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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1582**

03/09/2015 Authored by Zerwas

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/23/2015 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to health; modifying licensing requirements for body piercing
1.3 technicians; amending Minnesota Statutes 2014, sections 146B.01, subdivision
1.4 28, by adding a subdivision; 146B.03, subdivisions 4, 6, by adding a subdivision;
1.5 146B.07, subdivisions 1, 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 146B.01, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 21a. **Prohibited body piercing.** "Prohibited body piercing" means any
1.10 of the piercings commonly known as horizontal tongue piercing, gum piercing, eyelid
1.11 piercing, and Princess Albertina piercing.

1.12 Sec. 2. Minnesota Statutes 2014, section 146B.01, subdivision 28, is amended to read:

1.13 Subd. 28. **Supervision.** "Supervision" means the physical presence of a technician
1.14 licensed under this chapter while a body art procedure is being performed: and includes:

1.15 (1) direct supervision, which means the constant physical presence of a technician
1.16 licensed under this chapter within five feet and the line of sight of the temporary technician
1.17 who is performing a body art procedure; and

1.18 (2) indirect supervision, which means the constant physical presence of a technician
1.19 licensed under this chapter in the establishment while a body art procedure is being
1.20 performed by a temporary technician.

1.21 Sec. 3. Minnesota Statutes 2014, section 146B.03, subdivision 4, is amended to read:

1.22 Subd. 4. **Licensure requirements.** (a) An applicant for licensure under this section
1.23 shall submit to the commissioner on a form provided by the commissioner:

- 2.1 (1) proof that the applicant is over the age of 18;
- 2.2 (2) the type of license the applicant is applying for;
- 2.3 (3) all fees required under section 146B.10;
- 2.4 (4) proof of completing a minimum of 200 hours of supervised experience within
- 2.5 each area for which the applicant is seeking a license, and must include an affidavit from
- 2.6 the supervising licensed technician;
- 2.7 (5) proof of having satisfactorily completed coursework within the year preceding
- 2.8 application and approved by the commissioner on bloodborne pathogens, the prevention
- 2.9 of disease transmission, infection control, and aseptic technique. Courses to be considered
- 2.10 for approval by the commissioner may include, but are not limited to, those administered
- 2.11 by one of the following:
- 2.12 (i) the American Red Cross;
- 2.13 (ii) United States Occupational Safety and Health Administration (OSHA); or
- 2.14 (iii) the Alliance of Professional Tattooists; and
- 2.15 (6) any other relevant information requested by the commissioner.

2.16 The licensure requirements of this paragraph are effective for all applicants for new

2.17 licenses issued before January 1, 2016.

2.18 (b) An applicant for licensure under this section shall submit to the commissioner

2.19 on a form provided by the commissioner:

- 2.20 (1) proof that the applicant is over the age of 18;
- 2.21 (2) the type of license the applicant is applying for;
- 2.22 (3) all fees required under section 146B.10;
- 2.23 (4) a log showing completion of the supervised experience as specified in
- 2.24 subdivision 12;
- 2.25 (5) a signed affidavit from each licensed technician who the applicant listed as
- 2.26 providing supervision for each required activity;
- 2.27 (6) proof of having satisfactorily completed a minimum of five hours of coursework,
- 2.28 within the year preceding application and approved by the commissioner, on bloodborne
- 2.29 pathogens, the prevention of disease transmission, infection control, and aseptic technique.
- 2.30 Courses to be considered for approval by the commissioner may include, but are not
- 2.31 limited to, those administered by one of the following:
- 2.32 (i) the American Red Cross;
- 2.33 (ii) the United States Occupational Safety and Health Administration (OSHA); or
- 2.34 (iii) the Alliance of Professional Tattooists; and
- 2.35 (7) any other relevant information requested by the commissioner.

3.1 The licensure requirements of this paragraph shall be effective for all applicants for new
3.2 licenses issued on or after January 1, 2016.

3.3 Sec. 4. Minnesota Statutes 2014, section 146B.03, subdivision 6, is amended to read:

3.4 Subd. 6. **Licensure term; renewal.** (a) A technician's license is valid for two
3.5 years from the date of issuance and may be renewed upon payment of the renewal fee
3.6 established under section 146B.10.

3.7 (b) At renewal, a licensee must submit proof of continuing education approved by
3.8 the commissioner in the areas identified in subdivision 4, clause ~~(5)~~ (6).

3.9 (c) The commissioner shall notify the technician of the pending expiration of a
3.10 technician license at least 90 days prior to license expiration.

3.11 Sec. 5. Minnesota Statutes 2014, section 146B.03, is amended by adding a subdivision
3.12 to read:

3.13 Subd. 12. **Required supervised experience.** An applicant for a body art technician
3.14 license shall complete the following minimum supervised experience for licensure:

3.15 (1) an applicant for a tattoo technician license or a dual body art technician license
3.16 must complete a minimum of 200 hours of tattoo experience under supervision; and

3.17 (2) an applicant for a body piercing technician license or a dual body art technician
3.18 license must perform 250 body piercings under direct supervision and 250 body piercings
3.19 under indirect supervision.

3.20 Sec. 6. Minnesota Statutes 2014, section 146B.07, subdivision 1, is amended to read:

3.21 Subdivision 1. **Proof of age.** (a) A technician shall require proof of age from clients
3.22 who state they are 18 years of age or older before performing any body art procedure on a
3.23 client. Proof of age must be established by one of the following methods:

3.24 (1) a valid driver's license or identification card issued by the state of Minnesota or
3.25 another state that includes a photograph and date of birth of the individual;

3.26 (2) a valid military identification card issued by the United States Department of
3.27 Defense;

3.28 (3) a valid passport;

3.29 (4) a resident alien card; or

3.30 (5) a tribal identification card.

3.31 (b) Before performing any body art procedure, the technician must provide the client
3.32 with a disclosure and authorization form that indicates whether the client has:

3.33 (1) diabetes;

- 4.1 (2) a history of hemophilia;
- 4.2 (3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;
- 4.3 (4) a history of epilepsy, seizures, fainting, or narcolepsy;
- 4.4 (5) any condition that requires the client to take medications such as anticoagulants
- 4.5 that thin the blood or interfere with blood clotting; or
- 4.6 (6) any other information that would aid the technician in the body art procedure
- 4.7 process evaluation.
- 4.8 (c) The form must include a statement informing the client that the technician shall
- 4.9 not perform a body art procedure if the client fails to complete or sign the disclosure and
- 4.10 authorization form, and the technician may decline to perform a body art procedure if the
- 4.11 client has any identified health conditions.
- 4.12 (d) The technician shall ask the client to sign and date the disclosure and
- 4.13 authorization form confirming that the information listed on the form is accurate.
- 4.14 (e) Before performing any body art procedure, the technician shall offer and make
- 4.15 available to the client personal draping, as appropriate.

4.16 Sec. 7. Minnesota Statutes 2014, section 146B.07, subdivision 2, is amended to read:

4.17 Subd. 2. **Parent or legal guardian consent; prohibitions.** (a) A technician may

4.18 perform body piercings on an individual under the age of 18 ~~if~~ when:

4.19 (1) the individual's parent or legal guardian is present and;

4.20 (2) the parent or legal guardian provides personal identification as provided in

4.21 subdivision 1, paragraph (a), clauses (1) to (5);

4.22 (3) the individual under age 18 provides proof of identification and age as provided

4.23 in subdivision 1, paragraph (a), clauses (1) to (5), by a current student identification,

4.24 or by another method that includes a photograph and the name of the individual from

4.25 an official source;

4.26 (4) the parent or legal guardian provides other documentation to reasonably establish

4.27 that the individual is the parent or the legal guardian of the individual under age 18 who is

4.28 seeking a body piercing;

4.29 (5) a consent form and the authorization form under subdivision 1, paragraph (b) is

4.30 signed by the parent or legal guardian in the presence of the technician; and

4.31 (6) the piercing is not prohibited under paragraph (c).

4.32 (b) No technician shall tattoo any individual under the age of 18 regardless of

4.33 parental or guardian consent.

5.1 (c) No nipple or genital piercing, branding, scarification, suspension, subdermal
5.2 implantation, microdermal, or tongue bifurcation shall be performed by any technician on
5.3 any individual under the age of 18 regardless of parental or guardian consent.

5.4 (d) No technician shall perform body art procedures on any individual who appears
5.5 to be under the influence of alcohol, controlled substances as defined in section 152.01,
5.6 subdivision 4, or hazardous substances as defined in rules adopted under chapter 182.

5.7 (e) No technician shall perform body art procedures while under the influence of
5.8 alcohol, controlled substances as defined under section 152.01, subdivision 4, or hazardous
5.9 substances as defined in the rules adopted under chapter 182.

5.10 (f) No technician shall administer anesthetic injections or other medications.

5.11 (g) No technician shall perform prohibited body piercings.