

## ASSEMBLY, No. 2546

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# STATE OF NEW JERSEY

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INTRODUCED DECEMBER 5, 1996

**By Assemblywomen CRECCO, ALLEN, Assemblymen Bodine, Bucco, Kavanaugh, Assemblywoman Heck, Assemblymen Kelly and DeSopo**

1   **AN ACT** providing for the licensing of persons engaged in tattooing  
2       and body piercing and supplementing chapter 9 of Title 45 of the  
3       Revised Statutes.

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5       **BE IT ENACTED** by the Senate and General Assembly of the State  
6       of New Jersey:

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8       1. This act shall be known and may be cited as the "Tattooing and  
9       Body Piercing Practice Act."

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11       2. As used in this act:

12       "Board" means the State Board of Medical Examiners.

13       "Body piercing" means the creation of an opening in the body of a  
14       human being for the purpose of inserting jewelry or other decoration  
15       and includes, but is not limited to, piercing of an ear, lip, tongue, nose  
16       or eyebrow. "Body piercing" does not mean piercing an ear with a  
17       disposable single-use stud or solid needle that is applied using a  
18       mechanical device to force the needle or stud through the ear.

19       "Body piercing artist" means any person licensed to practice body  
20       piercing pursuant to the provisions of this act.

21       "Committee" means the Tattooing and Body Piercing Advisory  
22       Committee established pursuant to section 3 of this act.

23       "Office" means any fixed establishment or place where one or more  
24       persons engage in the practice of tattooing or body piercing.

25       "Tattooing" means the insertion of pigment under the surface of the  
26       skin of a person, by pricking with a needle or otherwise, to produce an  
27       indelible mark or figure visible through the skin.

28       "Tattoo artist" means any person who is licensed to practice  
29       tattooing pursuant to the provisions of this act.

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31       3. There is created within the Division of Consumer Affairs in the  
32       Department of Law and Public Safety, under the State Board of  
33       Medical Examiners, a "Tattooing and Body Piercing Advisory  
34       Committee." The committee shall consist of five members who are  
35       residents of this State as follows: two physicians licensed to practice

1       medicine or surgery pursuant to chapter 9 of Title 45 of the Revised  
2       Statutes; one tattoo artist; one body piercing artist; and one public  
3       member to represent consumer interests. For at least four years prior  
4       to each of their appointments, the tattoo artist member shall be  
5       actively engaged in the delivery of tattooing services and the body  
6       piercing artist member shall be actively engaged in the delivery of body  
7       piercing services in this State.

8       The Governor shall appoint each committee member for a term of  
9       three years, except that of the five members first appointed, two shall  
10      serve for terms of three years, two shall serve for terms of two years  
11      and one shall serve for a term of one year. Any vacancy in the  
12      membership of the board shall be filled for the unexpired term in the  
13      manner provided by the original appointment. No member of the  
14      committee may serve more than two successive terms in addition to  
15      any unexpired term to which he has been appointed.

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17      4. The committee shall annually elect from among its members a  
18      chairperson. The committee shall meet at least twice a year and shall  
19      also meet upon the request of the Board of Medical Examiners or the  
20      Attorney General. The board shall provide the committee the facilities  
21      and personnel required for the proper conduct of its business.

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23      5. The board shall authorize reimbursement of the members of the  
24      committee for their actual expenses incurred in connection with the  
25      performance of their duties as members of the committee.

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27      6. The committee may have the following powers and duties, as  
28      delegated by the board:

29       a. evaluate and pass upon the qualifications of applicants for  
30       licensure;

31       b. adopt and administer examinations to be taken by applicants for  
32       licensure;

33       c. issue and renew biennial licenses for tattoo artists and body  
34       piercing artists pursuant to this act;

35       d. refuse to admit a person to an examination or refuse to issue or  
36       suspend, revoke, or fail to renew the license of a tattoo artist or body  
37       piercing artist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14  
38       et seq.);

39       e. approve tattooing and body piercing education programs offered  
40       within the State;

41       f. maintain a record of every tattoo artist and body piercing artist  
42       licensed in this State, their places of business, places of residence and  
43       the date and number of their license;

44       g. maintain a record of all offices licensed by the board to offer the  
45       services provided within the definition of tattooing and body piercing;

1        h. take disciplinary action, in accordance with P.L.1978, c.73  
2 (45:1-14 et seq.) against a tattoo artist or body piercing artist who  
3 violates any provision of this act;

4        i. approve the types of instruments and procedures permitted in the  
5 practice of tattooing or body piercing;

6        j. direct the conduct of inspections or investigations of any  
7 premises from which the board may have reason to believe that  
8 tattooing or body piercing services are being offered;

9        k. direct the conduct of inspections or investigations of all licensed  
10 offices;

11        l. administer and enforce the provisions of this act; and

12        m. any other powers and duties delegated by the board.

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14        7. a. No person shall practice tattooing or body piercing, whether  
15 or not compensation is received or expected, unless the person holds  
16 a valid license to practice in this State, except nothing in this act shall  
17 be construed to prohibit any person licensed to practice in this State  
18 under any other law from engaging in the practice for which he is  
19 licensed, regulated or certified.

20        b. No person shall use the titles "licensed tattoo artist" or "licensed  
21 body piercing artist," or any other title, designation, words, letters,  
22 abbreviations or insignia indicating the practice of tattooing or body  
23 piercing, unless licensed to practice under the provisions of this act.

24        c. No person shall operate, maintain or use premises for the  
25 rendering of any service provided in the definition of tattooing or body  
26 piercing without first having secured an office license from the board.

27        d. In addition to the provisions of section 8 of P.L.1978, c.73  
28 (C.45:1-21), the board may refuse to grant or may suspend or revoke  
29 a license to practice tattooing or body piercing upon proof to the  
30 satisfaction of the board that the holder thereof has:

31        (1) employed unlicensed persons to practice tattooing or body  
32 piercing, or supervised or aided an unlicensed person in the practice  
33 of tattooing or body piercing;

34        (2) advertised the practice of tattooing or body piercing so as to  
35 disseminate false, deceptive or misleading information;

36        (3) used instruments or procedures in the practice of tattooing or  
37 body piercing that are not approved by the board;

38        (4) maintained an office in a manner which is unsafe or unsanitary;  
39 or

40        (5) acted in a manner inconsistent with standards for the practice of  
41 tattooing or body piercing approved by the board.

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43        8. To be eligible for licensure as a tattoo artist, an applicant shall  
44 fulfill the following requirements:

45        a. be at least 18 years of age;

46        b. be of good moral character;

1       c. have successfully completed high school or its equivalent;  
2       d. (1) have successfully completed a tattooing education program  
3       approved by the board, in consultation with the committee; or  
4       (2) have completed in another state a tattooing education program  
5       determined by the board to be satisfactory; and  
6       e. have passed an examination administered or approved by the  
7       board to determine the applicant's competence to practice tattooing.  
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9       9. To be eligible for licensure as a body piercing artist, an applicant  
10      shall fulfill the following requirements:

11       a. be at least 18 years of age;  
12       b. be of good moral character;  
13       c. have successfully completed high school or its equivalent;  
14       d. (1) have successfully completed a body piercing education  
15       program approved by the board, in consultation with the committee;  
16       or  
17       (2) have completed in another state a body piercing education  
18       program determined by the board to be satisfactory; and  
19       e. have passed an examination administered or approved by the  
20       board to determine the applicant's competence to practice body  
21       piercing.

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23       10. Upon payment to the board of a fee and the submission of a  
24       written application provided by the board, the board shall issue a  
25       tattoo artist license to any person who:

26       a. Holds a valid license issued by another state or possession of the  
27       United States or the District of Columbia which has standards  
28       substantially equivalent to those of this State, if the applicant has not  
29       previously failed the board examination as provided in section 8 of this  
30       act. If the applicant has failed an examination for tattooing referred  
31       to in those sections, licensing shall be at the discretion of the board, in  
32       consultation with the committee; or

33       b. Applies for licensure within 180 days of the effective date of this  
34       act, is a resident of this State, is of good moral character and has been  
35       actively engaged in the practice of tattooing for at least five years  
36       immediately preceding the date of application for licensure.

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38       11. Upon payment to the board of a fee and the submission of a  
39       written application provided by the board, the board shall issue a body  
40       piercing artist license to any person who:

41       a. Holds a valid license issued by another state or possession of the  
42       United States or the District of Columbia which has standards  
43       substantially equivalent to those of this State, if the applicant has not  
44       previously failed the board examination as provided in section 9 of this  
45       act. If the applicant has failed an examination for body piercing  
46       referred to in those sections, licensing shall be at the discretion of the

1 board, in consultation with the committee; or  
2 b. Applies for licensure within 180 days of the effective date of this  
3 act, is a resident of this State, is of good moral character and has been  
4 actively engaged in the practice of body piercing for at least five years  
5 immediately preceding the date of application for licensure.

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7 12. The examinations required by sections 8 and 9 of this act shall  
8 include a written practical examination which shall test the applicant's  
9 knowledge of the theory and clinical practice of tattooing or body  
10 piercing, as the case may be. Examinations shall be held within the  
11 State at least twice a year at a time and place to be determined by the  
12 board, in consultation with the committee. The board shall give  
13 adequate written notice of each of the examinations to applicants for  
14 licensure and examination.

15 An applicant who fails the initial tattooing or body piercing  
16 examination or a section of the examination may retake the section or  
17 the entire examination upon payment to the board of the prescribed  
18 fee. If an applicant fails the examination twice, the applicant may take  
19 a third examination only if he retakes the entire examination.

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21 13. a. The board shall by rule or regulation establish, prescribe or  
22 change the fees for licenses, renewals of licenses or other services  
23 provided by the board or the committee pursuant to the provisions of  
24 this act. Licenses shall be issued for a period of two years and be  
25 biennially renewable, except that the board may, in order to stagger  
26 the expiration dates thereof, provide that those licenses first issued or  
27 renewed after the effective date of this act shall expire or become void  
28 on a date fixed by the board, not sooner than six months nor later than  
29 29 months after the date of issue.

30 b. Fees shall be established, prescribed or changed by the board to  
31 the extent necessary to defray all proper expenses incurred by the  
32 committee, the board and any staff employed to administer this act,  
33 except that fees shall not be fixed at a level that will raise amounts in  
34 excess of the amount estimated to be so required.

35 c. All fees and any fines imposed by the board shall be paid to the  
36 board and shall be forwarded to the State Treasurer and become part  
37 of the General Fund.

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39 14. The board, in consultation with the committee, shall issue a  
40 license to any applicant who in the opinion of the board has  
41 satisfactorily met all the requirements of this act. The license shall  
42 indicate whether the holder is licensed as a tattoo artist or a body  
43 piercing artist. The holder of a tattoo artist's license is authorized to  
44 practice tattooing during the licensure period, and the holder of a body  
45 piercing license is authorized to practice body piercing during the  
46 licensure period.

1       15. A person shall not operate, maintain or use premises for the  
2 rendering of any service provided in the definition of tattooing or body  
3 piercing without having first secured an office license. To be eligible  
4 for an office license, a person intending to open and operate an office  
5 shall:

6       a. Make application to the board on forms as it may require,  
7 demonstrating that the physical premises and the operation of the  
8 office will meet the criteria as recommended by the "Universal  
9 Precautions for Infection Control" established by the Center for  
10 Disease Control;

- b. Permit inspections of the premises; and
- c. Pay fees as may be required by the board.

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14       16. The provisions of the uniform enforcement law, P.L.1978, c.73  
15 (C.45:1-14 et seq.) shall apply to this act.

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17       17. The board, after consultation with the committee, shall adopt  
18 rules and regulations pursuant to the "Administrative Procedure Act,"  
19 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
20 purposes of this act.

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18. This act shall take effect immediately, except that section 7  
shall take effect on the 360th day following enactment.

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## STATEMENT

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This bill provides for the licensing of tattoo artists and body piercing artists. It establishes a five-member "Tattooing and Body Piercing Advisory Committee" in the Division of Consumer Affairs in the Department of Law and Public Safety, under the jurisdiction of the State Board of Medical Examiners. The committee is to consist of five members: two physicians, one tattoo artist, one body piercing artist, and one public member who will represent consumer interests. The committee will advise the Board of Medical Examiners regarding standards of practice, licensing qualifications, tattooing and body piercing education programs and inspections of the offices of tattoo and body piercing artists.

To be eligible for a tattoo artist's or body piercing artist's license, an applicant must be at least 18 years old, of good moral character, and have obtained a high school diploma or its equivalent. Each applicant must also have successfully completed a tattoo or body piercing education program, as the case may be. Additionally, applicants must pass an examination administered or approved by the Board of Medical Examiners.

46 "Tattooing" is defined in the bill as the insertion of pigment under

1 the surface of the skin of a person by pricking with a needle or  
2 otherwise, to produce an indelible mark or figure visible through the  
3 skin. "Body piercing" is defined in the bill as the creation of an  
4 opening in the body of a human being for the purpose of inserting  
5 jewelry or other decoration and includes, but is not limited to, piercing  
6 of an ear, lip, tongue, nose or eyebrow. "Body piercing" does not  
7 mean piercing an ear with a disposable single-use stud or solid needle  
8 that is applied using a mechanical device to force the needle or stud  
9 through the ear.

10 The bill prohibits anyone from practicing tattooing or body piercing  
11 or using the titles "licensed tattoo artist" or "licensed body piercing  
12 artist" or any other title, designation, words, letters, abbreviations or  
13 insignia indicating the practice of tattooing or body piercing unless  
14 duly licensed. The bill further provides that nothing in the act shall be  
15 construed to prohibit any person licensed to practice in this State  
16 under any other law from engaging in the practice for which he is  
17 licensed.

18 In addition, the bill stipulates that no person shall operate a  
19 tattooing or body piercing office without obtaining an office license  
20 under the act. The bill further provides that the Board of Medical  
21 Examiners shall set minimum criteria for the operation and physical  
22 premises of offices, and may inspect offices.

23 Applicants who apply for licensure within 180 days of the bill's  
24 effective date may be granted a license without sitting for an  
25 examination under certain circumstances.

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30 "Tattooing and Body Piercing Practice Act."