

SECOND REGULAR SESSION

HOUSE BILL NO. 1648

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COOPER (Sponsor), SATER AND STILL (Co-sponsors).

3435L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 324.520, 324.522, and 324.526, RSMo, and to enact in lieu thereof three new sections relating to permanent cosmetics, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 324.520, 324.522, and 324.526, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.520, 324.522, and 324.526, to read as follows:

324.520. 1. As used in sections 324.520 to 324.524, the following terms mean:

(1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical purpose;

(2) "Branding", a permanent mark made on human tissue by burning with a hot iron or other instrument;

(3) "Controlled substance", any substance defined in section 195.010, RSMo;

(4) "Minor", a person under the age of eighteen;

(5) "Tattoo" **and "permanent cosmetics"**, one or more of the following:

(a) An indelible mark made on the body of another person by the insertion of a pigment under the skin; or

(b) An indelible design made on the body of another person by production of scars other than by branding.

2. No person shall knowingly tattoo, **apply permanent cosmetics**, brand or perform body piercing on a minor unless such person obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written informed consent required pursuant to this subsection in the presence of the person performing

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 the tattooing, **permanent cosmetics**, branding or body piercing on the minor, or in the presence
18 of an employee or agent of such person. Any person who fraudulently misrepresents himself or
19 herself as a parent is guilty of a class B misdemeanor.

20 3. A person shall not tattoo, **apply permanent cosmetics**, brand or perform body
21 piercing on another person if the other person is under the influence of intoxicating liquor or a
22 controlled substance.

23 4. A person who violates any provisions of sections 324.520 to 324.526 is guilty of a
24 misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent
25 violation within one year of the initial violation, such person shall be fined not less than five
26 hundred dollars or more than one thousand dollars.

27 5. No person under the age of eighteen shall tattoo, **apply permanent cosmetics**, brand
28 or perform body piercing on another person.

324.522. 1. No practitioner of tattooing, **permanent cosmetics**, body piercing or
2 branding shall practice and no establishment in which tattoos, **applies permanent cosmetics**,
3 body piercing or brandings are applied shall be operated without a license issued by the director
4 of the division of professional registration. **Beginning August 28, 2010, any practitioner with**
5 **an active tattoo license may obtain a permanent cosmetic license upon application to the**
6 **director.** The license fee for each practitioner and each establishment shall be established by
7 rule.

8 2. The director of the division of professional registration shall promulgate rules and
9 regulations relative to the hygienic practice of tattooing, **permanent cosmetics**, body piercing
10 and branding, the sanitary operations of tattoo, **permanent cosmetics**, body piercing and
11 branding establishments, and the educational and training requirements for applicants applying
12 to receive and practitioners desiring to maintain a license to practice any profession that is
13 licensed or regulated under sections 324.520 to 324.526. Such rules and regulations shall
14 include:

15 (1) Standards of hygiene to be met and maintained by establishments and practitioners
16 in order to receive and maintain a license for the practice of tattooing, **permanent cosmetics**,
17 body piercing and branding;

18 (2) Procedures to be used to grant, revoke or reinstate a license;

19 (3) Inspection of tattoo, **permanent cosmetics**, body piercing and branding
20 establishments; and

21 (4) Any other matter necessary to the administration of this section.

22 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
23 is created under the authority delegated in sections 324.520 to 324.526 shall become effective
24 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

25 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and
26 if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
27 to delay the effective date or to disapprove and annul a rule are subsequently held
28 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
29 August 28, 2001, shall be invalid and void.

324.526. 1. Notwithstanding any other law to the contrary, the director of the division
2 of professional registration shall issue a temporary license to practice tattooing, **permanent**
3 **cosmetics**, body piercing, or branding under the following requirements:

4 (1) The applicant for temporary licensure is entering the state for the sole purpose of
5 participating in a state or national convention at which the applicant will be practicing the
6 profession of tattooing, **permanent cosmetics**, body piercing, or branding;

7 (2) The applicant files a completed application with the division at least two days prior
8 to the start of the convention and tenders a fee of fifty dollars; and

9 (3) The applicant is otherwise qualified for licensure under sections 324.520 to 324.526
10 and the rule promulgated under the authority of [this statute] **section 324.522**.

11 2. A temporary license to practice tattooing, **permanent cosmetics**, body piercing, or
12 branding issued under this section shall be valid for a period not to exceed fourteen days and
13 shall not be renewable.

14 3. Notwithstanding the requirements of sections 324.024 and 324.032, an applicant for
15 temporary licensure under this section shall not be required to provide a Social Security number
16 if the application is submitted by a citizen of a foreign country who has not yet been issued a
17 Social Security number and who previously has not been licensed by any other state, United
18 States territory, or federal agency. A citizen of a foreign country who applies for a temporary
19 permit under this section shall provide the division of professional registration with his or her
20 visa or passport identification number in lieu of the Social Security number.

✓