

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 635

Short Title: Regulate Body Piercing.

(Public)

Sponsors: Representatives Mitchell; Capps and Setzer.

Referred to: Finance.

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE BUSINESS OF BODY PIERCING.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 66 of the General Statutes is amended by adding a new Article to read:

"Article 40.

"Body Piercing.

"§ 66-315. Definitions.

The following definitions apply in this Article:

- (1) 'Body piercing' means the creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. Body piercing includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. Body piercing does not include piercing an ear lobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.
- (2) 'Department' means the Department of Environment and Natural Resources.
- (3) 'Body piercing facility' means any room, space, location, area, structure, or business, or any part of any of these places, where body piercing is practiced or where the business of body piercing is conducted.
- (4) 'Body piercing technician' means a person who practices body piercing.

"§ 66-316. Standards to be established.

The Department shall establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing. The standards shall be directed at the establishment and maintenance of sterile conditions and the safe disposal of

1 instruments. The Department may modify the standards as appropriate to protect
2 consumers from the transmission of contagious diseases through cross-contamination of
3 instruments and supplies.

4 **"§ 66-317. Infection control.**

5 (a) Precautions by Technicians. - A body piercing technician shall at all times
6 observe the following infection control precautions:

7 (1) The technician shall wash his or her hands thoroughly with water and a
8 germicidal soap approved by the Department before and after each
9 customer's procedure.

10 (2) When necessary for the technician to perform a procedure on certain
11 individuals who must undergo hair shaving, either disinfected scissors
12 or a single-use disposable razor shall be used, and the skin shall be
13 cleaned with a germicidal solution approved by the Department and
14 used in accordance with the manufacturer's directions.

15 (3) The technician shall use single-use disposable gloves when setting up
16 equipment and single-use disposable gloves when performing
17 procedures on a customer. These gloves shall never be washed or
18 reused in any manner and shall be immediately replaced upon notice of
19 a tear, any contamination, or other defect.

20 (4) All needles, instruments and other surgical equipment, and body
21 piercing items or jewelry shall be properly sterilized by autoclave and
22 sterilely packaged and labeled with the date of sterilization and a
23 sterile indicator.

24 (5) Prior to any direct contact with the customer, the technician shall
25 sterilely place all sterile instruments and body piercing items or
26 jewelry on a sterile disposable towel or drape to be used as a single
27 sterile field throughout the procedure. Regloving with single-use
28 sterile disposable surgical gloves shall occur prior to initiation of the
29 procedure, which shall be performed using strict sterile surgical
30 techniques. Any nonsterile contact or contamination of the
31 instruments, jewelry, or field shall immediately result in cessation of
32 the procedure, and all equipment shall not be reused until resterilized.

33 (6) The skin of the customer shall be scrubbed in a sterile surgical manner
34 with a germicidal solution approved by the Department and used in
35 accordance with the manufacturer's directions.

36 (7) Gauze, alum, styptic pencils, or medical supplies deemed necessary to
37 control bleeding shall not be used unless a separate disposable single-
38 use sterile item is used on each customer.

39 (8) The technician shall dispose of used single-use needles and other
40 disposable sharp supplies in safety puncture-proof containers approved
41 by the Department. These used containers shall be disposed of in a
42 manner prescribed by the Department.

43 (9) All used surgical equipment intended for reuse shall be properly
44 scrubbed clean of visible materials and soaked for a minimum of 20

1 minutes in a germicidal solution approved by the Department and used
2 in accordance with the manufacturer's directions prior to being
3 resterilized by autoclave.

4 (10) The body piercing technician shall allow and cooperate with on-site
5 inspections deemed necessary by the Department.

6 (b) Precautions by Operators. - The operator of every body piercing facility shall
7 at all times observe the following infection control precautions:

8 (1) The operator of every body piercing facility shall keep a written log
9 for two years of autoclave use, to include, but not be limited to, date
10 and time of use and sterilization spore test strip results done at least
11 monthly.

12 (2) The operator of every body piercing facility shall include a room for
13 the purpose of disinfecting and sterilizing equipment, and this room
14 shall be physically separate from the room used for body piercing
15 procedures to avoid cross-contamination of equipment.

16 **§ 66-318. Registration of operators and technicians required; permit for facility**
17 **required.**

18 (a) Every operator of a body piercing facility and every body piercing technician
19 engaged in the business of body piercing shall register with the Department.

20 (b) The operator of every body piercing facility shall apply for and obtain a
21 permit issued by the Department and shall renew the permit annually.

22 (c) The Department shall issue a permit to the operator of a body piercing facility
23 or renew a permit when the applicant meets all of the following requirements:

24 (1) The applicant proves to the satisfaction of the Department that all the
25 body piercing technicians engaged in body piercing at that facility
26 have satisfied all the age and certification requirements for technicians
27 under G.S. 66-319(a).

28 (2) For an initial permit application, the body piercing facility passes the
29 initial inspection under G.S. 66-320.

30 (3) The applicant pays a permit fee of three hundred dollars (\$300.00) to
31 the Department for the initial permit and for each annual permit
32 renewal.

33 (d) Upon obtaining a permit under this section, the operator of a body piercing
34 facility shall do all of the following:

35 (1) Provide the Department with the business address of the facility and
36 the address at which the permittee performs any body piercing activity
37 regulated by this Article.

38 (2) Obtain a copy of the Department's standards from the Department,
39 sign an acknowledgment upon a receipt of the standards, and meet the
40 standards.

41 (3) Post the permit in a conspicuous place on the premises of the body
42 piercing facility.

43 (e) Fees authorized by this Article shall be used exclusively to support the
44 activities of the Department under this Article.

"§ 66-319. Requirements for body piercing technicians.

(a) A body piercing technician shall satisfy all of the following age and certification requirements:

(1) Be at least 18 years of age.

(2) Possess a current Red Cross First Aid Certification and renew that certification every three years.

(3) Possess a current Adult Cardiopulmonary Resuscitation (CPR) Certification and renew that certification annually.

(4) Possess a certificate attesting to the successful completion of a course approved by the Department in blood-borne pathogens and body piercing infection control.

(b) A body piercing technician shall conspicuously display:

(1) The Red Cross First Aid Certification.

(2) The Adult CPR certification.

(3) The annual certificate showing successful completion of a course approved by the Department in blood-borne pathogens and body piercing infection control.

(4) A copy of the annual permit issued by the Department to the facility under G.S. 66-318.

(c) A body piercing technician shall comply with all applicable federal Office of Safety and Health Administration requirements or guidelines.

"§ 66-320. Inspections.

(a) The Department shall conduct an initial inspection of a body piercing facility that must be successfully completed as a condition of permitting.

(b) The Department shall conduct an inspection of a body piercing facility after any complaint is filed with the Department.

(c) The Department may conduct an inspection of a body piercing facility at any time without previous notification to the body piercing facility.

(d) The Department may charge an additional amount not to exceed fifty dollars (\$50.00) to cover the cost of an inspection under this section.

"§ 66-321. Informed consent; verification of customer's age.

(a) An operator of a body piercing facility shall conspicuously display a clearly legible notice to customers informing them of any disqualification that body piercing may confer upon a prospective blood donor according to the current and subsequent amendments to standards of the American Association of Blood Banks. This notice also shall appear in the informed consent or release form used at any body piercing facility.

(b) Every prospective customer must receive an informed consent form that complies with subsection (a) of this section and contains, at a minimum, aftercare suggestions for the specific piercing site. Every prospective customer must sign an informed consent form before the body piercing activity may begin.

(c) A body piercing technician shall verify by means of picture identification that a customer is at least 18 years of age. For purposes of this section, 'picture identification' means either of the following:

(1) A valid North Carolina drivers license.

1 (2) An official photographic identification card issued by the North
2 Carolina Department of Revenue, a federal or state law enforcement
3 agency, or an agency of the United States Department of Defense or
4 the United States Department of State.

5 (d) Proof that the body piercing technician demanded, was shown, and
6 reasonably relied upon proof of age under subsection (c) of this section is a defense to
7 an action brought under this Article.

8 "**§ 66-322. Scope of Article.**

9 (a) A department shall not adopt rules that conflict with, or are more
10 comprehensive than, provisions of this Article or the standards adopted by the
11 Department by rule.

12 (b) This Article does not limit the Department's ability to require an operator of a
13 body piercing facility or a body piercing technician to obtain any business license or
14 permit that the Department finds appropriate.

15 "**§ 66-323. Prohibited acts; criminal penalty.**

16 (a) It is unlawful for a person to perform or offer to perform body piercing upon
17 a person under the age of 18 years, unless the body piercing is performed in the
18 presence of, or as directed by a notarized writing by, the person's parent or legal
19 guardian.

20 (b) It is unlawful for a person to perform body piercing upon a person impaired
21 by drugs or alcohol. Such a person is incapable of consenting to body piercing and
22 incapable of understanding body piercing procedures and aftercare suggestions.

23 (c) It is unlawful for a person to perform body piercing upon skin surfaces
24 having a rash, pimples, boils, infections, or evidence of any unhealthy condition.

25 (d) A person who violates a provision of this section is guilty of a Class 1
26 misdemeanor.

27 (e) Subsection (a) of this section does not apply to the body piercing of an
28 emancipated minor.

29 (f) The minor upon whom body piercing is performed or the parent or legal
30 guardian of that minor or any other minor is not subject to punishment under this
31 section.

32 (g) A person who has his or her body pierced while under the age of 18 in
33 violation of subsection (a) of this section may bring a civil action against the body
34 piercing technician who performed the body piercing, seeking to recover actual
35 damages and punitive damages, plus the costs of the action and attorneys' fees.

36 "**§ 66-324. Additional penalty.**

37 The Department may revoke, suspend, or refuse to issue or renew a permit under this
38 Article or may impose an administrative penalty of up to one thousand dollars (\$1,000)
39 per violation upon proof that the operator of the facility has acted in any one or more of
40 the following ways:

41 (1) Failed to maintain a business address or telephone number at which the
42 facility can be reached during business hours.

1 (2) Failed to maintain proper sterilization, sanitation, or safety procedures
2 under standards established pursuant to G.S. 66-316 or adopted by
3 rule.

4 (3) Obtained a body piercing facility permit through fraud or deceit.

5 "**§ 66-325. Activities of physician.**"

6 This Article does not restrict the activities of a physician or surgeon licensed under
7 Chapter 90 of the General Statutes."

8 **SECTION 2.** The registration requirement under G.S. 66-318, as enacted in
9 Section 1 of this act, becomes effective October 1, 2002. The permit requirement under
10 G.S. 66-318, as enacted in Section 1 of this act, becomes effective January 1, 2003. The
11 remainder of this act becomes effective January 1, 2002.