



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 456

PRINTERS NO. 3313

PRIME SPONSOR: DeLuca

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 456, Printer's Number 3313, establishes the Tattoo, Body-Piercing and Corrective Cosmetic Artists Act. This legislation is effective in 180 days except as indicated otherwise.

ANALYSIS: This legislation directs the Department of Health (DOH) to establish sterilization, sanitation and safety standards for any business engaged in tattooing or body piercing, and creates a central registry within DOH for persons performing tattooing or body piercing and for establishments where such procedures are performed. Any individual who performs tattooing, body-piercing or corrective cosmetic services within PA must register with DOH.

DOH shall adopt regulations as are reasonably necessary to carry out the provisions of this act. The regulations must include, but are not be limited to:

- Tattoo, body-piercing and corrective cosmetic establishment registration and facility registration requirements;
- Temporary establishment registration requirements;
- Tattoo artist and body-piercing artist registration requirements;
- Apprentice tattoo artist and body-piercing artist registration requirements;
- Development and maintenance of and registration in the Tattoo, Body-Piercing and Corrective Cosmetic Artists Central Registry;
- Tattoo artist and body-piercing artist hygiene;
- Health, sanitization, sterilization and safety standards for tattoo, body-piercing or corrective cosmetic establishments and temporary establishments;
- Tattoo and body-piercing establishment and temporary establishment recordkeeping;
- Qualifications for the registration of corrective cosmetic artists;
- Tongue splitting.

The effective date of this section is two years.

A tattoo artist, body-piercing artist or corrective cosmetic artist must successfully complete a written exam regarding health, sanitation, sterilization and safety standards and must meet the registration requirements prior to being issued a registration by DOH. A tattoo or body-piercing

establishment or temporary establishment must be inspected by DOH and must meet facility requirements prior to being issued a registration. DOH is required to randomly inspect 20% of all registered facilities every year.

Any fee shall be fixed by regulation and subject to the Regulatory Review Act.

DOH shall establish minimum health standards for the registrants and individuals working in an area of a tattoo or body-piercing establishment that may be necessary to prevent the contamination of tattoo or body-piercing equipment, supplies or work surfaces with pathogenic organisms. Additionally, a notarized statement from a licensed physician shall be provided to DOH, prior to the issuance of a registration, confirming that the artist was examined by the physician and a test of the artist's blood was made. The statement to DOH shall include indication that the artist is free from all contagious and infectious diseases and that the artist has either completed or was offered and declined a vaccination series.

Verbal and written instructions for the care of the tattooed or pierced site on the body shall be provided to a customer by the tattoo artist or body-piercing artist upon the completion of the procedure. The written instructions shall advise the customer to consult a physician at the first sign of infection and contain the name, address and telephone number of the tattoo or body-piercing establishment.

An individual may not perform a tattooing or body-piercing service on a person under 18 years of age without the written consent of a parent or legal guardian of the person. DOH shall promulgate regulations establishing standards for verification of age and documentation of consent. An individual who performs a tattooing or body-piercing service on a body part of a person under 18 years of age without proper consent shall have the registration under this act revoked for two years.

Unless an individual has been registered under this act, he/she may not:

- practice tattooing, body piercing or corrective cosmetics;
- hold himself/herself out as a practitioner of or entitled or authorized to practice tattooing, body piercing or corrective cosmetics;
- assume the title of "tattooist," "tattoo artist," "body piercer," "body-piercing artist," "corrective cosmetics artist" or other letters or titles in connection with the individual's name that represents himself/herself as being engaged or authorized in the practice of tattooing, body piercing or corrective cosmetics.

An individual may not operate a tattoo, body-piercing or corrective cosmetic establishment or temporary establishment that is not registered with DOH.

An individual may not perform ocular tattooing unless the procedure is performed under the direction of a physician or other authorized health care practitioner. Tongue splitting must be

performed by a physician or dentist licensed in this Commonwealth and this requirement is effective in 60 days.

DOH has the authority to suspend or revoke a registration issued under this act for any one of the seven reasons outlined in HB 456.

An individual who violates a provision of this act shall be subject to the following penalties:

- a penalty of not more than \$500 for a first violation;
- a penalty of not more than \$1,000 for the second violation;
- for the third or subsequent violation in a two-year period, a penalty of \$1,000 and revocation of registration for the next calendar year;
- a misdemeanor of the third degree if the violation constitutes intentional endangerment of public health or safety.

The provisions of HB 456 do not prevent a physician or surgeon from performing body-piercing or tattooing services for medical reasons or a funeral director from performing body-piercing or tattooing services as required by the profession. Further, this Act does not require the registration of corrective cosmetics establishments physically located in a licensed physician's office, hospital or clinic.

FISCAL IMPACT: According to the Department of Health, enactment of this legislation will require additional funding for new complement and the central registry, however, DOH was unable to provide an estimated cost.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: April 11, 2018

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