

By: Fredericks

To: Public Health and
Welfare

HOUSE BILL NO. 311

1 AN ACT TO PROVIDE THAT NO PERSON SHALL PERFORM BODY PIERCING
 2 UPON ANY PERSON FOR COMPENSATION WITHOUT FIRST REGISTERING WITH
 3 THE STATE DEPARTMENT OF HEALTH; TO DEFINE "BODY PIERCING"; TO
 4 PROVIDE FOR AN ANNUAL REGISTRATION FEE; TO PROVIDE THAT THE STATE
 5 BOARD OF HEALTH SHALL PROMULGATE RULES AND REGULATIONS REGARDING
 6 THE SANITATION OF BODY PIERCING FACILITIES, STERILIZATION OF BODY
 7 PIERCING APPARATUS AND PROCEDURES TO PREVENT THE TRANSMISSION OF
 8 DISEASE DURING BODY PIERCING PROCEDURES; TO AUTHORIZE THE
 9 DEPARTMENT TO VISIT ANY BODY PIERCING FACILITY DURING BUSINESS
 10 HOURS TO ENSURE COMPLIANCE AND TO REQUIRE THE DEPARTMENT TO
 11 INSPECT EACH SUCH FACILITY AT LEAST ONCE A YEAR; TO AUTHORIZE THE
 12 DEPARTMENT TO SUSPEND OR REVOKE THE REGISTRATION OF ANY PERSON
 13 VIOLATING THE RULES OR REGULATIONS OF THE BOARD; TO PROHIBIT BODY
 14 PIERCING UPON ANY PERSON UNDER 18 YEARS OF AGE; TO PROVIDE FOR A
 15 CRIMINAL PENALTY FOR VIOLATIONS; TO AUTHORIZE THE DEPARTMENT TO
 16 BRING AN INJUNCTIVE ACTION TO PROHIBIT PERSONS FROM VIOLATING THIS
 17 ACT; AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 SECTION 1. (1) For the purposes of this section, the term
 20 "body piercing" means the creation of an opening in any part of
 21 the human body, other than the outer perimeter or lobe of the ear,
 22 for the purpose of inserting jewelry or other decorative object,
 23 or for some other nonmedical purpose.

24 (2) No person shall perform body piercing upon any person
 25 for compensation within the State of Mississippi without first
 26 registering with the State Department of Health. The facility or
 27 premises in which body piercing is to be performed shall be
 28 specified in the registration, and the registered person shall be

29 authorized to perform body piercing only in the specified facility
30 or premises. Registrations shall be valid for one (1) year, and
31 each person registered under this section shall pay an annual
32 registration fee to the department in an amount set by the
33 department, but not to exceed One Hundred Fifty Dollars (\$150.00),
34 which fee shall be uniform for all registered persons.

35 (3) The State Board of Health shall promulgate rules and
36 regulations relating to:

37 (a) Health, cleanliness and general sanitation of the
38 facilities or premises in which body piercing is performed or to
39 be performed;

40 (b) Sterilization of body piercing apparatus and safe
41 disposal of body piercing apparatus;

42 (c) Procedures to prevent the transmission of disease
43 or infection during or relating to body piercing procedures,
44 specifically including, but not limited to, transmission of
45 Hepatitis B and the human immunodeficiency virus (HIV); and

46 (d) Such other administrative provisions as may be
47 necessary to protect public health or properly administer the
48 requirements of this section.

49 (4) Representatives of the department may visit any facility
50 or premises in which body piercing is performed at any time during
51 business hours to ensure compliance with the requirements of this
52 section and the rules and regulations promulgated under this
53 section. Representatives of the department shall visit each
54 facility or premises in which body piercing is performed not less
55 than once each year to inspect for such compliance. The
56 department may suspend or revoke the registration of any person
57 found to be violating any of the rules or regulations promulgated
58 under this section.

59 (5) It shall be unlawful for any person to perform body

60 piercing upon any person under the age of eighteen (18) years.

61 (6) Any person who performs body piercing for compensation
62 without first registering with the department or after his
63 registration has been suspended or revoked by the department, or
64 any person who performs body piercing upon any person in violation
65 of subsection (5) of this section, is guilty of a misdemeanor and,
66 upon conviction, shall be punished by a fine of not less than One
67 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
68 (\$500.00).

69 (7) The department is authorized to bring an action for an
70 injunction under the provisions of Sections 73-51-1 through
71 73-51-5 to prohibit any person who is required to be registered
72 under this section from performing body piercing without first
73 registering with the department or after his registration has been
74 suspended or revoked by the department.

75 (8) This section shall not apply to physicians licensed to
76 practice medicine in Mississippi in the performance of their
77 professional duties.

78 SECTION 2. This act shall take effect and be in force from
79 and after July 1, 2000.