

The House Committee on Regulated Industries offers the following substitute to HB 328:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide for the regulation and permittance of body artists and body art studios; to provide for
3 definitions; to provide for the issuance, denial, suspension, and revocation of permits; to
4 provide for permit fees; to authorize administrative review and the promulgation of rules and
5 regulations; to provide for enforcement, inspection, and criminal penalties; to provide for the
6 display of signs; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
11 Chapter 40, relating to tattoo studios, as follows:

12 style="text-align:center">"CHAPTER 40

13 31-40-1.

14 As used in this chapter, the term:

15 (1) 'Body art' means a tattoo or piercing placed on the body of a person for aesthetic or
16 cosmetic purposes.

17 (2) 'Body artist' means any person who performs body art. Such term shall not include
18 in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall
19 it include any technician acting under the direct supervision of such licensed physician
20 or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

21 (3) 'Body art studio' means any facility or building on a fixed foundation wherein a body
22 artist performs body art.

23 ~~(4)~~(4) 'Microblading of the eyebrow' means a form of cosmetic tattoo artistry where ink
24 is deposited superficially in the upper three layers of the epidermis using a handheld or

25 machine powered tool made up of needles known as a microblade to improve or create
 26 eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow
 27 pattern, or to create a full construction if the eyebrows have little to no hair.

28 ~~(2)(5)~~ 'Tattoo' means to mark or color the skin by pricking in, piercing, or implanting
 29 indelible pigments or dyes under the skin. Such term includes microblading of the
 30 eyebrow.

31 ~~(3)~~ 'Tattoo artist' means any person who performs tattooing, except that the term tattoo
 32 artist shall not include in its meaning any physician or osteopath licensed under Chapter
 33 34 of Title 43, nor shall it include any technician acting under the direct supervision of
 34 such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

35 ~~(4)~~ 'Tattoo studio' means any facility or building on a fixed foundation wherein a tattoo
 36 artist performs tattooing.

37 31-40-2.

38 (a) It shall be unlawful for any person to operate a tattoo body art studio or perform body
 39 art without having first obtained a valid permit for such studio. ~~Such.~~ Body art studio
 40 permits shall be issued by the county board of health or its duly authorized representative,
 41 subject to supervision and direction by the ~~Department of Public Health but, where the~~
 42 ~~county board of health is not functioning, the permit shall be issued by the department.~~
 43 Body artist permits shall be issued by the Department of Public Health. Permits ~~A permit~~
 44 shall be valid until suspended or revoked and shall not be transferable ~~with respect to~~
 45 ~~person or location.~~

46 (b) The department shall be authorized to charge a permit fee and may establish the
 47 amount of such fee to be charged. Such fee so established shall be reasonable and shall be
 48 determined in such a manner that the total amount of fees charged shall approximate the
 49 total of the direct and indirect costs to the department for permit issuance and for the
 50 oversight and enforcement of the provisions of this chapter.

51 31-40-3.

52 (a) The county boards of health may deny, suspend, or revoke ~~permits where the health~~
 53 ~~and safety of the public requires such action~~ a body art studio permit for a violation of this
 54 chapter or the rules and regulations promulgated thereunder. When, in the judgment of
 55 such board or its duly authorized agents, it is necessary and proper that such application for
 56 a permit be denied or that a permit previously granted be suspended or revoked, the
 57 applicant or holder of the permit shall be so notified in writing and shall be afforded an
 58 opportunity for hearing as provided in Article 1 of Chapter 5 of this title. In the event that
 59 such application is finally denied or such permit finally suspended or revoked, the applicant

60 for or holder of such permit shall be given notice in writing, which notice shall specifically
61 state the reasons why the application or permit has been suspended, revoked, or denied.

62 (b) The department may deny, suspend, or revoke a body artist permit for a violation of
63 this chapter or the rules and regulations promulgated thereunder, after notice to the permit
64 holder and opportunity for hearing. Such proceedings shall be conducted in accordance
65 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

66 31-40-4.

67 Any person substantially affected by any final order of the county board of health denying,
68 suspending, revoking, or refusing to renew ~~any~~ a body artist studio permit provided under
69 this chapter may secure review thereof by appeal to the department as provided in Article 1
70 of Chapter 5 of this title.

71 31-40-5.

72 (a) ~~The Department of Public Health and county boards of health~~ department shall have
73 the power to adopt and promulgate rules and regulations to ensure the protection of the
74 public health. Such rules and regulations shall prescribe ~~reasonable standards for health~~
75 ~~and safety of tattoo~~ standards for body artists and body art studios with regard to:

76 (1) Location and cleanliness of facilities;

77 (2) Sterilization and Occupational Safety and Health Administration guidelines for the
78 prevention and spread of infectious diseases by all personnel;

79 (3) Informed consent by the person receiving ~~a tattoo~~ any form of body art;

80 (4) Procedures for ensuring adequate explanation to consumers of the proper subsequent
81 care of ~~a tattoo~~ any form of body art; ~~and~~

82 (5) Proper use and maintenance of ~~tattoo~~ equipment, including tools, dyes, and pigments;
83 and

84 (6) Competence and specialized knowledge of body artists.

85 (b) County boards of health are empowered to adopt and promulgate supplementary rules
86 and regulations consistent with those adopted and promulgated by the department.

87 31-40-6.

88 ~~The Department of Public Health~~ department and the county boards of health and their duly
89 authorized agents are authorized and empowered to enforce compliance with this chapter
90 and the rules and regulations adopted and promulgated under this chapter and, in
91 connection therewith, to enter upon and inspect the premises of a ~~tattoo~~ body art studio at
92 any reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of
93 this title.

94 31-40-7.

95 Any person, firm, or corporation ~~operating a tattoo studio~~ performing body art without a
96 valid permit ~~or performing tattooing outside of a licensed tattoo studio~~ shall be guilty of
97 a misdemeanor.

98 31-40-8.

99 Each body art studio shall conspicuously display in a prominent place easily seen by
100 patrons a printed sign that warns that any body art on the face, neck, forearm, hand, or
101 lower leg of an individual may automatically disqualify such individual from military
102 service in the armed forces of the United States. Such notice shall be at least 11 inches by
103 14 inches in size, with letters at least one inch in height.

104 ~~The Department of Public Health is authorized and directed to develop and institute a~~
105 ~~program of public education for the purpose of alerting the public to the possible side~~
106 ~~effects and exposure risks of tattooing.~~

107 31-40-9.

108 Notwithstanding any other provision of this chapter, the governing authority of any county
109 or municipality may enact more stringent laws governing tattooing body art.

110 31-40-10.

111 Nothing in this chapter shall be construed to repeal the provisions of Code Section 16-12-5;
112 provided, however, that Code Section 16-12-5 shall not apply to microblading of the
113 eyebrow."

114 **SECTION 2.**

115 All laws and parts of laws in conflict with this Act are repealed.