

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 238

Short Title: Regulate Body Piercing.

(Public)

Sponsors: Representative Mitchell.

Referred to: Ways and Means.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO REGULATE BODY PIERCING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-29(c) reads as rewritten:

"(c) The Commission shall adopt rules:

- (1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.
- (2) Establishing standards for approving sewage-treatment devices and holding tanks for marine toilets as provided in G.S. 75A-6(o).
- (3) Establishing specifications for sanitary privies for schools where water-carried sewage facilities are unavailable as provided in G.S. 115C-522.
- (4) Establishing requirements for the sanitation of local confinement facilities as provided in Part 2 of Article 10 of Chapter 153A of the General Statutes.
- (5) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1075, s. 1.
- (5a) Establishing eligibility standards for participation in Department reimbursement programs.
- (6) Requiring proper treatment and disposal of sewage and other waste from chemical and portable toilets.
- (7) Establishing statewide health outcome objectives and delivery standards.
- (8) Establishing permit requirements for the sanitation of premises, utensils, equipment, and procedures to be used by a ~~person~~ persons engaged in ~~tattooing, tattooing~~ or body piercing, as provided in Part 11 of Article 8 of this Chapter.
- (9) Implementing immunization requirements for adult care homes as provided in G.S. 131D-9 and for nursing homes as provided in G.S. 131E-113.

1 (10) Pertaining to the biological agents registry in accordance with G.S.
2 130A-479."

3 **SECTION 2.** G.S. 130A-39(g) reads as rewritten:

4 "(g) A local board of health may impose a fee for services to be rendered by a
5 local health department, except where the imposition of a fee is prohibited by statute or
6 where an employee of the local health department is performing the services as an agent
7 of the State. Notwithstanding any other provisions of law, a local board of health may
8 impose cost-related fees for services performed pursuant to Article 11 of this Chapter,
9 "Wastewater Systems," for services performed pursuant to Part 10, Article 8 of this
10 Chapter, "Public Swimming Pools", and for services performed pursuant to Part 11,
11 Article 8 of this Chapter, "~~Tattooing~~". "Tattooing and Body Piercing". Fees shall be
12 based upon a plan recommended by the local health director and approved by the local
13 board of health and the appropriate county board or boards of commissioners. The fees
14 collected under the authority of this subsection are to be deposited to the account of the
15 local health department so that they may be expended for public health purposes in
16 accordance with the provisions of the Local Government Budget and Fiscal Control
17 Act."

18 **SECTION 3.** Part 11 of Article 8 of Chapter 130A of the General Statutes
19 reads as rewritten:

20 "Part 11. ~~Tattooing~~. Tattooing and Body Piercing.

21 **§ 130A-283. Tattooing regulated.**

22 (a) Definition. – As used in this Part, the term "tattooing" means the inserting of
23 permanent markings or coloration, or the producing of scars, upon or under human skin
24 through puncturing by use of a needle or any other method.

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

30 (c) Application. – To obtain a tattooing permit, a person ~~must~~ shall apply to the
31 Department. Upon receipt of the application, the Department, acting through the local
32 health department, shall inspect the premises, instruments, utensils, equipment, and
33 procedures of the applicant to determine whether the applicant meets the requirements
34 for a tattooing permit set by the Commission. If the applicant meets these requirements,
35 the Department shall issue a permit to the applicant. A permit is valid for one year and
36 ~~must~~ shall be renewed annually by applying to the Department for a permit renewal.

37 (d) Violations. – The Department may deny an application for a tattooing permit
38 if an applicant does not meet the requirements set by the Commission for the permit.
39 The Department may suspend, revoke, or refuse to renew a permit if it finds that
40 tattooing is being performed in violation of this ~~Part~~ section or materials are not being
41 disposed of as provided in G.S. 130A-285. In accordance with G.S. 130A-24(a),
42 Chapter 150B of the General Statutes, the Administrative Procedure Act, governs
43 appeals concerning the enforcement of this Part.

1 (e) Limitation. – A permit issued pursuant to this ~~Part~~ section does not authorize
2 a person to remove a tattoo from the body of a human being. Compliance with this Part
3 is not a bar to prosecution for a violation of G.S. 14-400.

4 **"§ 130A-284. Body piercing regulated.**

5 (a) Definition. – As used in this Part, the term 'body piercing' means the creation
6 of an opening in the body of a human being so as to create a permanent hole for the
7 purpose of inserting jewelry or other decoration. Body piercing includes piercing an ear,
8 lip, tongue, nose, navel, or eyebrow. Body piercing does not include piercing an ear
9 lobe with a disposable, single-use stud or solid needle that is applied using a mechanical
10 device to force the needle or stud through the ear lobe.

11 (b) Prohibited Practice. – No person shall engage in body piercing without first
12 obtaining a body-piercing permit from the Department. Licensed physicians, as well as
13 physician assistants and nurse practitioners working under the supervision of a licensed
14 physician, are exempt from the requirements of this Part.

15 (c) Application. – To obtain a body-piercing permit, a person shall apply to the
16 Department. Upon receipt of the application, the Department, acting through the local
17 health department, shall inspect the premises, instruments, utensils, equipment, and
18 procedures of the applicant to determine whether the applicant meets the requirements
19 for a body-piercing permit set by the Commission. If the applicant meets these
20 requirements, the Department shall issue a permit to the applicant. A permit is valid for
21 one year and shall be renewed annually by applying to the Department for a permit
22 renewal.

23 (d) Violations. – The Department may deny an application for a body-piercing
24 permit if an applicant does not meet the requirements set by the Commission for the
25 permit. The Department may suspend, revoke, or refuse to renew a permit if it finds that
26 body piercing is being performed in violation of this section or materials are not being
27 disposed of as provided in G.S. 130A-285.

28 (e) Limitation. – Compliance with this Part is not a bar to prosecution for a
29 violation of G.S. 14-400.

30 **"§ 130A-285. Management and disposal of materials.**

31 Materials used by persons engaged in tattooing and body piercing shall be disposed
32 of in accordance with rules adopted by the Commission pursuant to G.S. 130A-309.26.

33 **"§ 130A-286. Appeals.**

34 In accordance with G.S. 130A-24(a), Chapter 150B of the General Statutes, the
35 Administrative Procedure Act, governs appeals concerning enforcement of this Part."

36 **SECTION 4.** This act becomes effective December 1, 2003.