

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 670
HOUSE BILL 203

AN ACT TO REQUIRE THAT INDIVIDUALS AND BUSINESSES ENGAGED IN THE PRACTICE OF TATTOOING OBTAIN A PERMIT FROM THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 130A is amended by adding the following new Part to read:

"Part 11. Tattooing.

"§ 130A-283. Tattooing regulated.

(a) Definition. – As used in this Part, the term 'tattooing' means the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method.

(b) Prohibited Practice. – No person shall engage in tattooing without first obtaining a tattooing permit from the Department. Licensed physicians, as well as physician assistants and nurse practitioners working under the supervision of a licensed physician, who perform tattooing within the normal course of their professional practice are exempt from the requirements of this Part.

(c) Application. – To obtain a tattooing permit, a person must apply to the Department. Upon receipt of the application, the Department, acting through the local health department, shall inspect the premises, instruments, utensils, equipment, and procedures of the applicant to determine whether the applicant meets the requirements for a tattooing permit set by the Commission. If the applicant meets these requirements, the Department shall issue a permit to the applicant. A permit is valid for one year and must be renewed annually by applying to the Department for a permit renewal.

(d) Violations. – The Department may deny an application for a tattooing permit if an applicant does not meet the requirements set by the Commission for the permit. The Department may suspend, revoke, or refuse to renew a permit if it finds that tattooing is being performed in violation of this Part. In accordance with G.S. 130A-24(a), Chapter 150B of the General Statutes, the Administrative Procedure Act, governs appeals concerning the enforcement of this Part.

(e) Limitation. – A permit issued pursuant to this Part does not authorize a person to remove a tattoo from the body of a human being. Compliance with this Part is not a bar to prosecution for a violation of G.S. 14-400."

Sec. 2. G.S. 130A-39(g) reads as rewritten:

"(g) A local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State. Notwithstanding any other provisions of law, a local board of health may impose cost-related fees for services performed pursuant to Article 11 of this Chapter, 'Wastewater Systems,' ~~and for services performed pursuant to Part 10, Article 8 of this Chapter, 'Public Swimming Pools: "Pools", and for services performed pursuant to Part 11, Article 8 of this Chapter, 'Tattooing'.~~ Fees shall be based upon a plan recommended by the local health director and approved by the local board of health and the appropriate county board or boards of commissioners. The fees collected under the authority of this subsection are to be deposited to the account of the local health department so that they may be expended for public health purposes in accordance with the provisions of the Local Government Budget and Fiscal Control Act."

Sec. 3. G.S. 130A-29(c) reads as rewritten:

"(c) The Commission shall adopt rules:

- (1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.
- (2) Establishing standards for approving sewage-treatment devices and holding tanks for marine toilets as provided in ~~G.S. 75A-6(o);~~ G.S. 75A-6(o).
- (3) Establishing specifications for sanitary privies for schools where water-carried sewage facilities are unavailable as provided in ~~G.S. 115C-522;~~ G.S. 115C-522.
- (4) Establishing requirements for the sanitation of local confinement facilities as provided in Part 2 of Article 10 of Chapter 153A of the ~~General Statutes;~~ Statutes.
- (5) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1075, s. 1.
- (5a) Establishing eligibility standards for participation in Department reimbursement ~~programs;~~ programs.
- (6) Requiring proper treatment and disposal of sewage and other waste from chemical and portable ~~toilets;~~ and toilets.
- (7) Establishing statewide health outcome objectives and delivery standards.
- (8) Establishing permit requirements for the sanitation of premises, utensils, equipment, and procedures to be used by a person engaged in tattooing, as provided in Part 11 of Article 8 of this Chapter."

Sec. 4. Sections 1 and 2 of this act become effective January 1, 1995. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives