented [GRH17]: Anything else that would be acceptable documentation?

Readopt with amendments Plc 605, eff. 1-27-22 (doc. #13337), and renumber as Plc 610, to read as follows:

PART Plc ~~605610~~ ***MICROBLADING CERTIFICATES***

Plc ~~605610.01~~ ***Purpose, and Applicability, and Definitions.***

~~(a) The purpose of this part is to implement RSA 314-A:2, IV as enacted by Laws of 2021, 60:1, effective July 1, 2021 *relative to the microblading of eyebrows.*~~

~~(b) This part shall apply to any individual who is not a licensed body art tattoo practitioner who wishes to engage in microblading.~~

~~(c) The following definitions shall apply in this part:~~

~~(1) “Executive director” means the executive director of the office of professional licensure and certification (OPLC) or designee; and~~

~~(2) “Microblading” means a cosmetic tattoo of the eyebrow as defined in Plc 601.02(k).~~

Plc ~~605610.02~~ ***Eligibility Requirements.*** To be eligible for a microblading certificate, an individual shall be a New Hampshire licensed esthetician or cosmetologist who has completed the following:

(a) Training that meets the requirements of Plc ~~605610.03~~; and

(b) A course in the prevention of disease transmission and blood-borne pathogens.

Commented [GRH18]: Vanessa is compiling info re: how handled in other states, will provide

Commented [GH19R18]: From Vanessa: “ I believe these are at the moment the highest standards we should have other than possibly making it so that the trainee must complete 3 live models instead of 2. A lot of times in these classes the instructor will do 1 live model and the trainee will do their own. so maybe we can also make it more clear on that end.”

Text added to existing rules in ***bold italics***

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

REV DRAFT

02-12-25 28

Plc ~~605610.03~~ Training Requirements. The training required by Plc ~~605610.02(a)~~ shall:

- (a) Be at least 100 hours in length;
- (b) Be provided by an instructor who is accredited by one or both of the following organizations:
 - (1) The American Academy of Micropigmentation (“AAM”); or
 - (2) The Society of Permanent Cosmetic Professionals (“SPCP”); and
- (c) Include at a minimum:
 - (1) Instruction in the following areas:
 - a. Microblading fundamentals;
 - b. Color theory and design;
 - c. Pigment and ink;
 - d. Equipment including set-up and break-down procedures;
 - e. Contraindications of microblading;
 - f. Stretching the skin;
 - g. Depth;
 - h. Infection control;
 - i. Disinfection procedures; and
 - j. Aftercare; and
 - (2) Completion of a minimum of 2 sets of eyebrows on a each of 2 live models, exclusive of any model completed by the instructor, under the direct supervision of the course instructor.

Commented [GH20]: 2 sets on each of 2 individuals = 4 eyebrows -- is that what you want?

Commented [GH21]: Need Vanessa to confirm that this is what she meant.

Plc ~~605610.04~~ Application for Initial Microblading Certification.

(a) Any individual who wishes to engage in the practice of microblading who does not have a New Hampshire microblading certificate or a body art tattoo practitioner license shall file an application for initial microblading certificate in accordance with this section.

(b) Each applicant for an initial microblading certificate shall submit the following to the ~~OPLC~~ licensing bureau in accordance with Plc 304.01(a) intro:

- (1) A completed “~~Initial Microblading Certificate~~ Universal Application for Initial License” dated ~~December 2024~~ February 2025, together with a “Microblading Certificate Supplement to Universal Application for Initial License” dated [month] 2025, that provide the information required by Plc 304.03 and Plc 610.05 that has and have been signed and attested to as specified in Plc ~~605.06304.05~~;
- (2) The additional documentation required by Plc 304.04, as applicable, and Plc 610.06; and
- (23) The application-related ~~processing~~-fee specified in Plc 1002.08;

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 29

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

Plc 610.05 Additional Information Required for Initial Microblading Certificate Application. In addition to the information required by Plc 304.03, the applicant for a microblading certificate shall provide:

(3a) The number of the applicant’s active New Hampshire esthetics or cosmetology license;

(b) *Relative to the microblading training received, the following:*

(1) The name and address of the training provider;

(2) Whether the instructor was accredited by the American Academy of Micropigmentation (AAM) or the Society of Permanent Cosmetic Professionals (SPCP), or both;

(3) The date the training was completed; and

(4) The total number of hours of instruction received; and

(c) Relative to the training in prevention of disease transmission and blood-borne pathogens, the following:

(1) The name of the course;

(2) The name of the provider of the course; and

(3) The date the course was completed.

Plc 610.06 Additional Documentation Required for Initial Microblading Certificate Application. In addition to the documentation required by Plc 304.04, the applicant for a microblading certificate shall provide:

(4a) A microblading training completion certificate that states the name and address of the training provider, the organization that accredited the training instructor, the date the training was completed, and the number of hours of training received; and

(5b) Documentation of the completion of a course in the prevention of disease transmission and blood borne pathogens.

Plc 610.07 Processing of Initial Microblading Certificate Applications; Decisions. The licensing bureau shall:

(a) *Process applications for microblading certificates in accordance with Plc 304.06 through Plc 304.08.*

(b) *Make a decision and notify the applicant in accordance with Plc 304.09.*

Plc 610.08 Challenging a Denial of Initial Certificate; Challenging License Conditions. An applicant who wishes to challenge the denial of an application for initial microblading certificate or who wishes to challenge conditions in the certificate shall so do in accordance with Plc 304.10.

Plc 605-05610.09 Microblading Certification Expiration-Validity; Eligibility for and-Renewal.

(a) An initial or renewal microblading certificate shall expire ~~2~~ ***2-on the earlier of:***

(1) Two years from the date of issuance; or

(2) The expiration of the certificate holder’s esthetics or cosmetology license, ~~whichever is earlier.~~

Commented [GRH22]: ?? Won't the license expiration always be sooner than 2 years?

Commented [EE23R22]: My guess is if they get the microblading at the same time as the esthetics/cosmetology license, it would be 2 years from issuance.

Commented [EE24R22]: If that's even possible. Not sure.

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 30

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

(b) Once issued, the validity of the microblading certificate shall depend on the validity of the underlying esthetics or cosmetology license, such that if the underlying esthetics or cosmetology license expires or is suspended or revoked, the microblading certificate shall likewise expire or be suspended or revoked, as applicable, but shall be subject to reinstatement with the underlying license.

(bc) To be eligible to renew a microblading certificate, the holder of the certificate shall:

- (1) Be a New Hampshire licensed esthetician or cosmetologist; and
- (2) Complete not less than 3 hours of continuing education in microblading or prevention of disease transmission and blood-borne pathogens ***prior to submitting an application for renewal.***

Plc 610.10 Application for Renewal of Microblading Certificate. ~~(e)~~—The holder of a microblading certificate who wishes to renew the certificate shall submit the following to the ~~OPLC~~-licensing bureau:

(1a) A completed “***Universal Application for License Renewal***” dated ***February 2025***, together with a “Microblading Certificate ***Supplement to Universal*** Renewal Application” dated ~~December 2024~~ ***[month] 2025*** that ~~has have~~ been signed as specified in Plc 605.06***308.08***; and

(2b) The application-~~related~~ ***processing fee for renewal*** specified in Plc 1002.08.

Plc 610.11 Additional Information Required for Microblading Certificate Renewal Application. ***In addition to the information required by Plc 308.06, the applicant for a microblading certificate shall provide:***

(3a) The number of the applicant’s active New Hampshire esthetics or cosmetology license; and

Plc 610.12 Additional Documentation Required for Microblading Certificate Renewal Application. ***In addition to the documentation required by Plc 308.07, the applicant for a microblading certificate shall provide:***

(4a) Documentation of completion of at least 3 hours of continuing education in microblading or the prevention of disease transmission and blood-borne pathogens.

~~Plc 605.06 Signature and Certification.~~

~~(a) Each applicant for an initial or renewal microblading certificate shall sign and date the application.~~

~~(b) An application submitted using the on-line form shall be deemed to be signed and dated by the act of submitting the application.~~

~~(c) The applicant’s signature shall constitute certification that:~~

- ~~(1) The information and documentation provided are true, complete, and not misleading to the best of the applicant’s knowledge and belief; and~~
- ~~(2) The applicant understands that the submittal of false, incomplete, or misleading information:~~
 - ~~a. Constitutes grounds to deny the application or to suspend or revoke any certificate that is issued based on the information; and~~
 - ~~b. Potentially subjects the applicant to prosecution under RSA 641 relative to falsification in official matters.~~

Plc 610.13 Processing of Microblading Certificate Renewal Applications; Decisions. ***The licensing bureau shall process and make decisions on applications for microblading certificates in accordance with Plc 308.09 through Plc 308.11.***

Plc 610.14 Challenging a Denial of Certificate Renewal; Challenging License Conditions. ***An applicant who wishes to challenge the denial of an application for renewal of a microblading certificate or who wishes to challenge conditions in the certificate shall so do in accordance with Plc 308.12.***

Text added to existing rules in **bold italics**

REV DRAFT

02-12-25 31

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

Plc 605.07610.15 Duties-Obligations and Responsibilities of Those Holding a Microblading Certificate Holders.

(a) Each microblading certificate holder shall comply with RSA 314-A and Plc 600, including but not limited to the duties and responsibilities of all licensees under Plc 602.02 and standards of hygiene under Plc 602.03 with the following exceptions:

- (1) *All continuing education, renewal, and facility-related requirements that apply to the holder’s underlying cosmetology or esthetician license;*
- (2) *Plc 307.02 through Plc 307.05 relative to licensee obligations;*
- (2) *Plc 606.01 relative to licensee obligations to notify;*
- (3) *Plc 606.04 relative to licensee obligations to clients;*
- (4) *Plc 606.05 relative to required infection control practices; and*
- (5) *Plc 606.06 relative to client-specific hygiene requirements.*

(1b) ~~Notwithstanding (a) above and Plc 602.02(b), m~~Microblading certificate holders may perform microblading in facilities approved for use as body art establishments or *in* facilities licensed by the board of barbering, cosmetology, and esthetics.

(2c) ~~Notwithstanding (a) above and Plc 602.03(a)(8), m~~Microblading certificate holders shall use a new, single use microblading tool for the microblading of each individual.

(3d) ~~Notwithstanding (a) above and Plc 602.03(a)(12), m~~Microblading certificate holders may perform microblading in the same room as where cosmetics are being applied and where eating and drinking are allowed, but shall have a separate workspace that complies with Plc 602.03(a)(12); *and where the use of tobacco in any form and the use of vaping equipment is prohibited.*

(4e) Notwithstanding (a)(4), above, and Plc 602.03(a)(2)-606.05(a), microblading certificate holders shall bandage according to standards of the microblading industry.

(bf) A microblading certificate holder shall:

- (1) Use a handheld microblading tool to perform services; and
- (2) Not use a tattoo machine unless also licensed as a body art tattoo practitioner.

Plc 605.08610.16 Initiation of Investigations; Disciplinary Proceedings. Investigations and disciplinary proceedings shall be conducted in accordance with Plc 310 and Plc 311.

(a) The executive director shall initiate an investigation of the holder of a microblading certificate whenever the executive director receives credible information that the holder:

- (1) Has had a disciplinary proceeding initiated relative to his or her esthetics or cosmetologist license;
- (2) Otherwise has violated any requirement applicable to obtaining or renewing a microblading certificate; or
- (3) Has not maintained required health and safety standards relative to microblading.

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 32

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

~~(b) If the executive director determines that the investigation conducted pursuant to (a), above, has produced evidence that could be used to prove by a preponderance of the evidence that a violation of any applicable requirement has occurred, the executive director shall initiate a disciplinary proceeding in accordance with the applicable provisions of Plc 200 and RSA 541-A to suspend or revoke the microblading certificate or to impose limitations on the scope of practice of the microblading certificate holder, in accordance with (c) through (h), below:~~

~~(c) After the hearing conducted in accordance with (b), above, if the executive director determines that it has been proven by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the executive director shall suspend the microblading certificate conditional on obtaining additional training if, for each such violation:~~

~~(1) The violation was committed negligently or unknowingly, such that additional instruction should help to ensure that it will not be repeated; and~~

~~(2) The holder has not been the subject of a disciplinary proceeding for the same or a similar violation within the preceding 2 years.~~

~~(d) If a microblading certificate is suspended pursuant to (c), above, the holder may request the microblading certificate to be reinstated after obtaining the specified additional training.~~

~~(e) After the hearing conducted in accordance with (b), above, if the executive director determines that it has been proven by clear and convincing evidence that the violation(s) on which the proceeding was based did in fact occur, the executive director shall revoke the microblading certificate if, for any such violation:~~

~~(1) The violation was committed recklessly or knowingly; or~~

~~(2) The microblading certificate holder has been the subject of one or more disciplinary proceedings for the same or any similar violation within the preceding 2 years.~~

~~(f) If a microblading certificate is revoked pursuant to (e), above, the holder shall not apply again for a microblading certificate for at least 2 years from the date of the revocation.~~

~~(g) After the hearing conducted in accordance with (b), above, if the executive director determines that it has been proven by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the executive director shall impose limitations on the scope of practice of the microblading certificate holder to minimize the opportunities for the holder to commit additional or repeat violations or impose requirements for additional training if, for each such violation:~~

~~(1) The violation was committed negligently or unknowingly; and~~

~~(2) The holder has been the subject of one or more investigations that did not lead to discipline being imposed for the same or a similar violation within the preceding 2 years.~~

~~(h) If limitations on the scope of practice are imposed pursuant to (g), above, the holder may request the limitations to be removed upon presenting proof to the OPLC that:~~

~~(1) The holder has complied with all terms of the limitations for not less than 2 years; and~~

~~(2) The holder has obtained not less than 6 hours of training in the subject area(s) of the violation(s), in addition to the continuing education required by Plc 605.05(b)(2).~~

Text added to existing rules in ***bold italics***

REV DRAFT

02-12-25 33

Text deleted from existing rules ~~struck through~~

Text that is all new (introduced with “**Adopt**”) in plain font

Text in *{bracketed blue italics}* is editorial info for the benefit of the reader

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule	State Statute(s) Implemented
Plc 601.01 [purpose]	RSA 310:4, II(c); RSA 314-A:2
Plc 601.02 [applicability]	RSA 310:4, II(c); RSA 314-A:4
Plc 601.03 [xref 301.03]	RSA 310:4, II(c)
Plc 601.04 [incorporated def's]	RSA 310:4, II(c); RSA 314-A:1
Plc 602 [definitions]	RSA 310:4, II(c); RSA 314-A:1
Plc 603 [advisory bd]	RSA 310-A:14
Plc 604 [apprenticeships]	RSA 310:4, II(c); RSA 314-A:3
Plc 605 [initial lic.]	RSA 310:4, II(c); RSA 314-A:2
Plc 606 [obligations etc]	RSA 310:4, II(c); RSA 314-A:6, I; RSA 314-A:7-8
Plc 607 [renewal, CE]	RSA 310:4, II(c); RSA 310:8; RSA 314-A:5
Plc 608 [proc; disc.; AFs]	RSA 310:4, II(d); RSA 310:8-12; RSA 314-A:7; RSA 314-A:9
Plc 609 [apprvd courses]	RSA 310:4, II(c); RSA 314-A:2, III(d)
Plc 610 [ubldg cert]	RSA 310:4, II(c); RSA 314-A:2, IV