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State of Minnesota

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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
- 04/04/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time
- 05/12/2016 Referred to the Chief Clerk for Comparison with S. F. No. 1474
- 05/13/2016 Postponed Indefinitely

1.1 A bill for an act
 1.2 relating to health; modifying licensing requirements for body art establishments
 1.3 and body piercing technicians; amending Minnesota Statutes 2014, sections
 1.4 146B.01, subdivision 28; 146B.03, subdivisions 4, 6, 7, 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, subdivision 28, is amended to
 1.8 read:

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

1.11 (1) "direct supervision" where a licensed technician is physically present in the
 1.12 establishment and is within five feet and the line of sight of the temporary licensee who is
 1.13 performing a body art procedure while the procedure is being performed; and

1.14 (2) "indirect supervision" where a licensed technician is physically present in the
 1.15 establishment while a body art procedure is being performed by the temporary licensee.

1.16 Sec. 2. Minnesota Statutes 2014, section 146B.03, subdivision 4, is amended to read:

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

- 1.19 (1) proof that the applicant is over the age of 18;
- 1.20 (2) the type of license the applicant is applying for;
- 1.21 (3) all fees required under section 146B.10;
- 1.22 (4) proof of completing a minimum of 200 hours of supervised experience within
- 1.23 each area for which the applicant is seeking a license, and must include an affidavit from
- 1.24 the supervising licensed technician;

2.1 (5) proof of having satisfactorily completed coursework within the year preceding
2.2 application and approved by the commissioner on bloodborne pathogens, the prevention
2.3 of disease transmission, infection control, and aseptic technique. Courses to be considered
2.4 for approval by the commissioner may include, but are not limited to, those administered
2.5 by one of the following:

- 2.6 (i) the American Red Cross;
- 2.7 (ii) United States Occupational Safety and Health Administration (OSHA); or
- 2.8 (iii) the Alliance of Professional Tattooists; and
- 2.9 (6) any other relevant information requested by the commissioner.

2.10 The licensure requirements in this paragraph are effective for all applications for
2.11 new licenses received before January 1, 2017.

2.12 (b) An applicant for licensure under this section must submit to the commissioner
2.13 on a form provided by the commissioner:

- 2.14 (1) proof that the applicant is over the age of 18;
- 2.15 (2) the type of license the applicant is applying for;
- 2.16 (3) all fees required under section 146B.10;
- 2.17 (4) a log showing the completion of the required supervised experience described
2.18 under subdivision 12 that includes a list of each licensed technician who provided the
2.19 required supervision;

2.20 (5) a signed affidavit from each licensed technician who the applicant listed in
2.21 the log described in clause (4);

2.22 (6) proof of having satisfactorily completed a minimum of five hours of coursework,
2.23 within the year preceding application and approved by the commissioner, on bloodborne
2.24 pathogens, the prevention of disease transmission, infection control, and aseptic technique.
2.25 Courses to be considered for approval by the commissioner may include, but are not
2.26 limited to, those administered by one of the following:

- 2.27 (i) the American Red Cross;
- 2.28 (ii) the United States Occupational Safety and Health Administration (OSHA); or
- 2.29 (iii) the Alliance of Professional Tattooists; and
- 2.30 (7) any other relevant information requested by the commissioner.

2.31 The licensure requirements in this paragraph are effective for all applications for
2.32 new licenses received on or after January 1, 2017.

2.33 Sec. 3. Minnesota Statutes 2014, section 146B.03, subdivision 6, is amended to read:

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

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

3.6 (c) The commissioner shall notify the technician of the pending expiration of a
3.7 technician license at least 60 days before license expiration.

3.8 Sec. 4. Minnesota Statutes 2014, section 146B.03, subdivision 7, is amended to read:

3.9 Subd. 7. **Temporary licensure.** (a) The commissioner may issue a temporary license
3.10 to an applicant who submits to the commissioner on a form provided by the commissioner:

3.11 (1) proof that the applicant is over the age of 18;

3.12 (2) all fees required under section 148B.10; and

3.13 (3) a letter from a licensed technician who has agreed to provide the supervision to
3.14 meet the supervised experience requirement under subdivision 4, ~~clause (4)~~.

3.15 (b) Upon completion of the required supervised experience, the temporary
3.16 licensee shall submit documentation of satisfactorily completing the requirements under
3.17 subdivision 4, ~~clauses (3) and (4)~~, and the applicable fee under section 146B.10. The
3.18 commissioner shall issue a new license in accordance with subdivision 4.

3.19 (c) A temporary license issued under this subdivision is valid for one year and
3.20 may be renewed for one additional year.

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

3.23 Subd. 12. **Required supervised experience.** An applicant for a body art technician
3.24 license must complete the following minimum supervised experience for licensure:

3.25 (1) for a tattoo technician license, an applicant must complete a minimum of 200
3.26 hours of tattoo experience under supervision;

3.27 (2) for a body piercing technician license, an applicant must perform 250 body
3.28 piercings under direct supervision and 250 body piercings under indirect supervision; and

3.29 (3) for a dual body art technician license, an applicant must complete a minimum of
3.30 200 hours of tattoo experience under supervision and perform 250 body piercings under
3.31 direct supervision and 250 body piercings under indirect supervision.

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

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

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

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

4.8 (3) a valid passport;

4.9 (4) a resident alien card; or

4.10 (5) a tribal identification card.

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

4.13 (1) diabetes;

4.14 (2) a history of hemophilia;

4.15 (3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;

4.16 (4) a history of epilepsy, seizures, fainting, or narcolepsy;

4.17 (5) any condition that requires the client to take medications such as anticoagulants
4.18 that thin the blood or interfere with blood clotting; or

4.19 (6) any other information that would aid the technician in the body art procedure
4.20 process evaluation.

4.21 (c) The form must include a statement informing the client that the technician shall
4.22 not perform a body art procedure if the client fails to complete or sign the disclosure and
4.23 authorization form, and the technician may decline to perform a body art procedure if the
4.24 client has any identified health conditions.

4.25 (d) The technician shall ask the client to sign and date the disclosure and
4.26 authorization form confirming that the information listed on the form is accurate.

4.27 (e) Before performing any body art procedure, the technician shall offer and make
4.28 available to the client personal draping, as appropriate.

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

4.30 Subd. 2. **Parent or legal guardian consent; prohibitions.** (a) A technician may
4.31 perform body piercings on an individual under the age of 18 if:

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

4.33 (2) the individual's parent or legal guardian provides personal identification by using
4.34 one of the methods described in subdivision 1, paragraph (a), and provides documentation

5.1 that reasonably establishes that the individual is the parent or legal guardian of the
5.2 individual who is seeking the body piercing;

5.3 (3) the individual seeking the body piercing provides proof of identification by
5.4 using one of the methods described in subdivision 1, paragraph (a), a current student
5.5 identification, or another official source that includes the name and a photograph of the
5.6 individual;

5.7 (4) a consent form and the authorization form under subdivision 1, paragraph (b) is
5.8 signed by the parent or legal guardian in the presence of the technician; and

5.9 (5) the piercing is not prohibited under paragraph (c).

5.10 (b) No technician shall tattoo any individual under the age of 18 regardless of
5.11 parental or guardian consent.

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

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

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

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