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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 210 Session of  
2021

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INTRODUCED BY DeLUCA, A. DAVIS, BROOKS AND CIRESI,  
JANUARY 22, 2021

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REFERRED TO COMMITTEE ON HEALTH, JANUARY 22, 2021

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AN ACT

1 Providing for the regulation of tattoos, body piercings and  
2 corrective cosmetic artists, for limiting tongue splitting  
3 and for powers and duties of the Department of Health and  
4 imposing penalties.

5 TABLE OF CONTENTS

- 6 Section 1. Short title.  
7 Section 2. Legislative intent.  
8 Section 3. Definitions.  
9 Section 4. Registry.  
10 Section 5. Powers and duties of department.  
11 Section 6. Duties and responsibilities of artists.  
12 Section 7. Minors.  
13 Section 8. Municipalities.  
14 Section 9. Unlawful acts.  
15 Section 10. Tongue-splitting limitation.  
16 Section 11. Disciplinary matters.  
17 Section 12. Penalties.  
18 Section 13. Injunctive relief.  
19 Section 14. Exemptions.

1 Section 15. Effective date.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Tattoo, Body-  
6 Piercing and Corrective Cosmetic Artists Act.

7 Section 2. Legislative intent.

8 It is the intent of the General Assembly to direct the  
9 department to establish health standards for the practice of  
10 tattooing, body piercing and corrective cosmetics within this  
11 Commonwealth. The health standards shall be achieved through the  
12 imposition of regulations and the registration of all tattoo  
13 artists, body-piercing artists and corrective cosmetic artists  
14 with the department.

15 Section 3. Definitions.

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

19 "Body piercing." The process of breaching the skin or mucous  
20 membrane for the purpose of insertion of an object, including  
21 jewelry for cosmetic purposes. The term does not include ear  
22 piercing or nail piercing.

23 "Body-piercing artist." An individual who performs body  
24 piercing or operates, conducts or manages a body-piercing  
25 establishment.

26 "Corrective cosmetic artist." An individual who performs  
27 corrective cosmetics.

28 "Corrective cosmetics." The application of a tattoo on a  
29 live human being for medical situations that otherwise could not  
30 be corrected or improved, including burn scars, acne scars, age

1 spots and skin discoloration due to loss of pigmentation.

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

3 "Infectious disease." A disease of humans or animals  
4 resulting from a transmissible infection, whether or not patent,  
5 apparent, inapparent, latent, clinical or subclinical.

6 "Ocular tattooing." Any method of placing ink or other inert  
7 pigment into the mucosa, cornea, sclera or iris of the eye by  
8 the aid of needles or any other instrument used to puncture the  
9 eye and which method results in permanent coloration of the eye  
10 or mucosa for cosmetic purposes.

11 "Registry." The Tattoo, Body-Piercing and Corrective  
12 Cosmetic Artists Central Registry established under section 4.

13 "Sanitization." The reduction of the population of  
14 microorganisms to safe levels as determined by public health  
15 officials.

16 "Sterilization." The process of destruction of the forms of  
17 life by physical or chemical means.

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

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

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

28 "Temporary establishment." An establishment that:

29 (1) Performs tattooing, body piercing or both.

30 (2) Is operated by an individual registered under this

1 act.

2 (3) Operates outside of a registered facility at a fixed  
3 location for a period of time of not more than seven  
4 consecutive days in conjunction with a single event or  
5 celebration.

6 "Tongue splitting." The cutting of a human tongue into two  
7 or more parts.

8 Section 4. Registry.

9 The department shall, by regulation, establish the Tattoo,  
10 Body-Piercing and Corrective Cosmetic Artists Central Registry.  
11 An individual who performs tattooing, body piercing or  
12 corrective cosmetic services within this Commonwealth must meet  
13 the requirements of this act and register with the department on  
14 forms provided by the department.

15 Section 5. Powers and duties of department.

16 (a) General rule.--The department shall adopt regulations as  
17 are reasonably necessary to carry out the provisions of this  
18 act. A regulation shall be adopted in conformity with the  
19 provisions of the act of June 25, 1982 (P.L.633, No.181), known  
20 as the Regulatory Review Act, and shall include:

21 (1) Tattoo, body-piercing and corrective cosmetic  
22 establishment registration and facility registration  
23 requirements, including:

24 (i) Physical location.

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

27 (iii) Lighting.

28 (iv) Ventilation.

29 (v) Water supply.

30 (vi) Liquid waste disposal.

- 1 (vii) Refuse storage and disposal.
- 2 (viii) Toilets and lavatories.
- 3 (ix) Sinks.
- 4 (x) Insect and rodent control.
- 5 (2) Temporary establishment registration requirements.
- 6 (3) Tattoo artist and body-piercing artist registration  
7 requirements.
- 8 (4) Apprentice tattoo artist and body-piercing artist  
9 registration requirements.
- 10 (5) Development and maintenance of and registration in  
11 the registry.
- 12 (6) Tattoo artist and body-piercing artist hygiene.
- 13 (7) Health, sanitization, sterilization and safety  
14 standards for tattoo, body-piercing or corrective cosmetic  
15 establishments and temporary establishments.
- 16 (8) Tattoo and body-piercing establishment and temporary  
17 establishment recordkeeping.
- 18 (9) Qualifications for the registration of corrective  
19 cosmetic artists.
- 20 (10) Tongue splitting.
- 21 (b) Examination.--The department shall require the  
22 successful completion of a written examination regarding health,  
23 sanitization, sterilization and safety standards prior to  
24 issuing a registration to a tattoo artist, body-piercing artist  
25 or corrective cosmetic artist. The department shall prescribe  
26 the subjects of examination, which shall include the  
27 Occupational Safety and Health Administration standard for  
28 bloodborne pathogens and other health, sanitation, sterilization  
29 and safety standards.
- 30 (c) Registration.--The department shall register:

1           (1) An applicant who successfully passes the examination  
2 and meets the requirements for registration in accordance  
3 with the regulations promulgated under this act.

4           (2) A tattoo or body-piercing establishment or temporary  
5 establishment that has been inspected and meets facility  
6 requirements in accordance with the regulations where  
7 tattooing, body-piercing or corrective cosmetic services will  
8 be performed.

9           (d) Inspection.--The department shall inspect an  
10 establishment at which tattooing, body piercing or corrective  
11 cosmetics are performed prior to issuing an initial facility  
12 registration and shall randomly inspect 20% of all registered  
13 facilities each year thereafter. The inspection shall ensure  
14 that required sterilization, sanitation and safety standards are  
15 maintained.

16           (e) Fees.--Any fee required under this act shall be fixed by  
17 the department by regulation and shall be subject to the  
18 Regulatory Review Act.

19           (f) Limitation.--This act may not be construed to permit the  
20 department to regulate artistic aspects of tattooing, body  
21 piercing or corrective cosmetics that are unrelated to health,  
22 sanitization, sterilization or safety standards.

23           (g) Departmental actions.--An action of the department in  
24 accordance with this act that results in a refusal to issue a  
25 registration for a reason other than failure to pass the written  
26 examination required under subsection (b) or action that  
27 suspends or revokes a registration shall be subject to the right  
28 of notice, hearing and adjudication and the right of appeal  
29 therefrom in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating  
30 to practice and procedure of Commonwealth agencies).

1 Section 6. Duties and responsibilities of artists.

2 (a) Health of tattoo artists and body-piercing artists.--The  
3 department shall establish, by regulation, minimum health  
4 standards for the registrants and individuals working in an area  
5 of a tattoo or body-piercing establishment that may be necessary  
6 to prevent the contamination of tattoo or body-piercing  
7 equipment, supplies or work surfaces with pathogenic organisms.

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

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

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

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

19 (4) a vaccine is contradicted for medical reasons.

20 (c) Notifications.--Verbal and written instructions for the  
21 care of the tattooed or pierced site on the body shall be  
22 provided to a customer by the tattoo artist or body-piercing  
23 artist upon the completion of the procedure. The written  
24 instructions shall advise the customer to consult a physician at  
25 the first sign of infection and contain the name, address and  
26 telephone number of the tattoo or body-piercing establishment.

27 Section 7. Minors.

28 (a) Prohibitions.--

29 (1) An individual may not perform a tattooing or body-  
30 piercing service on another individual under 18 years of age

1 without the written consent of a parent or legal guardian of  
2 the other individual.

3 (2) Notwithstanding paragraph (1), an individual may not  
4 perform a tattooing or body-piercing service on the genitals  
5 of another individual who is under 18 years of age and is not  
6 emancipated.

7 (b) Regulations.--The department shall promulgate  
8 regulations establishing standards for verification of age and  
9 documentation of consent.

10 (c) Revocation.--An individual who performs a tattooing or  
11 body-piercing service on a body part of an individual under 18  
12 years of age without proper consent as established under  
13 subsection (a) shall have the registration under this act  
14 revoked for two years.

15 (d) Registration.--An individual who violates subsection (a)  
16 may not be registered for two years from the date of violation  
17 or revocation, whichever is later.

18 Section 8. Municipalities.

19 (a) Authority of municipality.--The following shall apply:

20 (1) This act shall not supersede the power of a  
21 municipality to:

22 (i) Inspect a tattoo or body-piercing establishment  
23 or temporary establishment.

24 (ii) Regulate the manner in which tattooing or body  
25 piercing may be performed.

26 (iii) Levy a lawful tax or fee.

27 (iv) Require the purchase of a business privilege  
28 license unrelated to competence in the practice of  
29 tattooing or body piercing.

30 (2) A municipality may not require a tattoo artist or



1 body-piercing artist registered under this act to obtain a  
2 municipal license to engage in a tattoo, temporary tattoo or  
3 body-piercing service in the municipality.

4 (3) This act does not preclude a municipality from  
5 denying or revoking a local permit for failure to comply with  
6 a local ordinance that is consistent with this act or  
7 regulations of the department promulgated under this act.

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

15 Section 9. Unlawful acts.

16 (a) Unregistered practice.--Unless an individual has been  
17 duly registered and authorized to engage in practice under this  
18 act, the individual may not:

19 (1) practice tattooing, body piercing or corrective  
20 cosmetics;

21 (2) hold himself out as a practitioner of or entitled or  
22 authorized to practice tattooing, body piercing or corrective  
23 cosmetics; or

24 (3) assume the title of "tattooist," "tattoo artist,"  
25 "body piercer," "body-piercing artist," "corrective cosmetics  
26 artist" or other letters or titles in connection with the  
27 individual's name that represents himself as being engaged or  
28 authorized in the practice of tattooing, body piercing or  
29 corrective cosmetics.

30 (b) Unregistered facilities.-- An individual may not operate

1 a tattoo, body-piercing or corrective cosmetic establishment or  
2 temporary establishment that is not registered with the  
3 department.

4 (c) Injections.--A tattoo artist, body-piercing artist or  
5 corrective cosmetic artist may not administer an anesthetic  
6 injection or other medication or prescription drug.

7 (d) Ocular tattooing.--An individual may not perform ocular  
8 tattooing unless the procedure is performed under the direction  
9 of a physician or other authorized health care practitioner.

10 Section 10. Tongue-splitting limitation.

11 (a) General rule.--An individual may not perform tongue  
12 splitting on another individual unless the tongue splitting is  
13 performed by a physician or dentist licensed in this  
14 Commonwealth.

15 (b) Grading.--An individual who violates the provisions of  
16 this section commits a misdemeanor of the first degree for a  
17 first offense and a felony of the third degree for a second or  
18 subsequent offense.

19 Section 11. Disciplinary matters.

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

23 (1) Failing to demonstrate the qualifications or  
24 standards for a registration contained in this act or  
25 regulations of the department.

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

28 (3) Being unable to practice with reasonable skill and  
29 safety to the public by reason of illness, addiction to drugs  
30 or alcohol, having been convicted of a felonious act

1 prohibited by the act of April 14, 1972 (P.L.233, No.64),  
2 known as The Controlled Substance, Drug, Device and Cosmetic  
3 Act, or convicted of a felony relating to a controlled  
4 substance in a court of law of the United States or another  
5 state, territory, possession or country, or of mental  
6 incompetency. An applicant's statement on the application  
7 declaring the absence of a conviction shall be deemed  
8 satisfactory evidence of the absence of a conviction unless  
9 the department has evidence to the contrary.

10 (4) Violating a lawful regulation promulgated by the  
11 department or violating a lawful order of the department  
12 previously entered by the department in a disciplinary  
13 proceeding.

14 (5) Knowingly maintaining a professional connection or  
15 association with an individual who is in violation of this  
16 act or regulation of the department or knowingly aiding,  
17 assisting, procuring or advising an unregistered individual  
18 to practice a profession contrary to this act or regulations  
19 of the department.

20 (6) Acting in a manner that presents an immediate and  
21 clear danger to public health or safety.

22 (7) Making a false or deceptive biennial registration  
23 with the department.

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

27 (1) Deny the application for a registration or another  
28 privilege granted by the department.

29 (2) Revoke, suspend, limit or otherwise restrict a  
30 registration.

1           (3) Stay enforcement of a suspension and place a  
2           registrant on probation with the right to vacate the  
3           probationary order for noncompliance.

4           (c) Failure to comply with conditions.--Failure of a  
5           registrant to comply with the conditions required by the  
6           department shall be grounds for reconsideration of the matter  
7           and institution of formal charges against the registrant.

8           (d) Reinstatement of registration.--Unless ordered to do so  
9           by the Commonwealth Court or on appeal therefrom, the department  
10          may not reinstate the registration of an individual that has  
11          been revoked for two years from the date of violation or  
12          revocation, whichever is later. An individual whose registration  
13          has been revoked may apply for reinstatement, after a period of  
14          at least two years, but must meet the registration requirements  
15          of this act, including the examination requirement, if the  
16          individual desires to practice the art of tattooing, body  
17          piercing or corrective cosmetics under this act after the  
18          revocation.

19          (e) Surrender of suspended or revoked registration.--The  
20          department shall require an individual whose registration has  
21          been suspended or revoked to return the registration in a manner  
22          prescribed by the department.

23          Section 12. Penalties.

24          An individual who violates a provision of this act shall be  
25          subject to the following penalties:

26                 (1) Except as provided in paragraph (2):

27                         (i) For a first violation, a penalty of not more  
28                         than \$500.

29                         (ii) For a second violation, a penalty of not more  
30                         than \$1,000.

1           (iii) For a third or subsequent violation in a two-  
2           year period, a penalty of \$1,000 and revocation of  
3           registration for the next calendar year.

4           (2) If the violation constitutes intentional  
5           endangerment of the public health and safety, a misdemeanor  
6           of the third degree.

7 Section 13. Injunctive relief.

8           An individual may not practice or attempt to offer to  
9           practice tattooing, body piercing or corrective cosmetics  
10          without having at the time of so doing a valid, unexpired,  
11          unrevoked and unsuspended registration issued under this act.  
12          The unlawful practice of tattooing, body piercing or corrective  
13          cosmetics may be enjoined by a court on petition of the  
14          department. It shall be unnecessary to show that an individual  
15          is injured by the actions complained of in the proceeding. If it  
16          is found that the respondent has engaged in the unlawful  
17          practice of tattooing or body piercing, a court of competent  
18          jurisdiction shall enjoin the respondent from so practicing  
19          unless and until the respondent registers with the department.  
20          The procedure in such cases shall be the same as in any other  
21          injunction suit. The remedy by injunction authorized by this  
22          section shall be in addition to any other civil or criminal  
23          prosecution and punishment authorized by law.

24 Section 14. Exemptions.

25          (a) General rule.--This act shall not prevent:

26               (1) a physician or other health care practitioner  
27               licensed, registered or certified in this Commonwealth,  
28               acting within the physician's or practitioner's scope of  
29               practice, from performing body-piercing or tattooing services  
30               for medical reasons; or

1           (2) a funeral director licensed in this Commonwealth  
2           from performing body-piercing or tattooing services as  
3           required by the profession.

4           (b) Physician-based corrective cosmetics establishments.--

5           This act shall not require the registration of corrective  
6           cosmetics establishments physically located in a licensed  
7           physician's office, hospital or clinic. The establishments shall  
8           be exempt from facility requirements as provided for in section  
9           5(a)(1).

10          Section 15. Effective date.

11          This act shall take effect as follows:

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

13                 (2) Section 10 shall take effect in 60 days.

14                 (3) This section shall take effect immediately.

15                 (4) The remainder of this act shall take effect in 180  
16                 days.