
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1205 Session of
2019

INTRODUCED BY DeLUCA, MILLARD, MURT, KIRKLAND, READSHAW,
HEFFLEY, HILL-EVANS, KORTZ AND SANCHEZ, APRIL 15, 2019

REFERRED TO COMMITTEE ON HEALTH, APRIL 15, 2019

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.

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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 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 but not limited to, jewelry for cosmetic purposes. The term does
22 not include ear 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, 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 "Infectious disease." A disease of humans or animals
5 resulting from a transmissible infection, whether or not patent,
6 apparent, inapparent, latent, clinical or subclinical.

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

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

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

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

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

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

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

29 "Temporary establishment." An establishment that:

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

1 (2) Is operated by an individual registered under this
2 act.

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

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

9 Section 4. Registry.

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

16 Section 5. Powers and duties of department.

17 (a) General rule.--The department shall adopt regulations as
18 are reasonably necessary to carry out the provisions of this
19 act. A regulation shall be adopted in conformity with the
20 provisions of the act of June 25, 1982 (P.L.633, No.181), known
21 as the Regulatory Review Act, and shall include, but not be
22 limited to:

23 (1) Tattoo, body-piercing and corrective cosmetic
24 establishment registration and facility registration
25 requirements, including, but not limited to:

26 (i) Physical location.

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

29 (iii) Lighting.

30 (iv) Ventilation.

- 1 (v) Water supply.
- 2 (vi) Liquid waste disposal.
- 3 (vii) Refuse storage and disposal.
- 4 (viii) Toilets and lavatories.
- 5 (ix) Sinks.
- 6 (x) Insect and rodent control.
- 7 (2) Temporary establishment registration requirements.
- 8 (3) Tattoo artist and body-piercing artist registration
9 requirements.
- 10 (4) Apprentice tattoo artist and body-piercing artist
11 registration requirements.
- 12 (5) Development and maintenance of and registration in
13 the registry.
- 14 (6) Tattoo artist and body-piercing artist hygiene.
- 15 (7) Health, sanitization, sterilization and safety
16 standards for tattoo, body-piercing or corrective cosmetic
17 establishments and temporary establishments.
- 18 (8) Tattoo and body-piercing establishment and temporary
19 establishment recordkeeping.
- 20 (9) Qualifications for the registration of corrective
21 cosmetic artists.
- 22 (10) Tongue splitting.

23 (b) Examination.--The department shall require the
24 successful completion of a written examination regarding health,
25 sanitization, sterilization and safety standards prior to
26 issuing a registration to a tattoo artist, body-piercing artist
27 or corrective cosmetic artist. The department shall prescribe
28 the subjects of examination, which shall include the
29 Occupational Safety and Health Administration standard for
30 bloodborne pathogens and other health, sanitation, sterilization

1 and safety standards.

2 (c) Registration.--The department shall register:

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

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

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

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

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

25 (g) Departmental actions.--An action of the department in
26 accordance with this act that results in a refusal to issue a
27 registration for a reason other than failure to pass the written
28 examination required under subsection (b) or action that
29 suspends or revokes a registration shall be subject to the right
30 of notice, hearing and adjudication and the right of appeal

1 therefrom in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating
2 to practice and procedure of Commonwealth agencies).

3 Section 6. Duties and responsibilities of artists.

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

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

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

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

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

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

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

29 Section 7. Minors.

30 (a) Prohibitions.--

1 (1) An individual may not perform a tattooing or body-
2 piercing service on another individual under 18 years of age
3 without the written consent of a parent or legal guardian of
4 the other individual.

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

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

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

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

20 Section 8. Municipalities.

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

22 (1) This act shall not supersede the power of a
23 municipality to:

24 (i) Inspect a tattoo or body-piercing establishment
25 or temporary establishment.

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

28 (iii) Levy a lawful tax or fee.

29 (iv) Require the purchase of a business privilege
30 license unrelated to competence in the practice of

1 tattooing or body piercing.

2 (2) A municipality may not require a tattoo artist or
3 body-piercing artist registered under this act to obtain a
4 municipal license to engage in a tattoo, temporary tattoo or
5 body-piercing service in the municipality.

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

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

17 Section 9. Unlawful acts.

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

21 (1) practice tattooing, body piercing or corrective
22 cosmetics;

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

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

1 corrective cosmetics.

2 (b) Unregistered facilities.-- An individual may not operate
3 a tattoo, body-piercing or corrective cosmetic establishment or
4 temporary establishment that is not registered with the
5 department.

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

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

12 Section 10. Tongue-splitting limitation.

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

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

21 Section 11. Disciplinary matters.

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

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

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

30 (3) Being unable to practice with reasonable skill and

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

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

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

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

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

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

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

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

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

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

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

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

25 Section 12. Penalties.

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

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

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

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

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

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

9 Section 13. Injunctive relief.

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

26 Section 14. Exemptions.

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

28 (1) a physician or other health care practitioner
29 licensed, registered or certified in this Commonwealth,
30 acting within the physician's or practitioner's scope of

1 practice, from performing body-piercing or tattooing services
2 for medical reasons; or

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

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

7 This act shall not require the registration of corrective
8 cosmetics establishments physically located in a licensed
9 physician's office, hospital or clinic. The establishments shall
10 be exempt from facility requirements as provided for in section
11 5(a)(1).

12 Section 15. Effective date.

13 This act shall take effect as follows:

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

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

16 (3) This section shall take effect immediately.

17 (4) The remainder of this act shall take effect in 180
18 days.