

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/22/13
A Bill

SENATE BILL 387

By: Senator Irvin

By: Representative Ferguson

For An Act To Be Entitled

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

Subtitle

TO LIMIT BODY ART PROCEDURES.

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

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

As used in this subchapter:

- (1) "Artist" means any person other than a licensed physician who performs body art on a human;
- (2) "Artist in training" means a person who:
 - (A) Is in training under the supervision of an artist trainer or a physician; and
 - (B) Shall not independently perform body art;
- (3) "Artist trainer" means an artist who:
 - (A) Is licensed by the Department of Health;
 - (B) Has worked in a body art establishment licensed by the department for at least ~~three (3)~~ five (5) years and been in compliance with department rules governing body artists;
 - (C) Has completed the course required under § 20-27-1506;and
 - (D) Is a registered instructor with the State Board of Private Career Education;



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

- (A) Tattooing;
- (B) Body piercing;
- (C) Branding; ~~or~~
- (D) *Permanent cosmetics; or*
- (E) Scarification;

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

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

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

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

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

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

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

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

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

corrective purposes;

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

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

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

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

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

20-27-1510. Prohibited practice.

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

/s/Irvin