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SENATE BILL DRS45199-MQf-60 (03/07)

Short Title: Body Art Regulation Changes.

(Public)

Sponsors: Senators J. Davis and Foushee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO THE REGULATION OF BODY ART.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Part 11 of Article 8 of Chapter 130A of the General Statutes reads as
5 rewritten:

6 "Part 11. ~~Tattooing~~. Body Art.

7 "**§ 130A-283. ~~Tattooing~~ Body art regulated.**

8 (a) ~~Definition~~. Definitions. – As used in this Part, the ~~term tattooing means the~~
9 ~~following definitions shall apply:~~

10 (1) Body art. – Procedures conducted for artistic purposes that include body
11 piercing, branding, scarification, subdermal implants, and tattooing.

12 (2) Body piercing. – The puncturing of the skin of a person by aid of needles
13 designed or used to puncture the skin for the purpose of inserting removable
14 jewelry through the human body. The term does not include the puncturing
15 of the external part of the human earlobe.

16 (3) Branding. – The creation of a permanent mark on human tissue by burning
17 with a hot iron or other similar instrument.

18 (4) Scarification – The injury of the skin involving scratching, etching, or
19 cutting of designs to produce a scar on a human being for ornamentation or
20 decoration.

21 (5) Subdermal implanting. – The insertion of an object under the skin of a
22 person for ornamentation or decoration.

23 (6) Tattooing. – ~~The inserting of permanent markings or coloration, or the~~
24 ~~producing of scars, coloration~~ upon or under human skin through puncturing
25 by use of a needle or any other method.

26 (b) Prohibited Practice. – No person shall engage in ~~tattooing~~ body art without first
27 obtaining a ~~tattooing~~ body art permit from the Department. Licensed physicians, as well as
28 physician assistants and nurse practitioners working under the supervision of a licensed
29 physician, who perform ~~tattooing~~ body art within the normal course of their professional
30 practice are exempt from the requirements of this Part.

31 (c) Application. – To obtain a ~~tattooing~~ body art permit, a person must apply to the
32 Department. Upon receipt of the application, the Department, acting through the local health
33 department, shall inspect the premises, instruments, utensils, equipment, and procedures of the
34 applicant to determine whether the applicant meets the requirements for a ~~tattooing~~ body art
35 permit set by the Commission. If the applicant meets these requirements, the Department shall



1 issue a permit to the applicant. A permit is valid for one year and must be renewed annually by
2 applying to the Department for a permit renewal.

3 (d) Violations. – The Department may deny an application for a ~~tattooing-body art~~
4 permit if an applicant does not meet the requirements set by the Commission for the permit.
5 The Department may suspend, revoke, or refuse to renew a permit if it finds that ~~tattooing-body~~
6 art is being performed in violation of this Part. A violation of this Part is a Class A1
7 misdemeanor. In accordance with G.S. 130A-24(a), Chapter 150B of the General Statutes, the
8 Administrative Procedure Act, governs appeals concerning the enforcement of this Part.

9 (e) Limitation. – This Part shall not be construed to authorize a person holding a valid
10 body art permit to treat injuries or disorders of the body by incision or manipulation or
11 otherwise practice medicine as defined in Article 1 of Chapter 90 of the General Statutes. A
12 permit issued pursuant to this Part does not authorize a person to remove a tattoo from the body
13 of a human being. Compliance with this Part is not a bar to prosecution for a violation of
14 G.S. 14-400."

15 **SECTION 2.** G.S. 130A-29(c) reads as rewritten:

16 **"§ 130A-29. Commission for Public Health – Creation, powers and duties.**

17 (c) The Commission shall adopt rules:

18 ...

19 (8) Establishing permit requirements for the sanitation of premises, utensils,
20 equipment, and procedures to be used by a person engaged in ~~tattooing-body~~
21 art, as provided in Part 11 of Article 8 of this Chapter.

22"

23 **SECTION 3.** G.S. 130A-39(g) reads as rewritten:

24 **"§ 130A-39. Powers and duties of a local board of health.**

25 ...

26 (g) A local board of health may impose a fee for services to be rendered by a local
27 health department, except where the imposition of a fee is prohibited by statute or where an
28 employee of the local health department is performing the services as an agent of the State.
29 Notwithstanding any other provisions of law, a local board of health may impose cost-related
30 fees for services performed pursuant to Article 11 of this Chapter, "Wastewater Systems," for
31 services performed pursuant to Part 10, Article 8 of this Chapter, "Public Swimming Pools", for
32 services performed pursuant to Part 11, Article 8 of this Chapter, "~~Tattooing~~", "Body Art," and
33 for services performed pursuant to G.S. 87-97. Fees shall be based upon a plan recommended
34 by the local health director and approved by the local board of health and the appropriate
35 county board or boards of commissioners. The fees collected under the authority of this
36 subsection are to be deposited to the account of the local health department so that they may be
37 expended for public health purposes in accordance with the provisions of the Local
38 Government Budget and Fiscal Control Act."

39 **SECTION 4.** This act becomes effective January 1, 2018. Permits for tattooing
40 issued before that date, but not yet expired, shall remain valid until expiration.