
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 364 Session of
2013

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JANUARY 29, 2013

REFERRED TO COMMITTEE ON HEALTH, JANUARY 29, 2013

AN ACT

1 Regulating tattoo, body-piercing and corrective cosmetic
2 artists; limiting tongue splitting; providing for powers and
3 duties of the Department of Health; and imposing penalties.

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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 of Health to establish health standards for the
10 practice of tattooing, body piercing and corrective cosmetics
11 within this Commonwealth. This will 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 of Health.

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 any object, including,
21 but not limited to, jewelry for cosmetic purposes. The term does
22 not include ear piercing or nail piercing.

23 "Body-piercing artist." Any person who actually performs
24 body piercing or who operates, conducts or manages any body-
25 piercing establishment.

26 "Corrective cosmetic artist." Any person who actually
27 performs corrective cosmetics.

28 "Corrective cosmetics." The application of tattoos on a live
29 human being for medical situations that otherwise could not be
30 corrected or improved, including, but not limited to, burn

1 scars, acne scars, age spots and skin discoloration due to loss
2 of pigmentation.

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

4 "Facial tattoo." A tattoo applied above the neck, including,
5 but not limited to, eyelids, eyebrows or lips.

6 "Infectious disease." A disease of humans or animals
7 resulting from a transmissible infection, whether or not patent,
8 apparent, inapparent, latent, clinical or subclinical.

9 "Registry." The Tattoo, Body-piercing and Corrective
10 Cosmetic Artists Central Registry.

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

14 "Sterilization." The process of destruction of all forms of
15 life by physical or chemical means.

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

20 "Tattoo artist." Any person who actually performs tattooing
21 or who operates, conducts or manages any tattoo establishment.

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

26 "Temporary establishment." An establishment which performs
27 tattooing, body piercing, or both, is operated by an individual
28 registered under this act and which operates outside of a
29 registered facility at a fixed location for a period of time of
30 not more than seven consecutive days in conjunction with a

1 single event or celebration.

2 "Tongue splitting." The cutting of a human tongue into two
3 or more parts.

4 Section 4. Registry.

5 The department shall, by regulation, establish the Tattoo,
6 Body-piercing and Corrective Cosmetic Artists Central Registry.

7 All persons who perform tattooing, body-piercing or corrective
8 cosmetic services within this Commonwealth must meet the
9 requirements of this act and register with the department on
10 forms provided by the department.

11 Section 5. Powers and duties of department.

12 (a) General rule.--The department, in the exercise of its
13 duties under this act, shall have the power to adopt such
14 regulations as are reasonably necessary to carry out the
15 purposes of this act. Regulations shall be adopted in conformity
16 with the provisions of the act of June 25, 1982 (P.L.633, No.
17 181), known as the Regulatory Review Act, and shall include, but
18 not be limited to:

19 (1) Tattoo, body-piercing and corrective cosmetic
20 establishment registration and facility registration
21 requirements, including, but not limited to:

22 (i) Physical location.

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

25 (iii) Lighting.

26 (iv) Ventilation.

27 (v) Water supply.

28 (vi) Liquid waste disposal.

29 (vii) Refuse storage and disposal.

30 (viii) Toilets and lavatories.

- 1 (ix) Sinks.
- 2 (x) Insect and rodent control.
- 3 (2) Temporary establishment registration requirements.
- 4 (3) Tattoo artist and body-piercing artist registration
5 requirements.
- 6 (4) Apprentice tattoo artist and body-piercing artist
7 registration requirements.
- 8 (5) Development and maintenance of and registration in
9 the registry.
- 10 (6) Tattoo artist and body-piercing artist hygiene.
- 11 (7) Health, sanitization, sterilization and safety
12 standards for tattoo, body-piercing or corrective cosmetic
13 establishments and temporary establishments.
- 14 (8) Tattoo and body-piercing establishment and temporary
15 establishment recordkeeping.
- 16 (9) Qualifications for the registration of corrective
17 cosmetic artists.
- 18 (10) Tongue splitting.
- 19 (b) Examination.--The department shall require the
20 successful completion of a written examination regarding health,
21 sanitization, sterilization and safety standards prior to
22 issuing a registration to any tattoo artist, body-piercing
23 artist or corrective cosmetic artist.
- 24 (c) Registration.--The department shall register:
- 25 (1) Any applicant who successfully passes the
26 examination and meets the requirements for registration in
27 accordance with the regulations promulgated under this act.
- 28 (2) Any tattoo or body-piercing establishment or
29 temporary establishment which has been inspected and meets
30 facility requirements in accordance with the regulations

1 where tattooing, body-piercing or corrective cosmetic
2 services will be performed.

3 (d) Inspection.--The department shall inspect every
4 establishment at which tattooing, body piercing or corrective
5 cosmetics are performed prior to issuing a facility
6 registration. The department may also conduct inspections of
7 registered facilities and temporary establishments as the
8 department deems necessary to carry out this act. The inspection
9 shall insure that required sterilization, sanitation and safety
10 standards are maintained.

11 (e) Fees.--All fees required under this act shall be fixed
12 by the department by regulation and shall be subject to the act
13 of June 25, 1982 (P.L.633, No.181), known as the Regulatory
14 Review Act.

15 (f) Limitation.--Nothing in this act shall be construed to
16 permit the department to regulate artistic aspects of tattooing,
17 body piercing or corrective cosmetics which are unrelated to
18 health, sanitization, sterilization or safety standards.

19 (g) Departmental actions.--All actions of the department in
20 accordance with this act which result in a refusal to issue a
21 registration for reasons other than failure to pass a written
22 examination required by this act or action which suspends or
23 revokes a registration shall be subject to the right of notice,
24 hearing and adjudication and the right of appeal therefrom in
25 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
26 and procedure of Commonwealth agencies).

27 Section 6. Duties and responsibilities of artists.

28 (a) Health of tattoo artists and body-piercing artists.--The
29 department shall establish by regulation minimum health
30 standards for all registrants and persons working in any area of

1 a tattoo or body-piercing establishment which may be necessary
2 to prevent the contamination of tattoo or body-piercing
3 equipment, supplies or work surfaces with pathogenic organisms.

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

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

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

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

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

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

23 Section 7. Minors.

24 (a) Prohibitions.--It shall be unlawful for any person to
25 perform tattooing or body-piercing services on any other person
26 under 18 years of age without the written consent of a parent or
27 legal guardian of that other person.

28 (b) Regulations.--The department shall promulgate
29 regulations establishing standards for verification of age and
30 documentation of consent.

1 (c) Revocation.--Any person who performs tattooing or body-
2 piercing services on any body part of a person under 18 years of
3 age without proper consent as established in subsection (a)
4 shall have the registration under this act revoked for two
5 years.

6 (d) Registration.--Any person who violates subsection (a)
7 may not be registered for two years from the date of violation
8 or revocation, whichever is later.

9 Section 8. Powers of municipalities.

10 (a) Municipal ordinances preserved.--Nothing in this act
11 shall supersede the power of a municipality to inspect tattoo or
12 body-piercing establishments or temporary establishments, to
13 regulate the manner in which tattooing or body piercing may be
14 performed, to levy lawful taxes and fees and to require the
15 purchase of a business privilege license unrelated to competence
16 in the practice of tattooing or body piercing. No municipality
17 shall require a tattoo artist or body-piercing artist registered
18 under this act to obtain a municipal license to engage in
19 tattoo, temporary tattoo or body-piercing services in the
20 municipality. Nothing in this act shall preclude a municipality
21 from denying or revoking a local permit for failure to comply
22 with a local ordinance not inconsistent with this act or
23 regulations of the department promulgated under this act.

24 (b) Failure to comply with local ordinance.--A registrant
25 under this act who fails to comply with a municipal ordinance
26 concerning the inspection of tattoo or body-piercing
27 establishments or temporary establishments, or the manner in
28 which the municipality requires tattoo and body-piercing
29 services to be performed, shall be subject to disciplinary
30 proceedings under this act.

1 Section 9. Unlawful acts.

2 (a) Unregistered practice.--It is unlawful for any person to
3 practice tattooing, body piercing or corrective cosmetics, or to
4 hold himself out as a practitioner of or entitled or authorized
5 to practice tattooing, body piercing or corrective cosmetics, or
6 to assume any title of "tattooist," "tattoo artist," "body-
7 piercer," "body-piercing artist," "corrective cosmetics artist"
8 or other letters or titles in connection with that person's name
9 which in any way represents himself as being engaged in the
10 practice of tattooing, body piercing or corrective cosmetics, or
11 authorized to do so, unless that person has been duly registered
12 and authorized to engage in the practice under this act.

13 (b) Unregistered facilities.--It is unlawful for any person
14 to operate a tattoo, body-piercing or corrective cosmetic
15 establishment or temporary establishment that is not registered
16 with the department.

17 (c) Injections.--It is unlawful for a tattoo artist, body-
18 piercing artist or corrective cosmetic artist to administer
19 anesthetic injections or other medications and prescription
20 drugs.

21 (d) Facial tattoos.--It is unlawful for any person other
22 than a corrective cosmetic artist registered under this act, or
23 a physician or surgeon licensed in this Commonwealth, to perform
24 facial tattoo services on any other person.

25 Section 10. Tongue splitting limitation.

26 (a) General rule.--A person shall not perform tongue
27 splitting on another person unless the tongue splitting is
28 performed by a physician or dentist licensed in this
29 Commonwealth.

30 (b) Grading.--Any person who violates the provisions of this

1 section commits a misdemeanor of the first degree for a first
2 offense and a felony of the third degree for a second or
3 subsequent offense.

4 Section 11. Disciplinary matters.

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

8 (1) Failing to demonstrate the qualifications or
9 standards for a registration contained in this act or
10 regulations of the department.

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

13 (3) Being unable to practice with reasonable skill and
14 safety to the public by reason of illness, addiction to drugs
15 or alcohol, having been convicted of a felonious act
16 prohibited by the act of April 14, 1972 (P.L.233, No.64),
17 known as The Controlled Substance, Drug, Device and Cosmetic
18 Act, or convicted of a felony relating to a controlled
19 substance in a court of law of the United States or any other
20 state, territory, possession or country, or of mental
21 incompetency. An applicant's statement on the application
22 declaring the absence of a conviction shall be deemed
23 satisfactory evidence of the absence of a conviction unless
24 the department has some evidence to the contrary.

25 (4) Violating a lawful regulation promulgated by the
26 department or violating a lawful order of the department
27 previously entered by the department in a disciplinary
28 proceeding.

29 (5) Knowingly maintaining a professional connection or
30 association with any person who is in violation of this act

1 or regulation of the department or knowingly aiding,
2 assisting, procuring or advising any unregistered person to
3 practice a profession contrary to this act or regulations of
4 the department.

5 (6) Acting in such manner as to present an immediate and
6 clear danger to public health or safety.

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

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

12 (1) Deny the application for a registration or any other
13 privilege granted by the department.

14 (2) Revoke, suspend, limit or otherwise restrict a
15 registration.

16 (3) Stay enforcement of any suspension and place a
17 registrant on probation with the right to vacate the
18 probationary order for noncompliance.

19 (c) Failure to comply with conditions.--Failure of a
20 registrant to comply with the conditions required by the
21 department shall be grounds for reconsideration of the matter
22 and institution of formal charges against the registrant.

23 (d) Reinstatement of registration.--Unless ordered to do so
24 by the Commonwealth Court or on appeal therefrom, the department
25 may not reinstate the registration of a person which has been
26 revoked for two years from the date of violation or revocation,
27 whichever is later. Any person whose registration has been
28 revoked may apply for reinstatement, after a period of at least
29 two years, but must meet all of the registration requirements of
30 this act, including the examination requirement, if that person

1 desires to practice the art of tattooing, body piercing or
2 corrective cosmetics under this act at any time after such
3 revocation.

4 (e) Surrender of suspended or revoked registration.--The
5 department shall require a person whose registration has been
6 suspended or revoked to return the registration in such manner
7 as the department directs.

8 Section 12. Penalties.

9 Any person who violates any provision of this act commits a
10 misdemeanor of the third degree and shall, upon conviction, be
11 sentenced to pay a fine of not more than \$1,000 or to
12 imprisonment for not more than three months, or both.

13 Section 13. Injunctive relief.

14 It shall be unlawful for any person to practice or attempt to
15 offer to practice tattooing, body piercing or corrective
16 cosmetics without having at the time of so doing a valid,
17 unexpired, unrevoked and unsuspended registration issued under
18 this act. The unlawful practice of tattooing, body piercing or
19 corrective cosmetics may be enjoined by the courts on petition
20 of the department. In any such proceeding it shall not be
21 necessary to show that any person is individually injured by the
22 actions complained of. If it is found that the respondent has
23 engaged in the unlawful practice of tattooing or body piercing,
24 the court shall enjoin the respondent from so practicing unless
25 and until the respondent registers with the department. This
26 procedure in such cases shall be the same as in any other
27 injunction suit. The remedy by injunction authorized by this
28 section shall be in addition to any other civil or criminal
29 prosecution and punishment authorized by law.

30 Section 14. Exemptions.

1 (a) General rule.--Nothing in this act shall prevent:

2 (1) a physician or surgeon licensed in this Commonwealth
3 from performing body-piercing or tattooing services for
4 medical reasons; or

5 (2) a funeral director licensed in this Commonwealth
6 from performing body-piercing or tattooing services as
7 required by that profession.

8 (b) Physician-based corrective cosmetics establishments.--
9 Nothing in this act shall require the registration of corrective
10 cosmetics establishments physically located in a licensed
11 physician's office, hospital or clinic. Those establishments
12 shall also be exempt from facility requirements as provided for
13 in section 5(a)(1).

14 Section 15. Effective date.

15 This act shall take effect as follows:

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

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

18 (3) This section shall take effect immediately.

19 (4) The remainder of this act shall take effect in 180
20 days.