

By: Senator(s) Huggins

To: Judiciary, Division B

SENATE BILL NO. 2415

1 AN ACT TO AMEND SECTIONS 73-61-1 AND 73-61-3, MISSISSIPPI
2 CODE OF 1972, TO MAKE LAWFUL PLACING A TATTOO OR PERFORMING BODY
3 PIERCING UPON A PERSON UNDER THE AGE OF 18 WITH THE WRITTEN
4 PERMISSION OF THE PERSON'S PARENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-61-1, Mississippi Code of 1972, is
7 amended as follows:

8 73-61-1. (1) No person shall place a tattoo upon the body
9 of a human for compensation within the State of Mississippi
10 without first registering with the State Department of Health.
11 The facility or premises in which tattooing is to be performed
12 shall be specified in the registration, and the registered person
13 shall be authorized to perform tattooing only in the specified
14 facility or premises. For the purposes of this section,
15 "tattooing" means to make indelible marks or designs on or visible
16 through the skin of a human by puncturing or pricking the skin
17 with a needle or other instrument and inserting ink or other
18 pigments, and "tattoo" means the indelible mark or design so
19 produced. Registrations shall be valid for one (1) year, and each
20 person registered under this section shall pay an annual
21 registration fee to the department in an amount set by the
22 department, but not to exceed One Hundred Fifty Dollars (\$150.00),
23 which fee shall be uniform for all registered persons.

24 (2) The State Board of Health shall promulgate rules and
25 regulations relating to:

26 (a) Health, cleanliness and general sanitation of the
27 facilities or premises in which tattooing is performed or to be
28 performed;

29 (b) Sterilization of tattooing apparatus and safe
30 disposal of tattooing apparatus;

31 (c) Procedures to prevent the transmission of disease
32 or infection during or relating to tattooing procedures,
33 specifically including, but not limited to, transmission of
34 Hepatitis B and the human immunodeficiency virus (HIV); and

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

38 (3) Representatives of the department may visit any facility
39 or premises in which tattooing is performed at any time during
40 business hours to ensure compliance with the requirements of this
41 section and the rules and regulations promulgated under this
42 section. Representatives of the department shall visit each
43 facility or premises in which tattooing is performed not less than
44 once each year to inspect for such compliance. The department may
45 suspend or revoke the registration of any person found to be
46 violating any of the rules or regulations promulgated under this
47 section.

48 (4) It shall be unlawful for any person to place a tattoo
49 upon the body of any person under the age of eighteen (18) years,
50 without the written permission of the parent of the person
51 receiving the tattoo.

52 (5) Any person who places a tattoo upon the body of a human
53 for compensation without first registering with the department or
54 after his registration has been suspended or revoked by the
55 department, or any person who places a tattoo upon the body of any
56 person in violation of subsection (4) of this section, is guilty
57 of a misdemeanor and, upon conviction, shall be punished by a fine
58 of not less than One Hundred Dollars (\$100.00) nor more than Five
59 Hundred Dollars (\$500.00).

60 (6) The department is authorized to bring an action for an
61 injunction under the provisions of Sections 73-51-1 through

62 73-51-5 to prohibit any person who is required to be registered
63 under this section from performing tattooing without first
64 registering with the department or after his registration has been
65 suspended or revoked by the department.

66 (7) This section shall not apply to physicians licensed to
67 practice medicine in Mississippi in the performance of their
68 professional duties.

69 **SECTION 2.** Section 73-61-3, Mississippi Code of 1972, is
70 amended as follows:

71 73-61-3. (1) For the purposes of this section, the term
72 "body piercing" means the creation of an opening in any part of
73 the human body, other than the outer perimeter or lobe of the ear,
74 for the purpose of inserting jewelry or other decorative object,
75 or for some other nonmedical purpose.

76 (2) No person shall perform body piercing upon any person
77 for compensation within the State of Mississippi without first
78 registering with the State Department of Health. The facility or
79 premises in which body piercing is to be performed shall be
80 specified in the registration, and the registered person shall be
81 authorized to perform body piercing only in the specified facility
82 or premises. Registrations shall be valid for one (1) year, and
83 each person registered under this section shall pay an annual
84 registration fee to the department in an amount set by the
85 department, but not to exceed One Hundred Fifty Dollars (\$150.00),
86 which fee shall be uniform for all registered persons.

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

89 (a) Health, cleanliness and general sanitation of the
90 facilities or premises in which body piercing is performed or to
91 be performed;

92 (b) Sterilization of body piercing apparatus and safe
93 disposal of body piercing apparatus;

94 (c) Procedures to prevent the transmission of disease
95 or infection during or relating to body piercing procedures,
96 specifically including, but not limited to, transmission of
97 Hepatitis B and the human immunodeficiency virus (HIV); and

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

101 (4) Representatives of the department may visit any facility
102 or premises in which body piercing is performed at any time during
103 business hours to ensure compliance with the requirements of this
104 section and the rules and regulations promulgated under this
105 section. Representatives of the department shall visit each
106 facility or premises in which body piercing is performed not less
107 than once each year to inspect for such compliance. The
108 department may suspend or revoke the registration of any person
109 found to be violating any of the rules or regulations promulgated
110 under this section.

111 (5) It shall be unlawful for any person to perform body
112 piercing upon any person under the age of eighteen (18) years,
113 without the written permission of the parent of the person upon
114 whom the body piercing is performed.

115 (6) Any person who performs body piercing for compensation
116 without first registering with the department or after his
117 registration has been suspended or revoked by the department, or
118 any person who performs body piercing upon any person in violation
119 of subsection (5) of this section, is guilty of a misdemeanor and,
120 upon conviction, shall be punished by a fine of not less than One
121 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
122 (\$500.00).

123 (7) The department is authorized to bring an action for an
124 injunction under the provisions of Sections 73-51-1 through
125 73-51-5 to prohibit any person who is required to be registered
126 under this section from performing body piercing without first

127 registering with the department or after his registration has been
128 suspended or revoked by the department.

129 (8) This section shall not apply to physicians licensed to
130 practice medicine in Mississippi in the performance of their
131 professional duties.

132 **SECTION 3.** This act shall take effect and be in force from
133 and after July 1, 2004.