

The House Committee on Regulated Industries offers the following substitute to SB 214:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 31 and 43 of the Official Code of Georgia Annotated, relating to health and  
2 professions and businesses, respectively, so as to provide for and modify the regulation of  
3 certain professions; to provide for the regulation and permittance of body artists and body  
4 art studios; to provide for definitions; to provide for the issuance, denial, suspension, and  
5 revocation of permits; to authorize administrative review and the promulgation of rules and  
6 regulations by the Department of Public Health; to provide for enforcement, inspection, and  
7 criminal penalties; to provide for the display of signs; to remove certain requirements for  
8 certificates of registration for cosmetologists, hair designers, estheticians, nail technicians,  
9 master barbers, and barbers II; to change the power and duties of the Division of Electrical  
10 Contractors as to the approval of continuing education courses; to prohibit certain  
11 advertisements related to electrical contracting; to provide for related matters; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

17 "CHAPTER 40

18 31-40-1.

19 As used in this chapter, the term:

20 (1) 'Body art' means a tattoo or piercing placed on the body of a person for aesthetic or  
21 cosmetic purposes.

22 (2) 'Body artist' means any person who performs body art. Such term shall not include  
23 in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall

24 it include any technician acting under the direct supervision of such licensed physician  
 25 or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

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

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

33 ~~(2)~~(5) 'Tattoo' means to mark or color the skin by pricking in, piercing, or implanting  
 34 indelible pigments or dyes under the skin. Such term includes microblading of the  
 35 eyebrow.

36 ~~(3) 'Tattoo artist' means any person who performs tattooing, except that the term tattoo~~  
 37 ~~artist shall not include in its meaning any physician or osteopath licensed under Chapter~~  
 38 ~~34 of Title 43, nor shall it include any technician acting under the direct supervision of~~  
 39 ~~such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.~~

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

42 31-40-2.

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

51 31-40-3.

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

59 such application is finally denied or such permit finally suspended or revoked, the applicant  
 60 for or holder of such permit shall be given notice in writing, which notice shall specifically  
 61 state the reasons why the application or permit has been suspended, revoked, or denied.

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

66 31-40-4.

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

71 31-40-5.

72 ~~The Department of Public Health and county boards of health~~ department shall have  
 73 the power to adopt and promulgate rules and regulations to ensure the protection of the  
 74 public health. Such rules and regulations shall prescribe ~~reasonable standards for health~~  
 75 ~~and safety of tattoo~~ standards for body artists and body art studios with regard to:

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

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

87 31-40-6.

88 ~~The Department of Public Health~~ department and the county boards of health and their duly  
 89 authorized agents are authorized and empowered to enforce compliance with this chapter  
 90 and the rules and regulations adopted and promulgated under this chapter and, in  
 91 connection therewith, to enter upon and inspect the premises of a ~~tattoo~~ body art studio at

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

94 31-40-7.

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

98 31-40-8.

99 Each body art studio shall conspicuously display in a prominent place easily seen by  
100 patrons a printed sign that warns that any body art on the face, neck, forearm, hand, or  
101 lower leg of an individual may automatically disqualify such individual from military  
102 service in the armed forces of the United States. Such notice shall be at least 11 inches by  
103 14 inches in size, with letters at least one inch in height. ~~The Department of Public Health~~  
104 ~~is authorized and directed to develop and institute a program of public education for the~~  
105 ~~purpose of alerting the public to the possible side effects and exposure risks of tattooing.~~

106 31-40-9.

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

109 31-40-10.

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

113 **SECTION 2.**

114 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
115 is amended in Code Section 43-10-9, relating to application for certificate of registration, by  
116 deleting "is of good moral character;" in paragraph (1) of subsection (a), paragraph (1) of  
117 subsection (b), paragraph (1) of subsection (c), paragraph (1) of subsection (d), and  
118 paragraphs (1) and (2) of subsection (e).

119 **SECTION 3.**

120 Said Title 43 is further amended by revising subsection (e) of Code Section 43-14-6, relating  
121 to powers and duties of divisions, as follows:

122 "(e)(1) The Division of Electrical Contractors shall be authorized to require persons  
 123 seeking renewal of Electrical Contractor Class I and Class II licenses to complete board  
 124 approved continuing education courses of not more than four hours annually. The  
 125 division shall be authorized to approve ~~courses offered by institutions of higher learning,~~  
 126 ~~vocational-technical schools, and trade, technical, or professional organizations;~~  
 127 ~~provided, however, that continuing education courses or programs related to electrical~~  
 128 ~~contracting provided or conducted by public utilities, equipment manufacturers, or~~  
 129 ~~institutions under the State Board of the Technical College System of Georgia shall~~  
 130 ~~constitute acceptable continuing professional education programs for the purposes of this~~  
 131 ~~subsection. Continuing education courses or programs conducted by manufacturers~~  
 132 ~~specifically to promote their products shall not be approved~~ continuing education courses  
 133 to be held within or outside this state that are available to all licensed electrical  
 134 contractors on a reasonable nondiscriminatory fee basis. Any request for division  
 135 approval of a continuing education course shall be submitted in a timely manner with due  
 136 regard for the necessity of investigation and consideration by the division. The division  
 137 may contract with institutions of higher learning, professional organizations, or other  
 138 qualified persons to provide programs that meet the requirements of this paragraph and  
 139 any rules or regulations established by the division. Such programs shall be  
 140 self-sustaining by the individual fees set and collected by the provider of the program.  
 141 (2) The division shall be authorized to waive the continuing education requirements in  
 142 cases of hardship, disability, or illness or under such other circumstances as the division  
 143 deems appropriate."

144 **SECTION 4.**

145 Said Title 43 is further amended by revising subsection (a) of Code Section 43-14-8, relating  
 146 to licensing required for electrical, plumbing, or conditioned air contracting, businesses  
 147 conducted by partnerships, limited liability companies, and corporations, applications, and  
 148 review courses, as follows:

149 "(a)(1) No person shall engage in the electrical contracting business as an electrical  
 150 contractor unless such person has a valid license from the Division of Electrical  
 151 Contractors and a certificate of competency, if such certificates are issued by the division  
 152 pursuant to subsection (b) of Code Section 43-14-6.

153 (2) A person who is not licensed as an electrical contractor or who does not have a  
 154 certificate of competency, if such certificates are issued by the division pursuant to  
 155 subsection (b) of Code Section 43-14-6, or both as may be applicable, shall be prohibited  
 156 from advertising in any manner that such person is in the business or profession of

157 electrical contracting unless the work is to be performed by a licensed electrical  
158 contractor."

159 **SECTION 5.**

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