



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1249

PRINTERS NO. 3483

PRIME SPONSOR: R. Brown

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 1249, Printer's Number 3483, the Body Art Establishment Regulation Act, provides for the licensing of body art facilities by the Department of Health. This legislation is effective in 180 days.

ANALYSIS: This legislation creates a freestanding act that requires the Department of Health (DOH) to adopt regulations including, but not limited to: body art establishment licensing requirements; temporary establishment requirements; operator, practitioner and apprentice training requirements; and health, sanitation, sterilization and safety standards. DOH is required to conduct an initial inspection prior to granting a license and to randomly inspect 20% of all licensed body art establishments annually. A \$100 fee is required to be submitted with the application for licensure and DOH may increase fees by regulation in an amount sufficient to cover the annual inspection and administration of this act. A license must be renewed annually and is not transferrable from one person or one body art establishment to another. A restricted account is established for the receipt of fees, fines and civil penalties and monies are appropriated to DOH on a continuing basis to perform duties required under this act.

DOH may deny, suspend or revoke a license for any of the following reasons: submission of false statements in applications, reports, plans or specifications; for health, sterilization, sanitation or safety conditions that violate the act; operation in a manner that threatens public health and safety; failure to allow DOH to enter the premises during normal business hours to conduct an inspection or investigation; or failure to pay the required license fee. Except in cases involving an immediate threat to public health and safety, DOH must provide written notice to the licensee and provide an opportunity to demonstrate or achieve compliance prior to suspension or revocation of a license.

Practitioners must maintain minimum health standards set by DOH and complete the Blood Borne Pathogen Certification requirements or have a doctor certify they do not have any blood borne infectious diseases. The practitioner must provide verbal and written instructions on the care of the tattooed or pierced body site. Practitioners are prohibited from performing body art services on persons under the age of 18 without the presence, written consent and proper

identification of the person's parent or guardian and are subject to criminal penalties and license revocation for two years. Only Pennsylvania-licensed physicians and dentists may perform tongue-splitting.

The legislation establishes penalties as follows:

- Operation of a body art establishment in violation of the act is a misdemeanor and subject to license revocation for two years.
- Violation of the provision related to minors is a third-degree misdemeanor for the first offense and a second-degree misdemeanor for a second or subsequent offense.
- Violation of the tongue-splitting provision is a first-degree misdemeanor for a first offense and a third-degree felony for a second or subsequent offense.

FISCAL IMPACT: DOH estimates there are 2,000 body art establishments in the state that would require licensure generating \$200,000 in fee revenues. DOH based the estimated staff needs on their Division of Home Health which oversees a similar number of facilities and projects 23 staff will be required to regulate and license body art establishments at an initial personnel, operating and implementation cost of \$2,100,000 in FY 2014-15. The net state General Fund cost after accounting for the \$200,000 fee revenue could be \$1,900,000 in FY 2014-15. Ongoing annual costs could be \$1,700,000 after accounting for the \$200,000 fee revenue and nonrecurring implementation costs. Also, this legislation allows DOH to increase fees by regulation to cover the annual inspection and administrative costs.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: May 2, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.