

House Bill 328

By: Representatives Mathiak of the 73<sup>rd</sup>, Powell of the 32<sup>nd</sup>, Bonner of the 72<sup>nd</sup>, Hawkins of the 27<sup>th</sup>, Greene of the 151<sup>st</sup>, and others

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 regulation and permittance of body artists and body art studios; to provide for  
3 definitions; to provide for the issuance, denial, suspension, and revocation of permits; to  
4 authorize administrative review and the promulgation of rules and regulations; to provide for  
5 enforcement, inspection, and criminal penalties; to provide for the development and  
6 institution of a public education program on body art and for the collection and retention of  
7 fees related thereto; to provide for related matters; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
12 Chapter 40, relating to tattoo studios, as follows:

13 style="text-align:center">"CHAPTER 40

14 31-40-1.

15 As used in this chapter, the term:

16 (1) 'Body art' means a tattoo, piercing, scarification, or brand placed on the body of a  
17 person for aesthetic or cosmetic purposes.

18 (2) 'Body artist' means any person who performs body art. Such term shall not include  
19 in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall  
20 it include any technician acting under the direct supervision of such licensed physician  
21 or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

22 (3) 'Body art studio' means any facility or building on a fixed foundation wherein a body  
23 artist performs body art.

24 ~~(1)~~(4) 'Microblading of the eyebrow' means a form of cosmetic tattoo artistry where ink  
 25 is deposited superficially in the upper three layers of the epidermis using a handheld tool  
 26 made up of needles known as a microblade to improve or create eyebrow definition, to  
 27 cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a  
 28 full construction if the eyebrows have little to no hair.

29 ~~(2)~~(5) 'Tattoo' means to mark or color the skin by pricking in, piercing, or implanting  
 30 indelible pigments or dyes under the skin. Such term includes microblading of the  
 31 eyebrow.

32 ~~(3) 'Tattoo artist' means any person who performs tattooing, except that the term tattoo~~  
 33 ~~artist shall not include in its meaning any physician or osteopath licensed under Chapter~~  
 34 ~~34 of Title 43, nor shall it include any technician acting under the direct supervision of~~  
 35 ~~such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.~~

36 ~~(4) 'Tattoo studio' means any facility or building on a fixed foundation wherein a tattoo~~  
 37 ~~artist performs tattooing.~~

38 31-40-2.

39 It shall be unlawful for any person to operate a ~~tattoo~~ body art studio or perform body art  
 40 without having first obtained a valid permit ~~for such studio. Such.~~ Body art studio permits  
 41 shall be issued by the county board of health or its duly authorized representative, subject  
 42 to supervision and direction by the ~~Department of Public Health but, where the county~~  
 43 ~~board of health is not functioning, the permit shall be issued by the department.~~ Body artist  
 44 permits shall be issued by the Department of Public Health. Permits ~~A permit~~ shall be  
 45 valid until suspended or revoked and shall not be transferable ~~with respect to person or~~  
 46 ~~location.~~

47 31-40-3.

48 (a) The county boards of health may deny, suspend, or revoke permits where the health  
 49 and safety of the public requires such action a body art studio permit for a violation of this  
 50 chapter or the rules and regulations promulgated thereunder. When, in the judgment of  
 51 such board or its duly authorized agents, it is necessary and proper that such application for  
 52 a permit be denied or that a permit previously granted be suspended or revoked, the  
 53 applicant or holder of the permit shall be so notified in writing and shall be afforded an  
 54 opportunity for hearing as provided in Article 1 of Chapter 5 of this title. In the event that  
 55 such application is finally denied or such permit finally suspended or revoked, the applicant  
 56 for or holder of such permit shall be given notice in writing, which notice shall specifically  
 57 state the reasons why the application or permit has been suspended, revoked, or denied.

58 (b) The department may deny, suspend, or revoke a body artist permit for a violation of  
 59 this chapter or the rules and regulations promulgated thereunder, after notice to the permit  
 60 holder and opportunity for hearing. Such proceedings shall be conducted in accordance  
 61 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

62 31-40-4.

63 Any person substantially affected by any final order of the county board of health denying,  
 64 suspending, revoking, or refusing to renew ~~any a body artist studio~~ permit provided under  
 65 this chapter may secure review thereof by appeal to the department as provided in Article 1  
 66 of Chapter 5 of this title.

67 31-40-5.

68 (a) ~~The Department of Public Health and county boards of health~~ department shall have  
 69 the power to adopt and promulgate rules and regulations to ensure the protection of the  
 70 public health. Such rules and regulations shall prescribe ~~reasonable standards for health~~  
 71 ~~and safety of tattoo~~ standards for body artists and body art studios with regard to:

- 72 (1) Location and cleanliness of facilities;  
 73 (2) Sterilization and Occupational Safety and Health Administration guidelines for the  
 74 prevention and spread of infectious diseases by all personnel;  
 75 (3) Informed consent by the person receiving ~~a tattoo~~ any form of body art;  
 76 (4) Procedures for ensuring adequate explanation to consumers of the proper subsequent  
 77 care of ~~a tattoo~~ any form of body art; ~~and~~  
 78 (5) Proper use and maintenance of ~~tattoo~~ equipment, including tools, dyes, and pigments;  
 79 and  
 80 (6) Competence and specialized knowledge of body artists.

81 (b) County boards of health are empowered to adopt and promulgate supplementary rules  
 82 and regulations consistent with those adopted and promulgated by the department.

83 31-40-6.

84 ~~The Department of Public Health~~ department and the county boards of health and their duly  
 85 authorized agents are authorized and empowered to enforce compliance with this chapter  
 86 and the rules and regulations adopted and promulgated under this chapter and, in  
 87 connection therewith, to enter upon and inspect the premises of a ~~tattoo~~ body art studio at  
 88 any reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of  
 89 this title.

90 31-40-7.

91 Any person, firm, or corporation ~~operating a tattoo studio~~ performing body art without a  
92 valid permit ~~or performing tattooing outside of a licensed tattoo studio~~ shall be guilty of  
93 a misdemeanor.

94 31-40-8.

95 (a) The Department of Public Health department is authorized and directed to develop and  
96 institute a program of public education for the purpose of alerting the public to the possible  
97 side effects and exposure risks of tattooing body art.

98 (b) The department is authorized to adopt a fee schedule and retain fees to offset the costs  
99 of administering the program developed and instituted pursuant to subsection (a) of this  
100 Code section. Any fees collected pursuant to this Code section shall be retained pursuant  
101 to the provisions of Code Section 45-12-92.1.

102 31-40-9.

103 Notwithstanding any other provision of this chapter, the governing authority of any county  
104 or municipality may enact more stringent laws governing tattooing body art.

105 31-40-10.

106 Nothing in this chapter shall be construed to repeal the provisions of Code Section 16-12-5;  
107 provided, however, that Code Section 16-12-5 shall not apply to microblading of the  
108 eyebrow."

109 **SECTION 2.**

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