

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

A Bill

SENATE BILL 387

5 By: Senator Irvin
6

For An Act To Be Entitled

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

Subtitle

12 TO LIMIT BODY ART PROCEDURES.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 20-27-1501 is amended to read as follows:
19 20-27-1501. Definitions.

20 As used in this subchapter:

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

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

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

26 (B) Shall not independently perform body art;

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

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

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

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

33 and

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

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



- 1 (A) Tattooing;
- 2 (B) Body piercing;
- 3 (C) Branding; or
- 4 (D) Permanent cosmetics;

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

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

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

17 (7) "Dermal implanting" means the insertion of an object under
 18 the skin of a live human being for ornamentation or decoration;

19 ~~(7)(8)~~ "Establishment" means any place or facility:

- 20 (A) Where body art is performed; and
- 21 (B) That has a body artist licensed in Arkansas on staff;

22 ~~(8)(9)~~ "Guest artist" means a body artist from a state other
 23 than Arkansas or a country other than the United States who holds a license
 24 from the body art regulatory board or agency in that state or country;

25 ~~(9)(10)~~ "Permanent cosmetics" means the application of permanent
 26 or semipermanent pigmentation by the penetration of the skin with a needle or
 27 instrument to:

- 28 (A) The face for cosmetic purposes; or
- 29 (B) Any part of the body for scar coverage or other
 30 corrective purposes;

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

34 ~~(10)(A)(12)(A)~~ "Tattooing" means any method of placing designs,
 35 letters, scrolls, figures, symbols, or any other marks upon or under the skin
 36 by introducing pigments or by the production of scars to form indelible marks

1 with the aid of needles or other instruments.

2 (B) "Tattooing" does not include permanent cosmetics.

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4 SECTION 2. Arkansas Code Title 20, Chapter 27, Subchapter 15, is
5 amended to add an additional section to read as follows:

6 20-27-1510. Prohibited practices.

7 An artist licensed by the Department of Health shall not perform or
8 attempt to perform:

9 (1) The insertion of a dermal implant; or

10 (2) Scarification.

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