

# Wisconsin Department of Safety and Professional Services

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## DIVISION OF INDUSTRY SERVICES

### **TATTOOING AND BODY PIERCING - FREQUENTLY ASKED QUESTIONS**

#### **Q: Are Permanent Makeup techniques such as Microblading or Microneedling included in the Tattooing and Body Piercing code?**

- [Wisconsin Admin. Code ch. SPS 221.03\(21\)](#) provides the definition of Tattoo, “as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.” The microblading or microneedling being performed would need to meet this definition in order to be covered under Wis. Admin. Code ch. SPS 221.

#### **Q: Is laser tattoo removal covered under the Code? If not, is it considered medical treatment?**

- [Wisconsin Administrative Code ch. SPS 221](#) Tattooing and Body Piercing does not specifically address the practice of tattoo removal. In response to the question of whether laser tattoo removal is considered the practice of medicine, please review Wis. Stat. ch. 448 Medical Practices. Wisconsin Stat. § 448.01 (9) “Practice of medicine and surgery” includes section (c) “To penetrate, pierce or sever the tissues of a human being,” as part of its scope.

However, the Department of Safety and Professional Services (DSPS) is unable to provide a substantive response to your question. The DSPS website provides a wide range of materials to assist credential holders, as well as the public, in answering questions about the practice of the various professions. These materials include the relevant Wisconsin Statutes, Wisconsin Administrative Code, formal disciplinary orders and meeting minutes, as well as frequently asked professional practice questions (PFAQs) and white papers developed for many of the professions. The address for the DSPS website is [www.dsps.wi.gov](http://www.dsps.wi.gov).

Credential holders are responsible for their own professional practice and for compliance with the law. The DSPS is unable to routinely answer questions submitted by credential holders or the public related to professional practice. Credential holders are encouraged to review the relevant laws, review professional journals, consult with colleagues, or seek advice from their personal accountant or private legal counsel.

#### **Q: Are there training/certification requirements for Body Art Practitioners?**

- [Wisconsin Administrative Code ch. SPS 221](#) does not provide for training/certification requirements.

#### **Q: I am no longer practicing; do I need to notify anyone?**

- **Establishments**

[Wisconsin Administrative Code ch. SPS 221.04\(1\)\(a\)\(2\)](#) provides: “The operator of an establishment shall notify the Department [DSPS] or its agent of the operator's intention to cease operations and shall supply the Department [DSPS] with the name and mailing address of any new operator. An establishment license is not transferable. If an operator sells or otherwise transfers ownership or operation of an establishment to another person, a new initial license is required, and the establishment may not be opened to the public until the department has issued a new initial license.”

#### **Q: I need a copy of my practitioner's license or need to update my practitioner's license.**

- All practitioner licenses are issued by DSPS, please contact us at (608) 266-2112 to request a copy of your license.

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## Q: I need a copy of my establishment license.

- If the establishment is located in a county/city, which has an Agent agreement, the Agent will issue the establishment license. [To View a List of Body Art Agents & Non Agent Areas, Click Here](#)

## Q: How do I file a complaint?

- Practitioner or establishment complaints that do not involve age related matters can be filed through the DSPS online compliant system. A link to the web page is provided below. Choose “Business” as the Complaint Category and then select the applicable “Profession”.

### [DSPS Compliant Filing Methods](#)

Complaints involving age related matters, e.g., “my 16 year old came home with a tattoo” should be referred to local law enforcement as applicable to the following:

- [Wisconsin Admin. Code ch. SPS 221.10\(1\)\(b\)\(1\)](#) Minors-No person under 16 years of age may be body pierced.
- [Wisconsin Admin. Code ch. SPS 221.10\(1\)\(b\)\(2\)](#) Minors- No person age 16 or 17 years may be body pierced unless an informed consent form has been signed by his or her parent or legal guardian in the presence of the operator.
- [Wisconsin Admin. Code ch. SPS 221.10\(1\)\(b\)\(3\)](#) Minors-No person under 18 years of age may be tattooed except by a physician in the course of the physician’s professional practice, as permitted under s. 948.70(3), Stats.

## Q: Where do I find DSPS’s Body Art contact phone number and email address?

- **Phone:** (608) 266-2112
- **Email:** [DspstattooBodyArt@wisconsin.gov](mailto:DspstattooBodyArt@wisconsin.gov)

## Q: Where do I dispose of my sharps container?

- Sharps must be disposed of according to the Department of Natural Resources (DNR) regulations. A DNR listing of sharps collection stations may be found at [WI DNR Registered Sharps Collection Stations](#)

## Q: Is my autoclave approved?

- A list of approved autoclaves can be found at [FDA Approved Autoclaves April 2017](#).

## Q: Where can I get a copy of the Body Art Code?

- For further information, visit [Wis. Admin. Code ch. SPS 221 Tattooing and Body Piercing](#).