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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1897 Session of  
2023

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INTRODUCED BY MAJOR, DECEMBER 8, 2023

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
DECEMBER 8, 2023

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AN ACT

1 Providing for the licensure or registration of tattoo artists,  
2 guest tattoo artists, tattoo establishments and temporary  
3 establishments; regulating the practice of tattooing;  
4 imposing fees; providing for inspections by Department of  
5 Health; and imposing administrative and criminal penalties.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Tattoo  
10 Practice Act.

11 Section 2. Definitions.

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

15 "Active license." A current license issued by the department  
16 to a tattoo artist or tattoo establishment under section 3 or 4  
17 that is not expired, suspended or revoked.

18 "Active registration." A current registration issued by the  
19 department to a guest tattoo artist under section 3 that is not

1 expired, suspended or revoked.

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

3 "Guest tattoo artist." An individual who is licensed,  
4 registered or certified to practice tattooing in a jurisdiction  
5 outside of this Commonwealth and who is registered with the  
6 department under section 3 to practice tattooing in this  
7 Commonwealth.

8 "Operator." An individual designated by a tattoo  
9 establishment or temporary establishment to control the  
10 operation of the establishment.

11 "Permanent makeup." A technique which employs tattoos as a  
12 means of producing designs that resemble makeup, including, but  
13 not limited to, eyeliner and other permanent enhancing colors to  
14 the skin of the face, lips, eyebrows and eyelids.

15 "Stop-use order." A written notice from the department  
16 requiring any tattoo establishment, temporary establishment,  
17 tattoo artist, guest tattoo artist, operator or unlicensed  
18 person engaged in activities regulated under this act to remove  
19 tattooing equipment or supplies, or to cease conducting  
20 particular procedures, because the equipment or supplies are not  
21 being used or the procedures are not being conducted in  
22 accordance with this act.

23 "Tattoo." A mark or design made on or under the skin of a  
24 human being by a process of piercing and ingraining a pigment,  
25 dye or ink in the skin.

26 "Tattoo artist." An individual licensed to practice  
27 tattooing under section 3.

28 "Tattoo establishment." Any permanent location, place, area,  
29 structure or business where tattooing is performed in this  
30 Commonwealth.

1 "Temporary establishment." Any location, place, area or  
2 structure where tattooing is performed in this Commonwealth  
3 during a convention or other similar event that does not exceed  
4 14 consecutive days.

5 Section 3. Licensure or registration of tattoo artists or guest  
6 tattoo artists.

7 (a) Prohibition.--An individual may not tattoo the body of  
8 any human being in this Commonwealth unless the individual is  
9 licensed as a tattoo artist or registered as a guest tattoo  
10 artist under this section.

11 (b) Licensure.--

12 (1) An individual seeking licensure as a tattoo artist  
13 shall apply to the department in a format specified by the  
14 department. The application under this subsection shall  
15 include all of the following information:

16 (i) The name and residence address of the applicant.

17 (ii) The name and street address of each tattoo  
18 establishment and temporary establishment where the  
19 applicant intends to practice tattooing in this  
20 Commonwealth.

21 (2) The department shall issue a license to an applicant  
22 under paragraph (1) who meets all of the following criteria:

23 (i) The applicant is 18 years of age or older.

24 (ii) The applicant submits a completed application.

25 (iii) The applicant pays the license fee imposed  
26 under section 7(a)(3).

27 (iv) The applicant submits proof of the successful  
28 completion of an education course approved by the  
29 department under subsection (c) on blood-borne pathogens  
30 and communicable diseases.

1           (v) The applicant submits proof of passage, with a  
2           score in excess of 70% sufficiency, of an examination  
3           approved by the department under subsection (c) on the  
4           material presented in the education course completed  
5           under subparagraph (iv).

6           (c) Education courses and examinations.--The department  
7           shall approve an education course and examination that allows an  
8           applicant to meet the criteria under subsection (b) (2) (iv) and  
9           (v) in person or through an Internet website.

10          (d) Change of address.--A tattoo artist shall, within 30  
11          days, notify the department of a change to any of the following  
12          information disclosed in the tattoo artist's most recent  
13          application for the issuance or renewal of the tattoo artist's  
14          license in a format specified by the department:

15               (1) The name and residence address of the tattoo artist.

16               (2) The name and street address of each tattoo  
17          establishment in this Commonwealth where the tattoo artist  
18          has practiced tattooing for more than 14 days since the  
19          issuance or most recent renewal of the tattoo artist's  
20          license.

21          (e) Registration.--

22               (1) An individual seeking registration as a guest tattoo  
23          artist shall apply to the department in the format specified  
24          by the department. The application under this subsection  
25          shall include all of the following information:

26                       (i) The name and residence address of the applicant.

27                       (ii) The name and street address of each tattoo  
28          establishment and temporary establishment where the  
29          applicant will practice as a guest tattoo artist.

30               (2) The department shall issue a registration to an

1 applicant under paragraph (1) who meets all of the following  
2 criteria:

3 (i) The applicant is 18 years of age or older.

4 (ii) The applicant submits a completed application.

5 (iii) The applicant pays the registration fee  
6 imposed under section 7(a)(4).

7 (iv) The applicant holds an active license, a  
8 registration or a certification issued by a jurisdiction  
9 outside of this Commonwealth, including the District of  
10 Columbia, another state or territory of the United States  
11 or a foreign nation, and any of the following apply:

12 (A) The education and examination requirements  
13 of the license, registration or certification  
14 substantially meet or exceed the requirements of the  
15 education course and examination approved by the  
16 department under subsection (b)(2)(iv) and (v).

17 (B) The applicant meets the criteria specified  
18 under subsection (b)(2)(iv) and (v).

19 (f) Renewal and reregistration.--A tattoo artist license  
20 shall be valid for one year and must be renewed annually. A  
21 guest tattoo artist registration shall be valid for 14 days. A  
22 guest tattoo artist may apply for reregistration before or after  
23 expiration of the guest tattoo artist's current registration.

24 (g) Transferability.--A tattoo artist license or guest  
25 tattoo artist registration issued by the department under this  
26 section shall not be transferable.

27 Section 4. Licensure of tattoo establishments and temporary  
28 establishments.

29 (a) Tattooing prohibited.--An individual may not tattoo the  
30 body of a human being in this Commonwealth unless the individual

1 is located at a tattoo establishment or temporary establishment  
2 licensed under this section.

3 (b) Operation prohibited.--An individual may not operate a  
4 tattoo establishment or temporary establishment in this  
5 Commonwealth unless the tattoo establishment or temporary  
6 establishment is licensed under this section.

7 (c) Licensure.--

8 (1) An individual seeking licensure of a tattoo  
9 establishment must apply to the department in a format  
10 prescribed by the department. The application under this  
11 subsection shall include all of the following information:

12 (i) The registered business name, including any  
13 fictitious name under which the tattoo establishment  
14 conducts business in this Commonwealth.

15 (ii) The street address and telephone number of the  
16 tattoo establishment.

17 (iii) The name, mailing address and telephone number  
18 of the tattoo establishment's operator.

19 (iv) The name and address of the tattoo  
20 establishment's registered office.

21 (2) The department shall issue a tattoo establishment  
22 license to an applicant under paragraph (1) if all of the  
23 following criteria are met:

24 (i) The applicant submits a completed application.

25 (ii) The applicant pays the license fee specified  
26 under section 7(a)(1).

27 (iii) The establishment complies with all applicable  
28 local building, occupational, zoning and health codes.

29 (d) Unlicensed businesses.--A tattoo establishment may be  
30 located in a single room in a business not licensed under this

1 section if the room meets the practice requirements under  
2 section 5 and the room is being used exclusively for permanent  
3 makeup.

4 (e) Temporary establishments.--A temporary establishment  
5 shall meet the same requirements for licensure as a tattoo  
6 establishment.

7 (f) Change of address.--A license shall be valid only for  
8 the location listed on the license. A tattoo establishment must  
9 notify the department, in a format specified by the department,  
10 before changing a licensed location. A tattoo establishment with  
11 more than one location shall obtain a separate license for each  
12 location.

13 (g) Validity and renewals.--A tattoo establishment license  
14 shall be valid for one year and must be renewed annually. A  
15 temporary establishment license shall be valid for the duration  
16 of a convention or other similar event for which the license is  
17 issued not to exceed 14 consecutive days.

18 (h) Transferability.--A license issued by the department  
19 under this section shall not be transferable.

20 Section 5. Practice requirements of tattoo establishments and  
21 temporary establishments.

22 A tattoo establishment or temporary establishment shall do  
23 all of the following:

24 (1) Display an active license for the establishment in a  
25 manner that is easily visible to the public at all times  
26 while tattooing is performed at the establishment.

27 (2) Ensure that each tattoo artist and guest tattoo  
28 artist, while practicing tattooing at the establishment,  
29 meets all applicable requirements established by the  
30 department.

1 (3) Maintain sanitary conditions at the establishment at  
2 all times.

3 (4) Comply with all State and local health laws,  
4 regulations, ordinances and codes.

5 (5) Allow the department to inspect the establishment in  
6 accordance with section 8.

7 Section 6. Practice requirements of tattoo artists and guest  
8 tattoo artists.

9 A tattoo artist or guest tattoo artist shall do all of the  
10 following:

11 (1) Display the artist's active license or active  
12 registration in a manner that is easily visible to the public  
13 at all times while practicing tattooing.

14 (2) Practice tattooing exclusively at a tattoo  
15 establishment or temporary establishment licensed under  
16 section 4.

17 (3) Maintain sanitary conditions at a tattoo  
18 establishment or temporary establishment at all times.

19 (4) Comply with all State and local health laws,  
20 regulations, ordinances and codes.

21 Section 7. Imposition of fees.

22 (a) Imposition.--Except as provided under subsection (b),  
23 the department shall impose the following fees:

24 (1) For initial licensure of a tattoo establishment and  
25 the renewal of the license, a fee not to exceed \$250 per  
26 year.

27 (2) For the licensure of a temporary establishment, a  
28 fee not to exceed \$250.

29 (3) For the initial licensure of a tattoo artist and the  
30 renewal of the license, a fee not to exceed \$150 per year.

1 (4) For registration or reregistration of a guest tattoo  
2 artist, a fee not to exceed \$45.

3 (5) For reactivation of an inactive tattoo establishment  
4 license, a fee not to exceed \$250 per year.

5 (6) For reactivation of an inactive tattoo artist  
6 license, a fee not to exceed \$150 per year.

7 (b) Adjustment.--The department may annually adjust the fees  
8 imposed under subsection (a) in accordance with the percentage  
9 change in the Consumer Price Index for All Urban Consumers for  
10 the Pennsylvania, New Jersey, Delaware and Maryland area, for  
11 the most recent 12-month period for which figures have been  
12 officially reported by the United States Department of Labor,  
13 Bureau of Labor Statistics.

14 Section 8. Inspections by department.

15 (a) Authorization.--The department may inspect and  
16 investigate each tattoo establishment or temporary establishment  
17 as necessary to ensure compliance with this act.

18 (b) Initial inspections.--The department shall inspect a  
19 tattoo establishment at least once before the tattoo  
20 establishment performs tattoo services.

21 (c) Annual inspections.--The department shall annually  
22 inspect 20% of all tattoo establishments in this Commonwealth on  
23 a randomized basis.

24 (d) Temporary establishments.--The department shall inspect  
25 a temporary establishment before and, as necessary, during a  
26 convention or similar event where tattooing is performed at the  
27 temporary establishment.

28 Section 9. Administrative penalties.

29 (a) Disciplinary actions.--The following acts by any tattoo  
30 establishment, temporary establishment, tattoo artist, guest

1 tattoo artist, operator or unlicensed person may be subject to  
2 an administrative penalty under subsection (b):

3 (1) Providing false information on an application for  
4 licensure or registration under section 3 or 4.

5 (2) Violating any State or local health law, regulation,  
6 ordinance or code.

7 (3) Violating any provision of this act, regulation  
8 promulgated under this act or order issued by the department  
9 under this act.

10 (4) Being found guilty of or pleading nolo contendere  
11 to, regardless of adjudication, a crime in any jurisdiction  
12 which relates to the practice of tattooing or the operation  
13 of a tattoo establishment or temporary establishment.

14 (5) Committing fraud, deceit, negligence or misconduct  
15 in the practice of tattooing or the operation of a tattoo  
16 establishment or temporary establishment.

17 (6) Aiding, procuring or assisting a person to  
18 unlawfully practice tattooing or to unlawfully operate a  
19 tattoo establishment or temporary establishment.

20 (7) Failing to keep a written notarized consent of the  
21 parent or legal guardian of a minor child who is tattooed at  
22 a tattoo establishment or temporary establishment under  
23 section 10(b) or knowingly making false entries in a written  
24 notarized consent of the parent or legal guardian of a minor  
25 child.

26 (b) Penalties.--

27 (1) If the department determines that a person committed  
28 an act specified under subsection (a), the department may  
29 enter an order imposing any of the following administrative  
30 penalties:

1 (i) A refusal to issue a license or registration or  
2 renew a license under section 3 or 4.

3 (ii) A suspension or revocation of a license or  
4 registration under section 3 or 4.

5 (iii) An administrative fine not to exceed \$1,500  
6 for each count or separate act specified under subsection  
7 (a).

8 (iv) A reprimand.

9 (v) Probation for a specified period and subject to  
10 the conditions imposed by the department.

11 (vi) A stop-use order.

12 (vii) A corrective action.

13 (2) The department shall impose stricter penalties than  
14 the penalties imposed under paragraph (1) on a person who  
15 commits repetitive acts under subsection (a) or commits an  
16 act under subsection (a) that endangers public health.

17 Section 10. Criminal penalties.

18 (a) Penalties.--A person commits a misdemeanor of the second  
19 degree if the person engages in any of the following acts:

20 (1) Operating a tattoo establishment or temporary  
21 establishment in this Commonwealth without a license under  
22 section 4.

23 (2) Practicing tattooing in this Commonwealth without a  
24 license or registration under section 3.

25 (3) Practicing tattooing in this Commonwealth at any  
26 place other than a tattoo establishment or temporary  
27 establishment.

28 (4) Obtaining or attempting to obtain a license or  
29 registration under section 3 or 4 by means of fraud,  
30 misrepresentation or concealment.

1 (b) Minor children.--

2 (1) Except as provided under paragraph (2), an  
3 individual may not tattoo the body of a minor child younger  
4 than 18 years of age unless the tattooing is performed for  
5 medical purposes by a physician licensed under the act of  
6 December 20, 1985 (P.L.457, No.112), known as the Medical  
7 Practice Act of 1985, or the act of October 5, 1978  
8 (P.L.1109, No.261), known as the Osteopathic Medical Practice  
9 Act, or the tattooing is performed for dental purposes by a  
10 dentist licensed under the act of May 1, 1933 (P.L.216,  
11 No.76), known as The Dental Law.

12 (2) An individual may tattoo the body of a minor child  
13 younger than 18 years of age if all of the following  
14 requirements are met:

15 (i) The minor child is accompanied by the minor  
16 child's parent or legal guardian.

17 (ii) The minor child's parent or legal guardian  
18 shows a government-issued photo identification.

19 (iii) The minor child shows a photo identification,  
20 including a photo identification issued by a school  
21 entity.

22 (iv) The minor child's parent or legal guardian  
23 submits a written notarized consent in a format specified  
24 by the department.

25 (v) The minor child's parent or legal guardian  
26 submits substantial proof that he or she is the minor  
27 child's parent or legal guardian.

28 (3) Except as provided under subsection (c), an  
29 individual who violates paragraph (1) or (2) commits a  
30 misdemeanor of the second degree.

1 (c) Exception.--An individual who tattoos the body of a  
2 minor child younger than 18 years of age does not violate  
3 subsection (b) if all of the following apply:

4 (1) The individual carefully inspects what appears to be  
5 a government-issued photo identification that represents that  
6 the minor child is 18 years of age or older.

7 (2) The minor child falsely represents himself or  
8 herself as being 18 years of age or older and presents a  
9 fraudulent photo identification.

10 (3) A reasonable person of average intelligence would  
11 believe that the minor child is 18 years of age or older and  
12 that the minor child's photo identification is genuine, was  
13 issued to the minor child and truthfully represents the minor  
14 child's age.

15 Section 11. Preemption of local ordinances or rules.

16 Nothing in this act shall preempt a local ordinance or rule  
17 that imposes additional requirements on tattoo establishments,  
18 temporary establishments, tattoo artists, guest tattoo artists  
19 or the practice of tattooing than specified under this act.

20 Section 12. Applicability.

21 (a) Medical or dental purposes.--This act shall not apply to  
22 tattooing performed for medical purposes by a physician licensed  
23 under the act of December 20, 1985 (P.L.457, No.112), known as  
24 the Medical Practice Act of 1985, or the act of October 5, 1978  
25 (P.L.1109, No.261), known as the Osteopathic Medical Practice  
26 Act, or tattooing performed for dental purposes by a dentist  
27 licensed under the act of May 1, 1933 (P.L.216, No.76), known as  
28 The Dental Law.

29 (b) Animals.--This act shall apply exclusively to the  
30 tattooing of human beings. This act shall not apply to the

- 1 tattooing of animals.
- 2 Section 13. Effective date.
- 3 This act shall take effect in 60 days.