

# MAINE STATE LEGISLATURE

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**BUSINESS AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 358, L.D. 481, Bill, "An Act to Regulate Body Piercing"

Amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

Sec. 1. 32 MRSA c. 64 is enacted to read:

CHAPTER 64

BODY PIERCING

§4321. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Body piercer. "Body piercer" means a person who performs body piercing on another.

2. Body piercing. "Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

**COMMITTEE AMENDMENT**

3. Body piercing establishment. "Body piercing establishment" means the premises where a body piercer performs body piercing.

4. Department. "Department" means the Department of Human Services.

5. Minor. "Minor" means an individual under 18 years of age who is not emancipated as defined by Title 15, section 3003, subsection 6.

**§4322. Safety standards**

The department shall establish sterilization, sanitation and safety standards for persons engaged in the business of body piercing. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies. The standards must be adopted by the department by November 1, 1997.

**§4323. Body piercing of minors**

A body piercer may not perform body piercing on a minor unless the individual obtains the prior written consent of the minor's parent or legal guardian. The prohibition contained in this section does not apply if:

1. Proper identification. The body piercer has been furnished with proper identification showing that the individual is 18 years of age or older; and

2. Age. The body piercer reasonably believes such a minor to be 18 years of age or older.

**§4324. License required**

A person may not engage in the art of body piercing without first obtaining a license from the department.

**§4325. Issuance of licenses**

The department may license persons to practice the art of body piercing. Licenses are issued annually by the department upon the payment of a fee not to exceed \$75. The license for a person engaged in both the arts of tattooing, as defined by chapter 63, and body piercing may not exceed \$100. The fee required by this section includes the cost of an annual

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2 inspection of the body piercing establishment by the department.  
3 Licenses expire one year from date of issue.

4 **§4326. Rules**

6 The department shall adopt rules necessary for regulating  
7 the art of body piercing. Rules adopted pursuant to this chapter  
8 are routine technical rules as defined by Title 5, chapter 375,  
9 subchapter II-A.

10 **§4327. Penalties**

12 A person who fails to be licensed as provided by section  
13 4324, violates the sterilization, sanitation or safety standards  
14 or performs body piercing on a minor without parental consent is  
15 guilty of a civil violation for which a forfeiture of not less  
16 than \$50 nor more than \$500 may be adjudged for each violation.

18 **§4328. Compliance**

20 Beginning January 1, 1998, a person seeking to engage in the  
21 business of body piercing shall comply with the provisions of  
22 this chapter.

24 **§4329. Restriction**

26 This chapter does not restrict the activities of a physician  
27 or surgeon licensed under chapter 48.'

30 Further amend the bill by inserting at the end before the  
31 summary the following:

32 **FISCAL NOTE**

	<b>1997-98</b>	<b>1998-99</b>
<b>REVENUES</b>		
General Fund	\$2,500	\$2,500

38 The Department of Human Services will experience an increase  
39 in General Fund revenue from license fees estimated to be \$2,500  
40 annually in fiscal years 1997-98 and 1998-99.

42 The additional costs associated with licensing certain  
43 establishments can be absorbed by the Department of Human  
44 Services utilizing existing budgeted resources.

46 The additional workload and administrative costs associated  
47 with the minimal number of new cases filed in the court system

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2 can be absorbed within the budgeted resources of the Judicial  
3 Department. The collection of additional fines may increase  
4 General Fund revenue by minor amounts.'

6 **SUMMARY**

8 The bill directs the Department of Human Services to  
9 establish sterilization, sanitation and safety standards for the  
10 art of body piercing to be enforced by the municipalities. The  
11 bill also establishes a task force to recommend legislation to  
12 regulate body piercing.

14 This amendment directs the Department of Human Services to  
15 establish sterilization, sanitation and safety standards and  
16 necessary rules to regulate the art of body piercing. This  
17 amendment also requires persons practicing body piercing to be  
18 licensed by the department beginning January 1, 1998. The  
19 license to practice is to be renewed annually for a fee not to  
20 exceed \$75. For those persons practicing both body piercing and  
21 tattooing, the renewal fee is not to exceed \$100. The renewal  
22 fee includes costs for an annual inspection of the body piercing  
23 establishment by department sanitarians.

24 This amendment also prohibits body piercers from performing  
25 body piercing on a minor unless parental consent has been  
26 obtained. This does not include piercing an ear with a  
27 disposable, single-use stud or solid needle that is applied using  
28 a mechanical device to force the needle or stud through the ear.  
29 The amendment establishes a civil violation as the penalty for  
30 nonadherence to chapter requirements.

32 This amendment also adds a fiscal note to the bill.