Tattoo Studio to Pay $7,000 in Alleged HIV Discrimination Case

A woman claimed a tattoo artist canceled her appointment after learning she had HIV, which violates federal protections.

July 21, 2022 By Jilleen Barrett

A tattoo studio in San Jose must pay $7,000 to a prospective client who was refused service by one of its artists because of the client's positive HIV status, according to a statement from the Department of Justice (DOJ). Title III of the Americans with Disabilities Act (ADA) prohibits businesses from refusing service to people with disabilities, including HIV.

The client filed a complaint with the Department of Justice about her experience at Luna Tattoo Studio, claiming she was discriminated against after she disclosed her HIV status to the artist she was scheduled to see.

A DOJ press release sums up the findings of the investigation:

> The Department of Justice found that in August of 2020, the Complainant made an appointment to receive a tattoo at Luna. After informing the tattoo artist at Luna of her HIV-positive status, the prospective customer first was told that the artist would need to speak with the owner about the situation, and later, that the appointment was cancelled altogether. In refusing to provide service, the tattoo artist told the Complainant that the possibility of the tattoo artist performing tattoo services on Complainant made other artists at Luna Tattoo 'very uncomfortable'."

In addition to paying $7,000, the tattoo studio must also develop a nondiscrimination policy and give its staff two years of policy training. The press release also stated that the United States "recognizes Luna's cooperation in reaching this resolution."

According to the Centers for Disease Control and Prevention, there are no known cases in the United States of HIV being transmitted by tattoos or body piercings. To learn more, see the POZ

Basics on HIV Transmission and Risk.

For more information on the ADA and HIV discrimination, visit ADA.gov/HIV. You can file an ADA complaint with the U.S. Department of Justice online and by mail. For more information about the ADA, visit ADA.gov, or call 800-514-0301 or 800-514-0383 (TDD).

To read about other stories regarding discrimination, look at "Service Members With Undetectable HIV Can Remain Deployable" and "Lawyer Who Fought Abortion Rights Takes Aim at HIV Prevention PrEP."

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