

House Bill 797

By: Representative Stephens of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide for the licensing of micropigmentation practitioners by the department; to define
3 terms; to prohibit the practice of micropigmentation without a license; to provide for the
4 denial, suspension, or revocation of a license; to authorize the department to adopt rules and
5 regulations prescribing reasonable standards for micropigmentation facilities; to authorize
6 the department to enforce compliance with rules and regulations and to inspect
7 micropigmentation facilities; to provide requirements for eligibility for a license; to provide
8 for a penalty for the unlicensed practice of micropigmentation; to provide for related matters;
9 to provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
13 a new Chapter 40A to read as follows:

14 "Chapter 40A

15 31-40A-1.

16 As used in this chapter, the term:

17 (1) 'Micropigmentation' means the procedure in which minute, metabolically inert
18 pigment granules are placed mechanically or manually below the epidermis for the
19 purpose of cosmetic or corrective enhancement. Micropigmentation does not include
20 tattooing as defined in paragraph (1) of Code Section 31-40-1 or as used in Code Section
21 16-12-5.

22 (2) 'Micropigmentation facility' means any space where micropigmentation is practiced.

23 (3) 'Micropigmentation practitioner' means a person who practices micropigmentation,
24 except that the term micropigmentation practitioner shall not include in its meaning any

1 physician or osteopath licensed under Chapter 34 of Title 43 or a person acting under the
2 control or supervision of such physician or osteopath.

3 31-40A-2.

4 It shall be unlawful for any person to practice micropigmentation or display a sign or
5 otherwise advertise or purport to be a micropigmentation practitioner unless that person
6 holds a valid license issued by the department. A license shall be valid until suspended or
7 revoked.

8 31-40A-3.

9 (a) The department is authorized to license micropigmentation practitioners and to deny,
10 suspend, or revoke a license issued under this chapter for a violation of this chapter or a
11 rule adopted under this chapter, or take other disciplinary actions against licensees as
12 provided in Code Section 31-2-6.

13 (b) The denial, suspension, or revocation of a license by the department shall be a
14 contested case for purposes of Chapter 13 of Title 50, the "Georgia Administrative
15 Procedure Act."

16 31-40A-4.

17 The department shall have the power to adopt and promulgate rules and regulations related
18 to micropigmentation to ensure the protection of the public health. Such rules and
19 regulations shall prescribe reasonable standards for the health and safety of
20 micropigmentation facilities with regard to:

21 (1) Location and cleanliness of facilities;

22 (2) Sterilization and Occupational Safety and Health Administration guidelines for the
23 prevention and spread of infectious diseases by all personnel;

24 (3) Informed consent by the person receiving micropigmentation;

25 (4) Keeping case history records for each person receiving micropigmentation.

26 (5) Procedures for ensuring adequate explanation to consumers of the proper subsequent
27 care of micropigmentation; and

28 (6) Proper use and maintenance of micropigmentation equipment, including dyes and
29 pigments.

30 31-40A-5.

31 The department is authorized and empowered to enforce compliance with this chapter and
32 the rules and regulations adopted and promulgated under this chapter and, in connection
33 therewith, to enter upon and inspect the premises of a micropigmentation facility at any

1 reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of this
2 title.

3 31-40A-6.

4 To be eligible for a license under this chapter a person must:

5 (1) Be at least 18 years of age;

6 (2) Have a high school diploma or equivalent education; and

7 (3) Submit evidence of completion of education or training required by rules of the
8 department under the direct supervision of a certified micropigmentation practitioner.

9 31-40A-7.

10 Any person practicing micropigmentation without a valid license shall be guilty of a
11 misdemeanor."

12 **SECTION 2.**

13 This Act shall become effective January 1, 2004.

14 **SECTION 3.**

15 All laws and parts of laws in conflict with this Act are repealed.