

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

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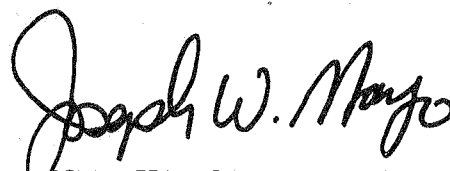
House of Representatives, April 15, 1997

An Act to Provide Licensing for Micropigmentation Practitioners.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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


JOSEPH W. MAYO, Clerk

Presented by Representative TUTTLE of Sanford.

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

2 Sec. 1. 32 MRSA c. 63, as amended, is repealed.

4 Sec. 2. 32 MRSA c. 63-A is enacted to read:

6 **CHAPTER 63-A**

8 **MICROPIGMENTATION**

10 **§4311. Definitions**

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

16 1. Department. "Department" means the Department of Human
18 Services.

20 2. Micropigmentation. "Micropigmentation" means placing
22 nontoxic dyes or pigments into or under the subcutaneous portion
24 of the skin so as to form indelible marks for cosmetic, medical
26 or figurative purposes. "Micropigmentation" includes tattooing.

28 3. Micropigmentation facility. "Micropigmentation
30 facility" means any space where micropigmentation is practiced.

32 4. Micropigmentation practitioner. "Micropigmentation
34 practitioner" means a person who practices micropigmentation.

36 **§4312. License required**

38 1. Requirement. A person may not practice
40 micropigmentation, display a sign or otherwise advertise or
42 purport to be a micropigmentation practitioner or tattoo artist
44 unless that person holds a valid license issued by the department.

46 2. Term of license. A license issued under this chapter
48 expires on September 30th and is renewable annually.

50 3. Exemption. This chapter does not apply to a physician
 or a person acting under the control or supervision of a
 physician.

§4313. Licensing rules

The department shall adopt licensing rules governing the
 practice of micropigmentation under this chapter. Rules adopted
 under this chapter are routine technical rules for purposes of
 Title 5, chapter 375, subchapter II-A. The rules must include
 the following.

2 1. Standards of practice. The department shall adopt rules
4 that provide standards for the practice of micropigmentation or
tattooing that include at least the following.

6 A. Instruments used for micropigmentation must be
8 sterilized in a manner specified by the department.

10 B. Micropigmentation facilities must be equipped with
12 appropriate sterilization equipment, hot and cold running
14 water and a covered waste receptacle.

16 C. Case history records must be kept for each client.

18 D. A micropigmentation practitioner must demonstrate
20 safety, sanitation and sterilization procedures and
22 knowledge of infection control.

24 2. Education and training. The department shall adopt
26 rules specifying the education and training standards for the
28 practice of micropigmentation. The rules may require continuing
30 education.

32 **§4314. Fee**

34 The fee for a license under this chapter is \$50.

36 **§4315. Eligibility**

38 To be eligible for a license under this chapter a person
40 must:

42 1. Age. Be at least 18 years of age;

44 2. High school diploma. Have a high school diploma or
46 equivalent education;

48 3. Additional training. Submit evidence of completion of
50 education or training required by rules of the department under
the direct supervision of a licensed micropigmentation
practitioner; and

4. Compliance. Demonstrate ability to comply with the
rules of the department.

§4316. Revocation; suspension; or refusal to issue

The department may revoke, suspend or refuse to issue a
license or renewal or place a licensee on probation if:

2 1. Conviction. The person has been convicted of a crime
related to the practice of micropigmentation;

4 2. Deception or misrepresentation. Has engaged in any
6 deception or misrepresentation to the department or the public in
applying for a license under this chapter or in the advertising
or practice of micropigmentation;

8 3. Incompetence. Has demonstrated negligence, incompetence
10 or danger to the public in the practice of micropigmentation; or

12 4. Violation of rules. Has violated any of the rules
14 adopted by the department under this chapter.

16 **SUMMARY**

18 This bill provides a licensing framework within the
20 Department of Human Services for micropigmentation practice,
which includes tattooing.