
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1699 Session of
2001

INTRODUCED BY KREBS, LYNCH, WATSON, LEDERER, SHANER, BUXTON,
HESS, CAPPELLI, CREIGHTON, TIGUE, HALUSKA, DAILEY, B. SMITH,
VANCE, BEBKO-JONES, HORSEY, PRESTON, SATHER, THOMAS, DALEY,
WILT, STABACK, PISTELLA, CALTAGIRONE, MANDERINO, PALLONE,
HENNESSEY, SURRA, McILHATTAN, DeLUCA, KAISER, E. Z. TAYLOR,
HARHAI, SCRIMENTI, COLEMAN, ZUG, BLAUM, STEELMAN, J. TAYLOR,
JAMES, ROONEY AND KIRKLAND, JUNE 5, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 5, 2001

AN ACT

1 Regulating tattoo, body-piercing and corrective cosmetic
2 artists; providing for powers and duties of the Department of
3 Health; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Tattoo, Body
8 Piercing and Corrective Cosmetic Artists Act.

9 Section 2. Legislative intent.

10 It is the intent of the General Assembly to direct the
11 Department of Health to establish health standards for the
12 practice of tattooing, body piercing and corrective cosmetics
13 within this Commonwealth. This will be achieved through the
14 imposition of regulations and the registration of all tattoo
15 artists, body-piercing artists and corrective cosmetic artists

1 with the Department of Health.

2 Section 3. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Body piercing." The process of breaching the skin or mucous
7 membrane for the purpose of insertion of any object, including,
8 but not limited to, jewelry for cosmetic purposes. The term does
9 not include ear piercing or nail piercing.

10 "Body piercing artist." Any person who performs body
11 piercing or who operates, conducts or manages any body-piercing
12 establishment.

13 "Corrective cosmetic artist." Any person who performs
14 corrective cosmetics.

15 "Corrective cosmetics." The application of tattoos on a live
16 human being for medical situations that otherwise could not be
17 corrected or improved, including, but not limited to, burn
18 scars, acne scars, age spots and skin discoloration due to loss
19 of pigmentation.

20 "Department." The Department of Health of the Commonwealth.

21 "Facial tattoo." A tattoo applied above the neck, including,
22 but not limited to, eyelids, eyebrows or lips.

23 "Infectious disease." A disease of humans or animals
24 resulting from a transmissible infection, whether or not patent,
25 apparent, inapparent, latent, clinical or subclinical.

26 "Registry." The Tattoo, Body-Piercing and Corrective
27 Cosmetic Artists Central Registry.

28 "Sanitization." The reduction of the population of
29 microorganisms to safe levels as determined by public health
30 officials.

1 "Sterilization." The process of destruction of all forms of
2 life by physical or chemical means.

3 "Tattoo." The indelible mark, figure or decorative design
4 introduced by insertion of nontoxic dyes or pigments into or
5 under the subcutaneous portion of the skin or by the production
6 of scars upon the body of a live human being.

7 "Tattoo artist." Any person who performs tattooing or who
8 operates, conducts or manages any tattoo establishment.

9 "Tattooing." The process by which the skin is marked or
10 colored by insertion of nontoxic dyes or pigments into or under
11 the subcutaneous portion of the skin so as to form indelible
12 marks for cosmetic or figurative purposes.

13 "Temporary establishment." An establishment which performs
14 tattooing, body-piercing, or both, is operated by an individual
15 registered under this act and which operates outside of a
16 registered facility at a fixed location for a period of time of
17 not more than seven consecutive days in conjunction with a
18 single event or celebration.

19 Section 4. Registry.

20 The department shall, by regulation, establish the Tattoo,
21 Body-Piercing and Corrective Cosmetic Artists Central Registry.
22 All persons who perform tattooing, body-piercing or corrective
23 cosmetic services within this Commonwealth shall meet the
24 requirements of this act and shall register with the department
25 on forms provided by the department.

26 Section 5. Powers and duties of department.

27 (a) General rule.--The department, in the exercise of its
28 duties under this act, shall have the power to adopt such
29 regulations as are reasonably necessary to carry out the
30 purposes of this act. Regulations shall be adopted in conformity

1 with the provisions of the act of June 25, 1982 (P.L.633,
2 No.181), known as the Regulatory Review Act, and shall include,
3 but not be limited to:

4 (1) Tattoo, body-piercing and corrective cosmetic
5 establishment registration and facility registration
6 requirements, including, but not limited to:

7 (i) Physical location.

8 (ii) Specifications of walls, ceilings, floors,
9 partitions, fixtures, equipment and other appurtenances.

10 (iii) Lighting.

11 (iv) Ventilation.

12 (v) Water supply.

13 (vi) Liquid waste disposal.

14 (vii) Refuse storage and disposal.

15 (viii) Toilets and lavatories.

16 (ix) Sinks.

17 (x) Insect and rodent control.

18 (2) Temporary establishment registration requirements.

19 (3) Tattoo artist and body-piercing artist registration
20 requirements.

21 (4) Apprentice tattoo artist and body-piercing artist
22 registration requirements.

23 (5) Development and maintenance of and registration in
24 the Tattoo, Body-Piercing and Corrective Cosmetic Artists
25 Central Registry.

26 (6) Tattoo artist and body-piercing artist hygiene.

27 (7) Health, sanitization, sterilization and safety
28 standards for tattoo, body-piercing or corrective cosmetic
29 establishments and temporary establishments.

30 (8) Tattoo and body-piercing establishment and temporary

1 establishment recordkeeping.

2 (9) Qualifications for the registration of corrective
3 cosmetic artists.

4 (b) Examination.--The department shall require the
5 successful completion of a written examination regarding health,
6 sanitization, sterilization and safety standards prior to
7 issuing a registration to any tattoo artist, body-piercing
8 artist or corrective cosmetic artist.

9 (c) Registration.--The department shall register:

10 (1) Any applicant who successfully passes the
11 examination and meets the requirements for registration in
12 accordance with the regulations promulgated under this act.

13 (2) Any tattoo or body-piercing establishment or
14 temporary establishment which has been inspected and meets
15 facility requirements in accordance with the regulations
16 where tattooing, body-piercing or corrective cosmetic
17 services will be performed.

18 (d) Inspection.--The department shall inspect every
19 establishment at which tattooing, body-piercing or corrective
20 cosmetics are performed prior to issuing a facility
21 registration. The department may also conduct inspections of
22 registered facilities and temporary establishments as the
23 department deems necessary to carry out this act. The inspection
24 shall insure that required sterilization, sanitation and safety
25 standards are maintained.

26 (e) Fees.--All fees required under this act shall be fixed
27 by the department by regulation and shall be subject to the act
28 of June 25, 1982 (P.L.633, No.181), known as the Regulatory
29 Review Act.

30 (f) Limitation.--Nothing in this act shall be construed to

1 permit the department to regulate artistic aspects of tattooing,
2 body-piercing or corrective cosmetics which are unrelated to
3 health, sanitization, sterilization or safety standards.

4 (g) Departmental actions.--All actions of the department in
5 accordance with this act which result in a refusal to issue a
6 registration for reasons other than failure to pass a written
7 examination required by this act or action which suspends or
8 revokes a registration shall be subject to the right of notice,
9 hearing and adjudication and the right of appeal therefrom in
10 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
11 and procedure of Commonwealth agencies).

12 Section 6. Duties and responsibilities of artists.

13 (a) Health of tattoo artists and body-piercing artists.--The
14 department shall establish by regulation minimum health
15 standards for all registrants and persons working in any area of
16 a tattoo or body-piercing establishment which may be necessary
17 to prevent the contamination of tattoo or body-piercing
18 equipment, supplies or work surfaces with pathogenic organisms.

19 (b) Infectious disease.--A notarized statement from a
20 licensed physician shall be provided to the department, prior to
21 the issuance of a registration under this act, confirming that
22 the artist was examined by the physician, a test of the artist's
23 blood was made and the results of that test indicate that:

24 (1) the artist is free from all contagious and
25 infectious diseases, including hepatitis B;

26 (2) the artist has either completed or was offered and
27 declined a vaccination series;

28 (3) antibody testing reveals that the artist is immune
29 to certain diseases; or

30 (4) a vaccine is contraindicated for medical reasons.

1 (c) Notifications.--Verbal and written instructions for the
2 care of the tattooed or pierced site on the body shall be
3 provided to each customer by the tattoo artist or body-piercing
4 artist upon the completion of the procedure. The written
5 instructions shall advise the customer to consult a physician at
6 the first sign of infection and contain the name, address and
7 phone number of the tattoo or body-piercing establishment.

8 Section 7. Minors.

9 (a) Prohibitions.--It shall be unlawful for any person to
10 perform tattooing or body-piercing services on any other person
11 under 18 years of age without the written consent of a parent or
12 legal guardian of that other person.

13 (b) Regulation.--The department shall promulgate regulations
14 establishing standards for verification of age and documentation
15 of consent.

16 (c) Revocation.--Any person who performs tattooing or body-
17 piercing services on any body part of a person under 18 years of
18 age without proper consent as established in subsection (a)
19 shall have the registration under this act revoked for two
20 years.

21 (d) Registration.--Any person who violates subsection (a)
22 may not be registered for two years from the date of violation
23 or revocation, whichever is later.

24 Section 8. Powers of municipalities.

25 (a) Municipal ordinances preserved.--Nothing in this act
26 shall supersede the power of a municipality to inspect tattoo,
27 or body-piercing establishments or temporary establishments, to
28 regulate the manner in which tattooing or body-piercing may be
29 performed, to levy taxes and fees and to require the purchase of
30 a business privilege license unrelated to competence in the

1 practice of tattooing or body piercing. No municipality shall
2 require a tattoo artist or body-piercing artist registered under
3 this act to obtain a municipal license to engage in tattoo,
4 temporary tattoo or body-piercing services in the municipality.
5 Nothing in this act shall preclude a municipality from denying
6 or revoking a local permit for failure to comply with a local
7 ordinance not inconsistent with this act or regulations of the
8 department promulgated under this act.

9 (b) Failure to comply with local ordinance.--A registrant
10 under this act who fails to comply with a municipal ordinance
11 concerning the inspection of tattoo or body-piercing
12 establishments or temporary establishments, or the manner in
13 which the municipality requires tattoo and body-piercing
14 services to be performed, shall be subject to disciplinary
15 proceedings under this act.

16 Section 9. Unlawful acts.

17 (a) Unregistered practice.--It is unlawful for any person to
18 practice tattooing, body-piercing or corrective cosmetics, or to
19 hold himself out as a practitioner of or entitled or authorized
20 to practice tattooing, body-piercing or corrective cosmetics, or
21 to assume any title of "tattooist," "tattoo artist," "body-
22 piercer," "body-piercing artist," "corrective cosmetics artist"
23 or other letters or titles in connection with that person's name
24 which in any way represents himself as being engaged in the
25 practice of tattooing, body-piercing or corrective cosmetics, or
26 authorized to do so, unless that person has been duly registered
27 and authorized to engage in the practice under this act.

28 (b) Unregistered facilities.--It is unlawful for any person
29 to operate a tattoo, body-piercing, or corrective cosmetic
30 establishment or temporary establishment that is not registered

1 with the department.

2 (c) Injections.--It is unlawful for a tattoo artist, body-
3 piercing artist or corrective cosmetic artist to administer
4 anesthetic injections or other medications and prescription
5 drugs.

6 (d) Facial tattoos.--It is unlawful for any person other
7 than a corrective cosmetic artist registered under this act, or
8 a physician or surgeon licensed in this Commonwealth, to perform
9 facial tattoo services on any other person.

10 Section 10. Disciplinary matters.

11 (a) General.--The department may suspend or revoke any
12 registration issued under this act for any of the following
13 reasons:

14 (1) Failing to demonstrate the qualifications or
15 standards for a registration contained in this act or
16 regulations of the department.

17 (2) Making misleading, deceptive, untrue or fraudulent
18 representations in obtaining a registration.

19 (3) Being unable to practice with reasonable skill and
20 safety to the public by reason of illness, addiction to drugs
21 or alcohol, having been convicted of a felonious act
22 prohibited by the act of April 14, 1972 (P.L.233, No.64),
23 known as The Controlled Substance, Drug, Device and Cosmetic
24 Act, or convicted of a felony relating to a controlled
25 substance in a court of law of the United States or any other
26 state, territory, possession or country, or of mental
27 incompetency. An applicant's statement on the application
28 declaring the absence of a conviction shall be deemed
29 satisfactory evidence of the absence of a conviction unless
30 the department has some evidence to the contrary.

1 (4) Violating a regulation promulgated by the department
2 or violating an order of the department previously entered by
3 the department in a disciplinary proceeding.

4 (5) Knowingly maintaining a professional connection or
5 association with any person who is in violation of this act
6 or regulation of the department or knowingly aiding,
7 assisting, procuring or advising any unregistered person to
8 practice a profession contrary to this act or regulations of
9 the department.

10 (6) Acting in such manner as to present an immediate and
11 clear danger to public health or safety.

12 (7) Making a false or deceptive biennial registration
13 with the department.

14 (b) Authorized actions.--In addition to taking disciplinary
15 or corrective action against a registrant under this act or
16 pursuant to other statutory authority, the department may:

17 (1) Deny the application for a registration or any other
18 privilege granted by the department.

19 (2) Revoke, suspend, limit or otherwise restrict a
20 registration.

21 (3) Stay enforcement of any suspension and place a
22 registrant on probation with the right to vacate the
23 probationary order for noncompliance.

24 (c) Failure to comply with conditions.--Failure of a
25 registrant to comply with the conditions required by the
26 department shall be grounds for reconsideration of the matter
27 and institution of formal charges against the registrant.

28 (d) Reinstatement of registration.--Unless ordered to do so
29 by the Commonwealth Court or on appeal therefrom, the department
30 may not reinstate the registration of a person which has been

1 revoked for two years from the date of violation or revocation,
2 whichever is later. Any person whose registration has been
3 revoked may apply for reinstatement, after a period of at least
4 two years, but must meet all of the registration requirements of
5 this act, including the examination requirement, if that person
6 desires to practice the art of tattooing, body-piercing or
7 corrective cosmetics under this act at any time after such
8 revocation.

9 (e) Surrender of suspended or revoked registration.--The
10 department shall require a person whose registration has been
11 suspended or revoked to return the registration in such manner
12 as the department directs.

13 Section 11. Penalties.

14 Any persons who violates any provision of this act commits a
15 misdemeanor of the third degree and shall, upon conviction, be
16 sentenced to pay a fine of not more than \$1,000 or to
17 imprisonment for not more than three months, or both.

18 Section 12. Injunctive relief.

19 It shall be unlawful for any person to practice or attempt to
20 offer to practice tattooing, body-piercing or corrective
21 cosmetics without having at the time of so doing a valid,
22 unexpired, unrevoked and unsuspended registration issued under
23 this act. The unlawful practice of tattooing, body-piercing or
24 corrective cosmetics may be enjoined by the courts on petition
25 of the department. In any such proceeding it shall not be
26 necessary to show that any person is individually injured by the
27 actions complained of. If it is found that the respondent has
28 engaged in the unlawful practice of tattooing or body piercing,
29 the court shall enjoin the respondent from so practicing unless
30 and until the respondent registers with the department. This

1 procedure in such cases shall be the same as in any other
2 injunction suit. The remedy by injunction authorized by this
3 section shall be in addition to any other civil or criminal
4 prosecution and punishment authorized by law.

5 Section 13. Exemptions.

6 (a) General rule.--Nothing in this act shall prevent:

7 (1) a physician or surgeon licensed in this Commonwealth
8 from performing body-piercing or tattooing services for
9 medical reasons; or

10 (2) a funeral director licensed in this Commonwealth
11 from performing body-piercing or tattooing services as
12 required by that profession.

13 (b) Physician-based corrective cosmetics establishments.--
14 Nothing in this act shall require the registration of corrective
15 cosmetics establishments physically located in a licensed
16 physician's office, hospital or clinic. Those establishments
17 shall also be exempt from facility requirements as provided for
18 in section 5(a)(1).

19 Section 14. Effective date.

20 This act shall take effect as follows:

21 (1) Section 5(a) shall take effect in two years.

22 (2) This section shall take effect immediately.

23 (3) The remainder of this act shall take effect in 180
24 days.