

April 30, 2026

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Repeal of N.D. Admin. Code Chapter 33-41-01 and Proposed Creation of N.D. Admin. Code Chapter 33-41-01.1
Tattoo and Body Art and Body Art Code

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Repeal and Create Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Tuesday, June 16, 2026, beginning at 12:00 p.m. and continuing until 1:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Julie Wagendorf, Food & Lodging
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

Enclosures

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NOTICE OF INTENT TO REPEAL ADMINISTRATIVE
RULES RELATING TO N.D. ADMINISTRATIVE CODE
CHAPTER 33-41-01
TATTOO AND BODY ART
AND TO CREATE ADMINISTRATIVE RULES RELATING TO
N.D. ADMINISTRATIVE CODE CHAPTER 33-41-01.1
BODY ART CODE

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed repeal of N.D. Admin. Code chapter 33-41-01 and proposed creation of N.D. Admin. Code chapter 33-41-01.1 at 12:00 p.m. on Tuesday, June 16, 2026, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed repeal of N.D. Admin. Code chapter 33-41-01, Tattoo and Body Art, and proposed creation of N.D. Admin. Code chapter 33-41-01.1, Body Art Code, are necessary to comply with appropriations measures passed during the 2025 legislative session, as directed by House Bill No. 1012.

The proposed amendments are as follows:

Chapter 33-41-01 is repealed as the provisions set forth therein are superseded by the creation of a new chapter.

Section 33-41-01.1-01 is created to define terms used throughout the new chapter.

Section 33-41-01.1-02 is created to establish health and hygiene standards and to establish reporting requirements.

Section 33-41-01.1-03 is created to establish jewelry standards and to establish recordkeeping requirements.

Section 33-41-01.1-04 is created to establish specific regulations for specific types of body art, including body piercing, tattooing and cosmetic tattooing, branding, scarification, and subdermal implants.

Section 33-41-01.1-05 is created to establish public notification requirements.

Section 33-41-01.1-06 is created to establish requirements for written operating procedures, client record requirements, and personnel record requirements.

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Section 33-41-01.1-07 is created to require client completion of an informed consent and release form before body art may be performed on a client, informed consent and release form requirements, and to identify information that the body artist shall record regarding the procedure.

Section 33-41-01.1-08 is created to establish procedures and requirements for disinfection and sterilization and storage requirements.

Section 33-41-01.1-09 is created to establish requirements for preparation and care of a procedure site.

Section 33-41-01.1-10 is created to establish requirements for single-use items.

Section 33-41-01.1-11 is created to establish regulated waste requirements and require a body art establishment to develop written procedures for regulated waste.

Section 33-41-01.1-12 is created to establish premises requirements for a body art establishment.

Section 33-41-01.1-13 is created to establish the requirements a temporary body art establishment shall meet.

Section 33-41-01.1-14 is created to establish the requirements a mobile body art establishment shall meet.

Section 33-41-01.1-15 is created to establish licensing requirements for a body art establishment, including requiring different licenses and licensing requirements for body art establishments, mobile body art establishments, and temporary body art establishments. The section also addresses license renewal.

Section 33-41-01.1-16 is created to prohibit the use of certain equipment and procedures, to prohibit operation without a license, and to establish what constitutes a violation of North Dakota Century Code section 23-01-35 and this section.

Section 33-41-01.1-17 is created to require the department to inspect body art establishments, to establish what constitutes a violation of North Dakota Century Code section 23-01-35 and this chapter, to require an operator to correct violations, and to indicate when an establishment shall discontinue operations.

Section 33-41-01.1-18 is created to permit the department to deny a license application, to take disciplinary action, and to suspend or revoke a license.

Section 33-41-01.1-19 is created to permit department to waive certain provisions of this chapter, provided that such a waiver does not adversely affect the health and safety of customers and operators.

Section 33-41-01.1-20 is created to establish license fees, late fees, license application administration fees, and plan review application fees.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at local public health units, human service zones offices, and at the state-operated behavioral health clinics. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments must be received no later than 5:00 p.m. on Friday, June 26, 2026.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 30th day of April, 2026.

April 30, 2026

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Tattoo and Body Art and Body Art Code

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing repeal of N.D. Admin. Code chapter 33-41-01, Tattoo and Body Art, and proposing creation of N.D. Admin. Code chapter 33-41-01.1, Body Art Code. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Friday, June 26, 2026.

The department has scheduled an oral hearing for Tuesday, June 16, 2026. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Emily O'Brien
Deputy Commissioner

EMO/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Julie Wagendorf, Food & Lodging
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Pat Traynor