

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/22/13*

# A Bill

SENATE BILL 387

5 By: Senator Irvin  
6 *By: Representative Ferguson*  
7

## For An Act To Be Entitled

9 AN ACT TO LIMIT BODY ART PROCEDURES; AND FOR OTHER  
10 PURPOSES.

### Subtitle

14 TO LIMIT BODY ART PROCEDURES.

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 20-27-1501 is amended to read as follows:  
20 20-27-1501. Definitions.

21 As used in this subchapter:

22 (1) "Artist" means any person other than a licensed physician  
23 who performs body art on a human;

24 (2) "Artist in training" means a person who:

25 (A) Is in training under the supervision of an artist  
26 trainer or a physician; and

27 (B) Shall not independently perform body art;

28 (3) "Artist trainer" means an artist who:

29 (A) Is licensed by the Department of Health;

30 (B) Has worked in a body art establishment licensed by the  
31 department for at least ~~three (3)~~ five (5) years and been in compliance with  
32 department rules governing body artists;

33 (C) Has completed the course required under § 20-27-1506;

34 and

35 (D) Is a registered instructor with the State Board of  
36 Private Career Education;



1 (4) "Body art" means procedures that include:

2 (A) Tattooing;

3 (B) Body piercing;

4 (C) Branding; ~~or~~

5 (D) *Permanent cosmetics*; or

6 (E) Scarification;

7 (5)(A) "Body piercing" means ~~the creation of an opening in the~~  
 8 ~~body of a human being for the purpose of inserting jewelry or other~~  
 9 ~~decoration~~ the puncturing of a part of the body of a live human being to  
 10 create a hole for ornamentation or decoration or a single-point perforation  
 11 of a body part to insert an anchor with a single stud protruding or flush  
 12 with the skin.

13 (B) "Body piercing" shall not include piercing an ear lobe  
 14 with a presterilized, disposable, single-use stud or solid needle that is  
 15 applied using a mechanical device to force the needle or stud through the ear  
 16 lobe;

17 (6) "Branding" means a permanent mark made on human tissue by  
 18 burning with a hot iron or other instrument;

19 (7) "Subdermal implanting" means the insertion of an object  
 20 under the skin of a live human being for ornamentation or decoration;

21 ~~(7)~~(8) "Establishment" means any place or facility:

22 (A) Where body art is performed; and

23 (B) That has a body artist licensed in Arkansas on staff;

24 ~~(8)~~(9) "Guest artist" means a body artist from a state other  
 25 than Arkansas or a country other than the United States who holds a license  
 26 from the body art regulatory board or agency in that state or country;

27 ~~(9)~~(10) "Permanent cosmetics" means the application of permanent  
 28 or semipermanent pigmentation by the penetration of the skin with a needle or  
 29 instrument to:

30 (A) The face for cosmetic purposes; or

31 (B) Any part of the body for scar coverage or other  
 32 corrective purposes;

33 (11) "Scarification" means injury of the skin involving  
 34 scratching, etching, or cutting of designs to produce a scar on a human being  
 35 for ornamentation or decoration; and

36 ~~(10)~~(A)~~(12)~~(A) "Tattooing" means any method of placing designs,

1 letters, scrolls, figures, symbols, or any other marks upon or under the skin  
2 by introducing pigments or by the production of scars to form indelible marks  
3 with the aid of needles or other instruments.

4 (B) "Tattooing" does not include permanent cosmetics.  
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6 SECTION 2. Arkansas Code Title 20, Chapter 27, Subchapter 15, is  
7 amended to add an additional section to read as follows:

8 20-27-1510. Prohibited practice.

9 An artist licensed by the Department of Health shall not perform or  
10 attempt to perform the insertion of a subdermal implant.

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12 /s/Irvin  
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