

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 250
Mar 2, 2017
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10104-MQf-37A (02/21)

Short Title: Body Art Regulation Changes. (Public)

Sponsors: Representatives Corbin, Bert Jones, and Murphy (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:

"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~~ following
9 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 of
15 the external part of the human earlobe.
16 (3) Branding. – The creation of a permanent mark on human tissue by burning with
17 a hot iron or other similar instrument.
18 (4) Scarification – The injury of the skin involving scratching, etching, or cutting
19 of designs to produce a scar on a human being for ornamentation or decoration.
20 (5) Subdermal implanting. – The insertion of an object under the skin of a person
21 for ornamentation or decoration.
22 (6) Tattooing. – ~~the~~ The inserting of permanent markings or coloration, or the
23 producing of scars, coloration upon or under human skin through puncturing by
24 use of a needle or any other method.

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

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



* D R H 1 0 1 0 4 - M Q F - 3 7 A *

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

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

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

13 **"§ 130A-29. Commission for Public Health – Creation, powers and duties.**

14 (c) The Commission shall adopt rules:

15 ...

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

19"

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

21 **"§ 130A-39. Powers and duties of a local board of health.**

22 ...

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

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