

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 423

4
5 By: Senator Horn
6 By: Representative Maloch

For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR TRAINING AND EXAMINATION OF
11 BODY ARTIST APPRENTICES; TO ESTABLISH A FEE FOR
12 EXAMINATIONS; TO AUTHORIZE TEMPORARY
13 DEMONSTRATION LICENSES FOR BODY ART PRODUCTS AND
14 PROCEDURES; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO REGULATE BODY ARTIST
17 APPRENTICES AND TO CREATE TEMPORARY BODY
18 ART DEMONSTRATION LICENSES.
19

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21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 20-27-1501 is amended to read as follows:
25 20-27-1501. Definitions.

26 As used in this subchapter, ~~unless the context otherwise requires~~
27 including §§ 20-27-1506 -- 20-27-1508:

28 (1) "Apprentice" means a person who:

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

31 (B) May not independently perform body piercing, branding,
32 or tattooing;

33 ~~(1)~~(2) "Artist" means any person other than a licensed physician
34 who performs body piercing, branding, or tattooing on a human;

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

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



1 (B) Has worked in a body art establishment licensed by the
 2 department for at least three (3) years and been in compliance with
 3 department rules governing artists; and

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

5 ~~(2)~~(4) "Board" means the State Board of Health;

6 ~~(3)~~(5)(A) "Body piercing" means the creation of an opening in
 7 the body of a human being for the purpose of inserting jewelry or other
 8 decoration;

9 (B) "Body piercing" shall not include piercing an ear with
 10 a disposable, single-use stud or solid needle that is applied using a
 11 mechanical device to force the needle or stud through the ear;

12 ~~(4)~~(6) "Branding" means a permanent mark made on human tissue by
 13 burning with a hot iron or other instrument;

14 ~~(5)~~(7) "Department" means the Department of Health; and

15 ~~(6)~~(8) "Tattooing" means any method of placing designs, letters,
 16 scrolls, figures, symbols, or any other marks upon or under the skin by
 17 introducing pigments or by the production of scars to form indelible marks
 18 with the aid of needles or other instruments, including permanent cosmetics.

19
 20 SECTION 2. Arkansas Code Title 20, Chapter 27, Subchapter 15 is
 21 amended to add additional sections to read as follows:

22 20-27-1506. Blood-borne pathogens course.

23 (a)(1) Each artist trainer and apprentice shall complete a blood-borne
 24 pathogens course approved by the Department of Health.

25 (2) Each artist trainer shall complete the course before
 26 training any apprentice.

27 (3) Each apprentice shall complete the course before applying
 28 for the examination required under § 20-27-1507.

29 (b)(1)(A) The department shall promulgate rules to establish standards
 30 for the blood-born pathogens course required under this section.

31 (B) The course shall require a minimum of two (2) hours of
 32 direct instruction.

33 (2) The course may be taught by providers approved by the
 34 department, including, but not limited to:

35 (A) The American Red Cross;

36 (B) Any nationally recognized body art organization;

1 (C) Any institution of higher learning; and
 2 (D) Any other individual or group approved by the
 3 department.

4
 5 20-27-1507. Supervision of apprentice body artists.

6 (a) No artist trainer may train more than two (2) apprentices at any
 7 one (1) time.

8 (b)(1) During the apprenticeship, each apprentice shall complete at
 9 least fifteen (15) hours of supervised body art work each week in an
 10 establishment licensed under § 20-27-1503.

11 (2)(A) The artist trainer shall maintain a log of the hours
 12 worked by the apprentice.

13 (B) The log shall accompany the apprentice's application
 14 for the written examination under § 20-27-150.

15
 16 20-27-1508. Examination -- Fee.

17 (a)(1) Each apprentice seeking licensure as an artist under the rules
 18 of the Department of Health shall take a written examination and a practical
 19 examination prepared or approved by the department.

20 (2) Until an apprentice receives a passing grade on both the
 21 written examination and the practical examination, no apprentice may:

22 (A) Be licensed as an artist;

23 (B) Hold himself or herself out as a licensed artist; or

24 (C) Independently perform body piercing, branding, or
 25 tattooing.

26 (b) The department shall levy and collect a fee of fifty dollars
 27 (\$50.00) from each apprentice who applies to take the written and practical
 28 examinations required under this section for licensure as an artist.

29
 30 20-27-1509. Temporary demonstration license.

31 (a) The Department of Health may issue a temporary demonstration
 32 license to an artist, studio, or business that performs body piercing,
 33 branding, or tattooing or to a supplier of materials for body piercing,
 34 branding, or tattooing for:

35 (1) Educational purposes;

36 (2) Trade shows; and

1 (3) Demonstrations of body piercing, branding, or tattooing
2 products or procedures.

3 (b) A temporary demonstration license shall be valid for no more than
4 fourteen (14) consecutive days.

5 (c) The department shall levy and collect a fee of one hundred fifty
6 dollars (\$150) for each temporary demonstration license.

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