
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 240 Session of
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INTRODUCED BY DeLUCA, DEASY, KORTZ, MURT, KAUFFMAN, BOBACK,
D. COSTA, THOMAS, DAVIDSON AND WATSON, JANUARY 28, 2015

REFERRED TO COMMITTEE ON HEALTH, JANUARY 28, 2015

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

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." A person who performs body piercing
24 or operates, conducts or manages a body-piercing establishment.

25 "Corrective cosmetic artist." A person who performs
26 corrective cosmetics.

27 "Corrective cosmetics." The application of a tattoo on a
28 live human being for medical situations that otherwise could not
29 be corrected or improved, including, but not limited to, burn
30 scars, acne scars, age spots and skin discoloration due to loss

1 of pigmentation.

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

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

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

8 "Registry." The Tattoo, Body-piercing and Corrective
9 Cosmetic Artists Central Registry established under section 4.

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

13 "Sterilization." The process of destruction of the forms of
14 life by physical or chemical means.

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

19 "Tattoo artist." A person who performs tattooing or
20 operates, conducts or manages a tattoo establishment.

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

25 "Temporary establishment." An establishment that:

26 (1) performs tattooing, body piercing or both;

27 (2) is operated by an individual registered under this
28 act; and

29 (3) operates outside of a registered facility at a fixed
30 location for a period of time of not more than seven

1 consecutive days in conjunction with a single event or
2 celebration.

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

5 Section 4. Registry.

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

8 A person who performs tattooing, body-piercing or corrective
9 cosmetic services within this Commonwealth must meet the
10 requirements of this act and register with the department on
11 forms provided by the department.

12 Section 5. Powers and duties of department.

13 (a) General rule.--In the exercise of its duties under this
14 act, the department may adopt regulations as are reasonably
15 necessary to carry out the purposes of this act. A regulation
16 must be adopted in conformity with the provisions of the act of
17 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
18 Act, and must include, but 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 a tattoo artist, body-piercing artist
23 or corrective cosmetic artist.
- 24 (c) Registration.--The department shall register:
- 25 (1) An applicant who successfully passes the examination
26 and meets the requirements for registration in accordance
27 with the regulations promulgated under this act.
- 28 (2) A tattoo or body-piercing establishment or temporary
29 establishment that has been inspected and meets facility
30 requirements in accordance with the regulations where

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

3 (d) Inspection.--The department shall inspect an
4 establishment at which tattooing, body piercing or corrective
5 cosmetics are performed prior to issuing a facility
6 registration. The department may 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.--A fee required under this act shall be fixed by
12 the department by regulation and shall be subject to the act of
13 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
14 Act.

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

19 (g) Departmental actions.--An action of the department in
20 accordance with this act that results in a refusal to issue a
21 registration for a reason other than failure to pass a written
22 examination required by this act or action that 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 the registrants and persons working in an area of

1 a tattoo or body-piercing establishment that may be necessary to
2 prevent the contamination of tattoo or body-piercing equipment,
3 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 the 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 a 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.--A person may not perform a tattooing or
25 body-piercing service on another person under 18 years of age
26 without the written consent of a parent or legal guardian of the
27 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.--A person who performs a tattooing or body-
2 piercing service on a body part of a person under 18 years of
3 age without proper consent as established under subsection (a)
4 shall have the registration under this act revoked for two
5 years.

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

9 Section 8. Municipalities.

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

11 (1) This act shall not supersede the power of a
12 municipality to:

13 (i) inspect a tattoo or body-piercing establishment
14 or temporary establishment;

15 (ii) regulate the manner in which tattooing or body
16 piercing may be performed;

17 (iii) levy a lawful tax or fee; and

18 (iv) require the purchase of a business privilege
19 license unrelated to competence in the practice of
20 tattooing or body piercing.

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

25 (3) This act shall not preclude a municipality from
26 denying or revoking a local permit for failure to comply with
27 a local ordinance that is consistent with this act or
28 regulations of the department promulgated under this act.

29 (b) Failure to comply with local ordinance.--A registrant
30 under this act who fails to comply with a municipal ordinance

1 concerning the inspection of tattoo or body-piercing
2 establishments or temporary establishments, or the manner in
3 which the municipality requires tattoo and body-piercing
4 services to be performed, shall be subject to disciplinary
5 proceedings under this act.

6 Section 9. Unlawful acts.

7 (a) Unregistered practice.--Unless a person has been duly
8 registered and authorized to engage in practice under this act,
9 the person may not:

10 (1) practice tattooing, body piercing or corrective
11 cosmetics;

12 (2) hold himself out as a practitioner of or entitled or
13 authorized to practice tattooing, body piercing or corrective
14 cosmetics; or

15 (3) assume the title of "tattooist," "tattoo artist,"
16 "body-piercer," "body-piercing artist," "corrective cosmetics
17 artist" or other letters or titles in connection with the
18 person's name that represents himself as being engaged or
19 authorized in the practice of tattooing, body piercing or
20 corrective cosmetics.

21 (b) Unregistered facilities.--A person may not operate a
22 tattoo, body-piercing or corrective cosmetic establishment or
23 temporary establishment that is not registered with the
24 department.

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

28 (d) Facial tattoos.--Other than a corrective cosmetic artist
29 registered under this act, or a physician or surgeon licensed in
30 this Commonwealth, a person may not perform a facial tattoo

1 service on another person.

2 Section 10. Tongue splitting limitation.

3 (a) General rule.--A person may not perform tongue splitting
4 on another person unless the tongue splitting is performed by a
5 physician or dentist licensed in this Commonwealth.

6 (b) Grading.--A person who violates the provisions of this
7 section commits a misdemeanor of the first degree for a first
8 offense and a felony of the third degree for a second or
9 subsequent offense.

10 Section 11. Disciplinary matters.

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

14 (1) Failing to demonstrate the qualifications or
15 standards for a registration contained in this act or
16 regulations of the department.

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

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

1 (4) Violating a lawful regulation promulgated by the
2 department or violating a lawful order of the department
3 previously entered by the department in a disciplinary
4 proceeding.

5 (5) Knowingly maintaining a professional connection or
6 association with a person who is in violation of this act or
7 regulation of the department or knowingly aiding, assisting,
8 procuring or advising an unregistered person to practice a
9 profession contrary to this act or regulations of the
10 department.

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

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

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

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

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

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

25 (c) Failure to comply with conditions.--Failure of a
26 registrant to comply with the conditions required by the
27 department shall be grounds for reconsideration of the matter
28 and institution of formal charges against the registrant.

29 (d) Reinstatement of registration.--Unless ordered to do so
30 by the Commonwealth Court or on appeal therefrom, the department

1 may not reinstate the registration of a person that has been
2 revoked for two years from the date of violation or revocation,
3 whichever is later. A person whose registration has been revoked
4 may apply for reinstatement, after a period of at least two
5 years, but must meet the registration requirements of this act,
6 including the examination requirement, if the person desires to
7 practice the art of tattooing, body piercing or corrective
8 cosmetics under this act after the revocation.

9 (e) Surrender of suspended or revoked registration.--The
10 department shall require a person whose registration has been
11 suspended or revoked to return the registration in the manner as
12 the department directs.

13 Section 12. Penalties.

14 A person who violates a provision of this act commits a
15 misdemeanor of the third degree and shall, upon conviction, be
16 sentenced to pay a fine of not more than \$1,000 or to
17 imprisonment for not more than three months, or both.

18 Section 13. Injunctive relief.

19 A person may not practice or attempt to offer to practice
20 tattooing, body piercing or corrective cosmetics without having
21 at the time of so doing a valid, unexpired, unrevoked and
22 unsuspended registration issued under this act. The unlawful
23 practice of tattooing, body piercing or corrective cosmetics may
24 be enjoined by a court on petition of the department. It shall
25 be unnecessary to show that a person is individually injured by
26 the actions complained of in the proceeding. If it is found that
27 the respondent has engaged in the unlawful practice of tattooing
28 or body piercing, the court shall enjoin the respondent from so
29 practicing unless and until the respondent registers with the
30 department. The procedure in such cases shall be the same as in

1 any other injunction suit. The remedy by injunction authorized
2 by this section shall be in addition to any other civil or
3 criminal prosecution and punishment authorized by law.

4 Section 14. Exemptions.

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

6 (1) a physician or surgeon licensed in this Commonwealth
7 from performing body-piercing or tattooing services for
8 medical reasons; or

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

12 (b) Physician-based corrective cosmetics establishments.--
13 This act shall not require the registration of corrective
14 cosmetics establishments physically located in a licensed
15 physician's office, hospital or clinic. The establishments shall
16 be exempt from facility requirements as provided for in section
17 5(a) (1).

18 Section 15. Effective date.

19 This act shall take effect as follows:

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

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

22 (3) This section shall take effect immediately.

23 (4) The remainder of this act shall take effect in 180
24 days.