

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 250

Short Title: Body Art Regulation Changes. (Public)

Sponsors: Representatives Corbin, Bert Jones, and Murphy (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Finance

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~~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



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~~ permit  
4 if an applicant does not meet the requirements set by the Commission for the permit. The  
5 Department may suspend, revoke, or refuse to renew a permit if it finds that ~~tattooing-body art~~ is  
6 being performed in violation of this Part. A violation of this Part is a Class A1 misdemeanor. In  
7 accordance with G.S. 130A-24(a), Chapter 150B of the General Statutes, the Administrative  
8 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 otherwise  
11 practice medicine as defined in Article 1 of Chapter 90 of the General Statutes. A permit issued  
12 pursuant to this Part does not authorize a person to remove a tattoo from the body of a human  
13 being. Compliance with this Part is not a bar to prosecution for a violation of G.S. 14-400."

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

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

16 (c) The Commission shall adopt rules:

17 ...

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

21 ...."

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

23 **"§ 130A-39. Powers and duties of a local board of health.**

24 ...

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

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