

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

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, subdivisions
1.4 6, 28, by adding a subdivision; 146B.03, subdivisions 4, 6, by adding
1.5 subdivisions; 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 6, is amended to read:

1.8 Subd. 6. **Body piercing.** "Body piercing" means the penetration or puncturing of the
1.9 skin by any method, including microdermal piercing, for the purpose of inserting jewelry
1.10 or other objects in or through the body. The term "body piercing" also includes branding,
1.11 scarification, suspension, subdermal implantation, microdermal, and tongue bifurcation.

1.12 (1) basic body piercing, which means body piercing that does not include advanced
1.13 body piercing, complex body piercing, or prohibited body piercing;

1.14 (2) advanced body piercing, which means body piercing of the female and male
1.15 genitalia that are not prohibited body piercing; and

1.16 (3) complex body piercing, which means body piercing that is branding,
1.17 scarification, suspension, subdermal implantation, and tongue bifurcation.

1.18 Body piercing does not include the piercing of the outer perimeter or the lobe of the ear
1.19 using a presterilized single-use stud-and-clasp ear-piercing system.

1.20 Sec. 2. Minnesota Statutes 2014, section 146B.01, is amended by adding a subdivision
1.21 to read:

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

2.4 Sec. 3. Minnesota Statutes 2014, section 146B.01, subdivision 28, is amended to read:

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

2.7 (1) direct supervision, which means the constant physical presence of a technician
2.8 licensed under this chapter within five feet of the temporary technician who is performing
2.9 a body art procedure; and

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

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

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

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

2.17 (2) the type of license the applicant is applying for;

2.18 (3) all fees required under section 146B.10;

2.19 ~~(4) proof of completing a minimum of 200 hours of supervised experience within~~
2.20 ~~each area for which the applicant is seeking a license, and must include an affidavit from~~
2.21 ~~the supervising licensed technician~~ a log showing completion of the supervised experience
2.22 as specified in subdivision 12;

2.23 (5) a signed affidavit from each licensed technician who the applicant listed as
2.24 providing supervision for each required activity;

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

2.30 (i) the American Red Cross;

2.31 (ii) United States Occupational Safety and Health Administration (OSHA); or

2.32 (iii) the Alliance of Professional Tattooists; and

2.33 ~~(6)~~ (7) any other relevant information requested by the commissioner.

Sec. 5. Minnesota Statutes 2014, section 146B.03, subdivision 6, is amended to read:

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

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

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

Sec. 6. Minnesota Statutes 2014, section 146B.03, is amended by adding a subdivision to read:

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

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

(2) an applicant for a body piercing technician license or a dual body art technician license must complete the following supervised experience requirements:

(i) for basic body piercing, the applicant must perform 250 body piercings under direct supervision and 250 body piercings under indirect supervision;

(ii) for advanced body piercing, the applicant must have met the supervised experience requirements for basic body piercing and perform at least five body piercings of female genitalia and at least five body piercings of male genitalia under direct supervision; or

(iii) for complex body piercing, the applicant must have met the supervised experience requirements for basic and advanced body piercing and perform any combination of at least ten complex body piercings under direct supervision; and

(3) the required advanced body piercings and complex body piercings may be performed as part of the piercings required under clause (2), item (i).

Sec. 7. Minnesota Statutes 2014, section 146B.03, is amended by adding a subdivision to read:

Subd. 13. **Transition period for body piercing requirements.** (a) The licensure requirements under subdivision 4 shall be effective for all applicants for new licenses issued after January 1, 2016.

4.1 (b) For license renewals after January 1, 2016, in addition to the renewal
4.2 requirements of this chapter, applicants for renewal of a body piercing technician license
4.3 must transition their license as follows:

4.4 (1) individuals holding a valid body piercing technician license may receive a body
4.5 piercing technician license that indicates the technician meets the basic body piercing
4.6 licensing requirements;

4.7 (2) individuals holding a valid body piercing technician license may receive a body
4.8 piercing technician license that indicates the technician meets the advanced body piercing
4.9 technician licensing requirements upon showing the technician has performed at least five
4.10 body piercings of female genitalia and five body piercings of male genitalia while licensed
4.11 as a body piercing technician under this chapter; or

4.12 (3) individuals holding a valid body piercing technician license may receive a body
4.13 piercing technician license that indicates the technician meets the complex body piercing
4.14 technician licensing requirements upon showing the individual meets the requirements
4.15 in clause (2) and has performed any combination of at least ten complex body piercings
4.16 while licensed as a body piercing technician under this chapter.

4.17 Sec. 8. Minnesota Statutes 2014, section 146B.07, subdivision 1, is amended to read:

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

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

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

4.25 (3) a valid passport;

4.26 (4) a resident alien card; or

4.27 (5) a tribal identification card.

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

4.30 (1) diabetes;

4.31 (2) a history of hemophilia;

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

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

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

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

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

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

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

Sec. 9. Minnesota Statutes 2014, section 146B.07, subdivision 2, is amended to read:

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

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

(2) the parent or legal guardian provides personal identification as provided in subdivision 1, paragraph (a), clauses (1) to (5);

(3) the individual under age 18 provides proof of identification and age as provided in subdivision 1, paragraph (a), clauses (1) to (5), by a current student identification, or by another method that includes a photograph and the name of the individual;

(4) the parent or legal guardian provides other documentation to reasonably establish that the individual is the parent or the legal guardian of the individual under age 18 who is seeking a body piercing;

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

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

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

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

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

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

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