SENATE . . . . . No. 2413

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, Thursday, April 12, 2018

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 99) of Harriette L. Chandler for legislation relative to safe application and removal of body art; and (accompanied by bill, House, No. 132) of Bruce J. Ayers for legislation to prohibit the practice of body piercing, so-called, unless licensed by the Department of Public Health,- reports the accompanying bill (Senate, No. 2413).

For the committee,
Barbara A. L'Italien

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An Act relative to safe application and removal of body art.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 5S the following new section:- Section 5T. The department of public health is hereby authorized and directed to promulgate rules and regulations relative to the licensure and monitoring of persons engaged in the business or practice of body art or body piercing. Such rules and regulations shall include but not be limited to the following:

(a) Development of an insured consent form to be signed by the patient prior to body art application, with documentation that discussion of the risks and benefits of the procedure have been discussed, and that alternative treatments exist if the consumer is dissatisfied with existing body art. The consent should include a realistic discussion of the process that may be involved to attempt to remove body art and the risk of scarring and infection from body art or body piercing.

(b) a requirement that no consumer who is clearly intoxicated or under the influence of hypnotic, narcotic, hallucinogenic or other mind altering drugs or medications shall have body art applied.

(c) a prohibition on the application of body art on any person not yet 18 years of age

SECTION 2. Section 5I of Chapter 111 of the General Laws, as so appearing, is hereby amended by adding after the word “equipment” in line five, the following paragraph:- The department of public health, in consultation with dermatologists, tattoo removal specialists, and members of the body art community, is hereby authorized and directed to promulgate rules and regulations relative to the licensure and monitoring of said licenses, of persons engaged in the use of laser systems, devices or equipment for the removal of body art. Such regulations shall include but not be limited to the following:

(a) Licensing shall be open to all persons over 18 years of age who have completed an approved educational and instructional program on the safe and effective use of laser systems, devices or equipment for the removal of body art

(b) No person may engage in the use of laser systems, devices or equipment for the removal of body art without a license.