



February 26, 2018

ENGROSSED
SENATE BILL No. 158

DIGEST OF SB 158 (Updated February 26, 2018 11:30 am - DI 84)

Citations Affected: IC 25-1.

Synopsis: Scleral tattooing. Defines "scleral tattooing". Prohibits the act of performing or offering to perform scleral tattooing. Provides an exception for the act of a licensed health care professional when the act is performed in the scope of the health care professional's practice. Provides that the attorney general: (1) has authority to receive and investigate complaints regarding violations of the statute; (2) may seek civil penalties of up to \$10,000 per violation of the statute; and (3) may seek an injunction to restrain a person from continuing to violate the statute.

Effective: July 1, 2018.

Ruckelshaus, Buck, Brown L

(HOUSE SPONSORS — FRIZZELL, EBERHART, BROWN C, BACON)

January 3, 2018, read first time and referred to Committee on Civil Law.
January 8, 2018, reported favorably — Do Pass.
January 11, 2018, read second time, ordered engrossed. Engrossed.
January 16, 2018, read third time, passed. Yeas 42, nays 5.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Public Health.
February 26, 2018, reported — Do Pass.

ES 158—LS 6343/DI 128



February 26, 2018

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 158

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-19 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:
4 **Chapter 19. Scleral Tattooing**
5 **Sec. 1. "Scleral tattooing" means the practice of producing an**
6 **indelible mark or figure on the human eye by scarring or inserting**
7 **a pigment on, in, or under:**
8 **(1) the fornix conjunctiva;**
9 **(2) the bulbar conjunctiva;**
10 **(3) the ocular conjunctiva; or**
11 **(4) another ocular surface;**
12 **using needles, scalpels, or other related equipment.**
13 **Sec. 2. (a) Except as provided in subsection (b), a person may**
14 **not perform or offer to perform scleral tattooing on another**
15 **person.**
16 **(b) This section does not apply to an act of a health care**
17 **professional (as defined in IC 16-27-2-1) licensed under IC 25 when**

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- 1 the act is performed in the scope of the health care professional's
2 practice.
- 3 Sec. 3. A person who violates this chapter is subject to a civil
4 penalty not to exceed ten thousand dollars (\$10,000) for each
5 violation, as determined by the court.
- 6 Sec. 4. (a) The attorney general may receive, investigate, and
7 prosecute complaints against alleged violators of this chapter.
- 8 (b) The attorney general may institute and conduct an action in
9 the name of the state of Indiana for any of the following:
- 10 (1) An injunction in any circuit or superior court of Indiana
11 for injunctive relief to restrain a person from continuing any
12 activity that violates this chapter.
- 13 (2) The assessment and recovery of civil penalties provided in
14 section 3 of this chapter.
- 15 Sec. 5. The attorney general shall be reimbursed through civil
16 penalties collected under this chapter for the costs incurred in
17 providing the services described in section 4 of this chapter. Any
18 remaining funds shall be deposited in the state general fund.



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 158 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 158 as printed January 9, 2018.)

KIRCHHOFER

Committee Vote: Yeas 10, Nays 0

