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## [Your Tattoo Artist Won't See You Now](#)

Proposed regulations threaten D.C.'s tattoo and body-piercing industry.

By [Betsy Woodruff](#) – September 11, 2013

The D.C. health department does not want you getting any stupid tattoos. It recently released a whole passel of new regulations on the city's tattoo and body-piercing studios (available [here](#), via the *Washington Post*). The 66-page draft of the proposed regulations includes — among a host of new hoops for business owners to jump through — a requirement that customers wait for 24 hours after their first request to get tattoos or body piercings.

The *Post* [reports](#) that, in defense of the new rule, spokeswoman Najma Roberts says: “We’re making sure when that decision is made that you’re in the right frame of mind, and you don’t wake up in the morning . . . saying, ‘Oh my God, what happened?’”

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How thoughtful! But tattoo-seekers might say the same thing — “Oh my God, what happened?” — if health bureaucrats get their way and the 24-hour rule is implemented. That’s because it would probably gut the district’s tattoo and body-piercing industry. The founder of Dupont Circle-based [Fatty’s Custom Tattooz](#), who prefers to be identified only as Fatty, tells me that he estimates the regulation could close 75 percent of the district’s tattoo parlors.

“This is an assault on the industry,” he says.

And T. J. Mohler, a shop manager at Jinx Proof Tattoos in Georgetown says the 24-hour rule would be especially hard on newer and smaller shops that lack the same customer base as more established locations. Jinx Proof dedicates all day Saturday to walk-ins, he says, and the rule would take away about a quarter of their business.

“It definitely has no backing by anybody in the tattoo industry or anything like that, for sure,” he says.

The “draconian” rule would keep tattoo parlors from holding deposits during the 24-hour wait, he explains. And Fatty adds that if a would-be tattooee doesn’t show up for the appointment, the artist wouldn’t be able to let another customer fill the slot.

“Those two provisions, back to back, are an attempt to put us out of business,” he tells me. “That’s what I read when I see it.”

If potentially closing upwards of 40 small businesses wasn’t enough for D.C.’s city government, the proposed regulations might also run into constitutional trouble; the art of tattooing is protected under

the First Amendment, Paul Roe of [Britishink Tattoos](#) argues, and constraints on customers' freedom to decide how and when to exercise that right could be constitutionally suspect.

The 24-hour rule takes up only a few paragraphs of the 66 pages of drafted regulations, and Roe says it's actually among the least of the problems with the document. The proposed rules would keep minors' earlobes from being pierced with anything but a piercing gun and clasp. Any professional piercing association will tell you that that's not the best way to do it, Roe says. It's "not the way to pierce the human earlobe," Roe continues, adding that the method mandated in the proposed regulations is "completely outdated."

D.C. city officials have invoked public safety as a rationale for tighter regulation. But new rules could actually be worse for public health; Fatty argues that if the bulk of the city's tattoo parlors close down, their potential customers would be more likely to get tattoos at so-called tattoo parties, where an often-inexperienced artist gives cheap tattoos to a number of often-inebriated attendees. In other words, if people can't get tattoos at a clean, professional studio, they're likelier to get them from amateurs in their friends' basements. Overzealous health regulators seem to be in denial of a facet of human nature: that if people want to get stupid tattoos, they'll find a way.

And not everyone agrees that unfortunate tattoos will be permanent sources of regret. "Sometimes tattoos you regret become marks of remembrance or marks of honor down the line," says Trevor Burrus of the Cato Institute. "Twenty-four hours doesn't solve that at all."

The regulations aren't final yet, and Roe tells me that he's optimistic that their anti-business elements can be fixed or removed. But the 66-page disaster stands as a testament to the potential for petty bureaucrats to destroy entire industries when they don't trust adults to make decisions for themselves.