

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 481

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H.P. 358

House of Representatives, January 28, 1997

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### **An Act to Regulate Body Piercing.**

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.  
Cosponsored by Representatives: STEVENS of Orono, TOWNSEND of Portland, Senator:  
BENOIT of Franklin.

Be it enacted by the People of the State of Maine as follows:

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

4   **CHAPTER 64**

6   **BODY PIERCING**

8                   **§4321. Definitions**

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

14                   1. Body piercing. "Body piercing" means the creation of an  
16 opening in the body of a human being for the purpose of inserting  
18 jewelry or other decoration. This includes, but is not limited  
20 to, piercing of an ear, lip, tongue, nose or eyebrow. "Body  
22 piercing" does not, for the purpose of this chapter, include  
24 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.

26                   2. Department. "Department" means the Department of Human  
28 Services.

30                   **§4322. Safety standards**

32                   The department shall establish sterilization, sanitation and  
34 safety standards for persons engaged in the business of body  
36 piercing. The standards must be directed at establishment and  
38 maintenance of sterile conditions and safe disposal of  
40 instruments. The standards may be modified as appropriate to  
42 protect consumers from transmission of contagious diseases  
44 through cross-contamination of instruments and supplies. The  
46 standards must be adopted by the department by July 1, 1998.

48                   **§4323. Notification**

50                   Within 30 days after standards are adopted by the  
52 department, the department shall distribute the standards in  
54 written form to the local health officer of every municipality in  
56 the State.

58                   **§4324. Register**

60                   A person engaged in the business of body piercing shall  
62 register by December 31, 1998, with the local health officer of  
64 the municipality in which that business is conducted. A  
66 registrant shall:

2        1. Obtain standards. Obtain a copy of the department's  
standards from the local health officer, sign an acknowledgment  
upon receipt of the standards and commit to meet the standards;

4  
6        2. Provide address. Provide the local health officer with  
the registrant's business address and the address at which the  
registrant performs any activity regulated by this chapter;

8  
10       3. Registration fee. Pay a one-time registration fee of  
\$25 to the local health officer; and

12       4. Inspection fee. Pay an annual inspection fee of \$105 to  
the local health officer.

14  
16       This subsection does not preclude a municipality from charging an  
additional amount if necessary to cover the cost of inspection.

18       **§4325. Annual inspection**

20       A local health officer shall conduct an annual inspection of  
the location at which a registrant under this chapter conducts  
regulated activities.

24       **§4326. Rules**

26       A municipality may adopt rules that do not conflict with or  
are more comprehensive than the provisions of this chapter or  
with the standards adopted by the department. Rules adopted  
pursuant to this section are major substantive rules as defined  
in Title 5, chapter 375, subchapter II-A.

32       **§4327. Business license or permit**

34       This chapter does not limit a municipality's ability to  
require a registrant to obtain a business license or permit that  
the municipality determines appropriate.

38       **§4328. Greater fees**

40       If a municipality imposes fees greater than those provided  
for by section 4324, subsections 3 and 4, the municipality may  
not collect the fees provided for by section 4324, subsections 3  
and 4.

44       **§4329. Forfeiture**

46       A person who fails to register as provided by section 4324  
or violates the sterilization, sanitation and safety standards  
commits a civil violation for which a forfeiture not to exceed  
\$500 may be adjudged per violation. This forfeiture may be  
collected in an action brought by the district attorney of the

2 county in which the violation occurred. The municipality retains  
3 a collected forfeiture.

4 **§4330. Compliance**

6 Beginning January 1, 1999, a person seeking to engage in the  
7 business of body piercing shall comply with the provisions of  
8 this chapter.

10 **§4331. Restriction**

12 This chapter does not restrict the activities of a physician  
13 or surgeon licensed under chapter 48.

14 **Sec. 2. Task Force.** The Commissioner of Human Services shall  
16 act as the chair of a task force to be formed for the purpose of  
17 recommending legislation to the Legislature concerning licensing,  
18 training, sanitation and other subjects determined necessary to  
19 protect the health and welfare of persons seeking the services of  
20 practitioners of body piercing. The task force consists of 8  
21 persons to be appointed by the commissioner and must include a  
22 representative of the Board of Barbering and Cosmetology, a  
23 surgeon licensed in this State, a representative of a nonprofit  
24 association of professional body piercers, a representative of a  
25 nonprofit professional cosmetology association and a  
26 representative from an organization representing the interests of  
27 local health agencies. The commissioner may appoint the  
28 remaining 3 members from any other groups that may, in the  
29 judgment of the commissioner, be of assistance. The task force  
30 shall present its recommendations to the Legislature by January  
31 1, 1999.

32  
33  
34 **SUMMARY**

36 The bill directs the Department of Human Services to  
37 establish sterilization, sanitation and safety standards for  
38 persons engaged in the business of body piercing. The bill  
39 requires practitioners of body piercing to be registered with the  
40 municipality in which they practice. The bill requires local  
41 health officers to annually inspect locations where body piercing  
42 is practiced.

44 The bill also establishes a task force to recommend  
45 legislation to regulate body piercing.