

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 440

Short Title: Body Art Regulation Changes. (Public)

Sponsors: Senators J. Davis and Foushee (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 2, 2019

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 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
17 with 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
20 decoration.
21 (5) Subdermal implanting. – The insertion of an object under the skin of a person
22 for ornamentation or decoration.
23 (6) Tattooing. – ~~The inserting of permanent markings or coloration, or the~~
24 producing of scars, coloration upon or under human skin through puncturing
25 by use of a needle or any other method.

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

31 (c) Application. – To obtain a ~~tattooing~~ body art permit, a person must apply to the
32 Department. Upon receipt of the application, the Department, acting through the local health
33 department, shall inspect the premises, instruments, utensils, equipment, and procedures of the
34 applicant to determine whether the applicant meets the requirements for a ~~tattooing~~ body art
35 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. – A permit issued pursuant to this Part does not authorize a person to
10 perform the following acts:

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

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

14 (3) Insert an object under the skin.

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

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

18 **SECTION 2.** G.S. 130A-29 reads as rewritten:

19 **"§ 130A-29. Commission for Public Health – Creation, powers and duties.**

20 (c) The Commission shall adopt rules:

21 ...

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

25"

26 **SECTION 3.** G.S. 130A-39 reads as rewritten:

27 **"§ 130A-39. Powers and duties of a local board of health.**

28 ...

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

42 **SECTION 4.** This act becomes effective January 1, 2020, and applies to permits
43 granted on or after that date. Permits for tattooing issued before that date, but not yet expired,
44 shall remain valid until expiration.