

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 250
Committee Substitute Favorable 3/15/17
Committee Substitute #2 Favorable 4/25/17

Short Title: Body Art Regulation Changes.

(Public)

Sponsors:

Referred to:

March 6, 2017

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 aesthetic purposes to the human body
11 that include body piercing, branding, scarification, and tattooing.
12 (2) Body piercing. – The puncturing of the skin by needles or other similar
13 instrument to insert removable jewelry. The term does not include the
14 puncturing of the external part of the earlobe.
15 (3) Branding. – The creation of a permanent mark on the skin by burning with a
16 hot iron or other similar instrument.
17 (4) Scarification. – The creation of a permanent mark on the skin by scratching,
18 etching, or cutting.
19 (5) Tattooing. – The inserting of permanent markings or coloration, or the
20 producing of scars, coloration upon or under human skin through puncturing
21 by use of a needle or any other method.

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

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

34 (d) Violations. – The Department may deny an application for a ~~tattooing~~ body art
35 permit if an applicant does not meet the requirements set by the Commission for the permit.



1 The Department may suspend, revoke, or refuse to renew a permit if it finds that ~~tattooing~~body
 2 art is being performed in violation of this Part. A violation of this Part is a Class A1
 3 misdemeanor. In accordance with G.S. 130A-24(a), Chapter 150B of the General Statutes, the
 4 Administrative Procedure Act, governs appeals concerning the enforcement of this Part.

5 (e) Limitation. – A permit issued pursuant to this Part does not authorize a person to
 6 perform the following acts:

7 (1) ~~remove~~Remove a tattoo~~tattoo~~from the body of a human being.

8 (2) ~~Compliance with this Part is not a bar to prosecution for a violation of Acts~~
 9 prohibited by G.S. 14-400.

10 (3) Insert an object under the skin.

11 (4) Treat injuries or disorders of the body.

12 (5) Practice medicine as defined in Article 1 of Chapter 90 of the General
 13 Statutes."

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

15 "**§ 130A-29. Commission for Public Health – Creation, powers and duties.**

16 ...

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.** G.S. 90A-51(2a) reads as rewritten:

40 "(2a) "Environmental health practice" means the provision of environmental
 41 health services, including administration, organization, management,
 42 education, enforcement, and consultation regarding environmental health
 43 services provided to or for the public. These services are offered to prevent
 44 environmental hazards and promote and protect the health of the public in
 45 the following areas: food, lodging, and institutional sanitation; on-site
 46 wastewater treatment and disposal; public swimming pool sanitation;
 47 childhood lead poisoning prevention; well permitting and inspection; ~~tattoo~~
 48 ~~parlor sanitation~~; body art establishment sanitation; and all other areas of
 49 environmental health requiring the delegation of authority by the Division of
 50 Public Health of the Department of Health and Human Services to State and
 51 local environmental health professionals to enforce rules adopted by the

1 Commission for Public Health. The definition also includes local
2 environmental health professionals enforcing rules of local boards of health
3 for on-site wastewater systems and wells."
4 **SECTION 5.** This act becomes effective July 1, 2018. Permits for tattooing issued
5 before that date, but not yet expired, shall remain valid until expiration.