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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 786 Session of  
2019

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INTRODUCED BY DINNIMAN AND TARTAGLIONE, JULY 8, 2019

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REFERRED TO HEALTH AND HUMAN SERVICES, JULY 8, 2019

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AN ACT

1 Providing for bloodborne pathogen certification for tattoo  
2 artists, body piercing artists and corrective cosmetic  
3 artists, for duties and responsibilities of tattoo artists,  
4 body piercing artists and corrective cosmetic artists and  
5 establishments, for duties of the Department of Health and  
6 for penalties.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Tattoo, Body  
11 Piercing and Corrective Cosmetic Bloodborne Pathogen Act.

12 Section 2. Definitions.

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

16 "Blood." Human blood, human blood components and products  
17 made from human blood.

18 "Bloodborne pathogen." A pathogenic microorganism which is  
19 present in human blood and can cause disease in humans. The term  
20 includes, but is not limited to, hepatitis B virus (HBV),

1 hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

2 "Body piercing." The process of breaching the skin or mucous  
3 membrane for the purpose of insertion of an object, including,  
4 but not limited to, jewelry for cosmetic purposes. The term does  
5 not include ear piercing or nail piercing.

6 "Body piercing artist." An individual who performs body  
7 piercing or operates, conducts or manages a body piercing  
8 establishment.

9 "Corrective cosmetic artist." An individual who performs  
10 corrective cosmetics.

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

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

17 "Occupational exposure." Reasonably anticipated skin, eye,  
18 mucous membrane or parenteral contact with blood or other  
19 potentially infectious materials that may result from the  
20 performance of an employee's job duties.

21 "Other potentially infectious materials." Includes the  
22 following:

23 (1) Body fluids, including semen, vaginal secretions,  
24 cerebrospinal fluid, synovial fluid, pleural fluid,  
25 pericardial fluid, peritoneal fluid, amniotic fluid, saliva  
26 in dental procedures, body fluid that is visibly contaminated  
27 with blood and all body fluids in situations where it is  
28 difficult or impossible to differentiate between body fluids.

29 (2) Any unfixed tissue or organ, other than intact skin,  
30 from a human, living or dead.

1           (3) HIV-containing cell or tissue cultures, organ  
2           cultures and HIV-containing or HBV-containing culture medium  
3           or other solutions and blood, organs or other tissues from  
4           experimental animals infected with HIV or HBV.

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

9           "Tattoo artist." An individual who performs tattooing or  
10          operates, conducts or manages a tattoo establishment.

11         Section 3. Duties and responsibilities of artists and  
12                 establishments.

13         (a) Certification requirements.--Within 180 days of the  
14         effective date of this subsection, no individual may provide  
15         services as a tattoo artist, body piercing artist or corrective  
16         cosmetic artist or be an employee of an individual operating a  
17         tattoo, body piercing or corrective cosmetic establishment if  
18         the employee has occupational exposure to blood or other  
19         potentially infectious materials in this Commonwealth unless the  
20         individual possesses a bloodborne pathogen certificate  
21         evidencing successful completion of a bloodborne pathogen course  
22         approved by the department within the immediately preceding one-  
23         year period.

24         (b) Establishment duties.--An individual operating a tattoo,  
25         body piercing or corrective cosmetic establishment shall ensure  
26         that the establishment and its artists and other employees who  
27         have occupational exposure to blood or other potentially  
28         infectious materials are in compliance with subsection (a) and  
29         the Occupational Safety and Health Administration standard for  
30         bloodborne pathogens under 29 CFR § 1910.1030 (relating to

1 bloodborne pathogens).

2 (c) Submission of documentation.--Within 60 days of the  
3 effective date of this subsection, the department shall  
4 prescribe evidentiary documentation proving completion of the  
5 certification requirement under subsection (a), which must be  
6 submitted to the department within 180 days of the effective  
7 date of this subsection and every year thereafter.

8 Section 4. Powers and duties of the department.

9 (a) General rule.--The department shall promulgate rules and  
10 regulations necessary to carry out the provisions of this act,  
11 including, but not limited to, recordkeeping requirements of  
12 tattoo, body piercing and corrective cosmetic establishments  
13 regarding compliance with this act and the availability of the  
14 records for inspection by the department upon request.

15 (b) Bloodborne pathogen course.--Within 60 days of the  
16 effective date of this subsection, the department shall approve  
17 one or more courses that may be used by tattoo artists, body  
18 piercing artists and corrective cosmetic artists and employees  
19 to satisfy the bloodborne pathogen certification requirement  
20 under section 3(a) in person or through a publicly accessible  
21 Internet website, provided that any department-approved courses  
22 provide an opportunity for interactive questions and answers  
23 with the instructor. The courses shall address the following:

24 (1) An explanation of the epidemiology and symptoms of  
25 bloodborne diseases.

26 (2) An explanation of the transmission of bloodborne  
27 pathogens.

28 (3) An explanation of the protections and requirements  
29 provided by the Occupational Safety and Health Administration  
30 standard for bloodborne pathogens.

1           (4) An explanation of methods for recognizing tasks  
2 involving occupational exposure to blood or other potentially  
3 infectious materials and the procedures to follow to prevent  
4 or reduce exposure in providing tattoos, body piercings or  
5 corrective cosmetics.

6           (5) Information on the proper selection, use, handling  
7 and disposal of personal protective equipment.

8           (6) An explanation of the procedures and actions to take  
9 and appropriate persons or entities to contact in an  
10 emergency involving exposure to blood or other potentially  
11 infectious materials, as well as appropriate medical follow-  
12 up after exposure occurs.

13 Section 5. Penalties.

14 An individual who violates a provision of this act shall be  
15 subject to a civil penalty of:

16           (1) For a first violation, not more than \$500.

17           (2) For a second or subsequent violation, not more than  
18 \$1,000.

19 Section 6. Applicability.

20           (a) General rule.--This act shall not apply to the  
21 following:

22           (1) a physician or other health care practitioner  
23 licensed, registered or certified in this Commonwealth acting  
24 within the physician's or practitioner's scope of practice  
25 who performs body piercing or tattooing services for medical  
26 reasons;

27           (2) a funeral director licensed in this Commonwealth who  
28 performs body piercing or tattooing services as required by  
29 the profession; or

30           (3) corrective cosmetic establishments physically

1       located in a licensed physician's office, hospital or clinic.

2       (b) Contractors.--Nothing under this act shall prohibit an  
3 individual operating a tattoo, body piercing or corrective  
4 cosmetic establishment from requiring a contractor to comply  
5 with the provisions of this act.

6 Section 7. Effective date.

7       This act shall take effect in 60 days.