

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 23, 2009
POSITION: Neutral
SPONSOR: California Association of Environmental Health Administrators, Association of Professional Piercers, Health Officers Association of California

BILL NUMBER: AB 517
AUTHOR: F. Ma

BILL SUMMARY: Safe Body Art Act

Current law requires the California Conference of Local Health Officers (CCLHO) to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics and directs the Department of Public Health (DPH) to provide the necessary resources to support the development of these standards and requires the standards to be directed at establishing and maintaining sterile conditions and safe disposal of instruments.

This bill would establish the Safe Body Art Act to provide minimum statewide standards for the regulation of practitioners engaged in the business of tattooing, body piercing, and the application of permanent cosmetics in California.

FISCAL SUMMARY

Finance concurs with DPH estimates that this bill would have a minor and absorbable state General Fund impact. This bill would not result in a reimbursable state mandate since it requires neither a new or higher level of service to the public, and because local governments are authorized to charge fees sufficient to offset the costs of these programs.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 13, 2009 version addressed Finance's mandate concerns and our position on the bill is now neutral.

COMMENTS

Finance notes the following with regard to this bill:

- This bill would establish uniform sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics, and would provide additional protections for minors.

Analyst/Principal (0762) C. Hill Date Program Budget Manager Mark Hill Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

F. Ma

July 23, 2009

AB 517

ANALYSIS

A. Programmatic Analysis

Current law requires the California Conference of Local Health Officers to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics. The Department of Public Health is required to provide resources to support the development and modification of these standards.

Current law holds it is a misdemeanor to tattoo anyone under the age of 18. All persons engaged in tattooing, body piercing, or permanent cosmetics must register with their county health department. Registrants pay a one-time \$25 registration fee and an annual \$105 inspection fee to the county. With these exceptions, there is little uniformity in local laws governing tattooing, piercing, or permanent cosmetics.

This bill would establish the Safe Body Art Act to provide minimum statewide standards for the regulation of tattooing, body piercing, and permanent cosmetics. The Act would:

- Require every body art practitioner to register with the local enforcement agency (LEA) by January 1, 2010. Applicants would be required to meet specified safety, sanitation, building, and recordkeeping standards. The bill allows local enforcement agencies to set fees to recover the costs of enforcement.
- Maintain the current prohibition on tattooing persons under 18, or piercing persons under 18 without parental consent.
- Make it a misdemeanor to perform body art without being registered, or to operate a body art facility without a health permit. LEAs would be authorized to assess administrative penalties of \$25 to \$1,000 for violations of the bill's provisions.
- Allow cities and counties to adopt regulations more comprehensive than those outlined in the Act, provided they do not conflict with the Act.

B. Fiscal Analysis

Finance concurs with DPH estimates that this bill would have a minor and absorbable state General Fund impact. This bill would not result in a reimbursable state mandate since it requires neither a new or higher level of service to the public, and because local governments are authorized to charge fees sufficient to offset the costs of these programs.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP	FC	2009-2010	FC	2010-2011	FC	2011-2012
	RV	98	FC					
4265/PublicHealth	SO	No		----- No/Minor Fiscal Impact -----				0001