



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3375

by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

410 ILCS 54/10
410 ILCS 54/15
410 ILCS 54/25
410 ILCS 54/35
410 ILCS 54/40
410 ILCS 54/80

Amends the Tattoo and Body Piercing Establishment Registration Act. Defines "person". Provides that the Department of Public Health is authorized to establish and assess penalties or fines against any person who violates the Act or rules adopted under the Act (instead of "a registrant for violations of this Act or regulations adopted under this Act"). Throughout the Act, replaces references to "owner" with "operator". Provides that the operator of an establishment (rather than "an establishment") must meet specified operating requirements. Provides that the Department of Public Health may assess a late fee if the renewal application and renewal fee are not submitted on or before the registration expiration date. Provides that in no circumstance will any penalties or fines exceed \$1,000 per day for each day the violation continues (instead of "for each day the registrant remains in violation").

LRB099 00331 HEP 20337 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Tattoo and Body Piercing Establishment
5 Registration Act is amended by changing Sections 10, 15, 25,
6 35, 40, and 80 as follows:

7 (410 ILCS 54/10)

8 Sec. 10. Definitions. In this Act:

9 "Aseptic technique" means a practice that prevents and
10 hinders the transmission of disease-producing microorganisms
11 from one person or place to another.

12 "Body piercing" means penetrating the skin to make a hole,
13 mark, or scar that is generally permanent in nature. "Body
14 piercing" does not include practices that are considered
15 medical procedures or the puncturing of the outer perimeter or
16 lobe of the ear using a pre-sterilized, single-use stud and
17 clasp ear piercing system.

18 "Client" means the person, customer, or patron whose skin
19 will be tattooed or pierced.

20 "Communicable disease" means a disease that can be
21 transmitted from person to person directly or indirectly,
22 including diseases transmitted via blood or body fluids.

23 "Department" means the Department of Public Health or other

1 health authority designated as its agent.

2 "Director" means the Director of Public Health or his or
3 her designee.

4 "Establishment" means a body-piercing operation, a
5 tattooing operation, or a combination of both operations in a
6 multiple-type establishment.

7 "Ink cup" means a small container for an individual portion
8 of pigment that may be installed in a holder or palette and in
9 which a small amount of pigment of a given color is placed.

10 "Multi-type establishment" means an operation encompassing
11 both body piercing and tattooing on the same premises and under
12 the same management.

13 "Person" means any individual, group of individuals,
14 association, trust, partnership, corporation, or limited
15 liability company.

16 "Procedure area" means the immediate area where
17 instruments and supplies are placed during a procedure.

18 "Operator" means an individual, partnership, corporation,
19 association, or other entity engaged in the business of owning,
20 managing, or offering services of body piercing or tattooing.

21 "Sanitation" means the effective bactericidal and
22 veridical treatment of clean equipment surfaces by a process
23 that effectively destroys pathogens.

24 "Single use" means items that are intended for one time and
25 one person use only and are to then be discarded.

26 "Sterilize" means to destroy all living organisms

1 including spores.

2 "Tattooing" means making permanent marks on the skin of a
3 live human being by puncturing the skin and inserting indelible
4 colors. "Tattooing" includes imparting permanent makeup on the
5 skin, such as permanent lip coloring and permanent eyeliner.
6 "Tattooing" does not include any of the following:

7 (1) The practice of electrology as defined in the
8 Electrology Licensing Act.

9 (2) The practice of acupuncture as defined in the
10 Acupuncture Licensing Act.

11 (3) The use, by a physician licensed to practice
12 medicine in all its branches, of colors, dyes, or pigments
13 for the purpose of obscuring scar tissue or imparting color
14 to the skin for cosmetic, medical, or figurative purposes.

15 (Source: P.A. 94-1040, eff. 7-1-07.)

16 (410 ILCS 54/15)

17 Sec. 15. Registration required.

18 (a) A certificate of registration issued by the Department
19 shall be required prior to the operation of any establishment
20 or multi-type establishment. The operator ~~owner~~ of the facility
21 shall file an application for a certificate of registration
22 with the Department that shall be accompanied by the requisite
23 fee, as determined by the Department, and include all of the
24 following information:

25 (1) The applicant's (operator) ~~(owner)~~ name, address,

1 telephone number, and age. In order to qualify for a
2 certificate of registration under this Act, an applicant
3 must be at least 18 years of age.

4 (2) The name, address, and phone number of the
5 establishment.

6 (3) The type and year of manufacture of the equipment
7 proposed to be used for tattooing or body piercing.

8 (4) The sterilization and operation procedures to be
9 used by the establishment.

10 (5) Any other information required by the Department.

11 (b) If the operator ~~owner~~ owns or operates more than one
12 establishment, the operator ~~owner~~ shall file a separate
13 application for each facility owned or operated.

14 (Source: P.A. 94-1040, eff. 7-1-07.)

15 (410 ILCS 54/25)

16 Sec. 25. Operating requirements. All establishments
17 registered under this Act must comply with the following
18 requirements:

19 (1) The operator of an ~~An~~ establishment must ensure
20 that all body piercing and tattooing procedures are
21 performed in a clean and sanitary environment that is
22 consistent with sanitation techniques established by the
23 Department.

24 (2) The operator of an ~~An~~ establishment must ensure
25 that all body piercing and tattooing procedures are

1 performed in a manner that is consistent with an aseptic
2 technique established by the Department.

3 (3) The operator of an ~~An~~ establishment must ensure
4 that all equipment and instruments used in body piercing
5 and tattooing procedures are either single use and
6 pre-packaged instruments or in compliance with
7 sterilization techniques established by the Department.

8 (4) The operator of an ~~An~~ establishment must ensure
9 that single use ink is used in all tattooing procedures.

10 (Source: P.A. 94-1040, eff. 7-1-07.)

11 (410 ILCS 54/35)

12 Sec. 35. Expiration and renewal of registration; display.

13 (a) A certificate of registration issued under this Act
14 shall expire and may be renewed annually. The Department may
15 assess a late fee if the renewal application and renewal fee
16 are not submitted on or before the registration expiration
17 date. The Department shall by rule determine the amount of the
18 fee assessed under this subsection (a).

19 (b) Registration is valid for a single location and only
20 for the operator named on the certificate. Registration is not
21 transferable.

22 (c) The certificate of registration issued by the
23 Department shall be conspicuously displayed within the sight of
24 clients upon entering the establishment.

25 (Source: P.A. 94-1040, eff. 7-1-07.)

1 (410 ILCS 54/40)

2 Sec. 40. Change of operator ownership. In the event of a
3 change of operator ownership, the new operator owner must apply
4 for a certificate of registration prior to taking possession of
5 the property. A provisional certificate of registration may be
6 issued by the Department until an initial inspection for a
7 certificate of registration can be performed by the Department
8 or its designee.

9 (Source: P.A. 94-1040, eff. 7-1-07.)

10 (410 ILCS 54/80)

11 Sec. 80. Penalties; fines. The Department is authorized to
12 establish and assess penalties or fines against any person who
13 violates this Act or rules adopted ~~a registrant for violations~~
14 ~~of this Act or regulations adopted~~ under this Act. In no
15 circumstance will any penalties or fines exceed \$1,000 per day
16 for each day the ~~registrant remains in violation~~ continues.

17 (Source: P.A. 94-1040, eff. 7-1-07.)