

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 14, 2011

POSITION: Neutral

SPONSOR: California Association of Environmental Health Administrators, et al

BILL NUMBER: AB 300

AUTHOR: F. Ma

RELATED BILLS: AB 223 (Ma, 2009)

**BILL SUMMARY: Safe Body Art Act**

This bill would, as of July 1, 2012, repeal existing laws addressing body piercing, tattooing, and permanent makeup practices and create the Safe Body Art Act. This bill would provide statewide standards for the regulation of persons engaged in the business of tattooing, body piercing, and the application of permanent cosmetics, with emphasis on the following: (1) general provisions and definitions related to body art, (2) restrictions on the performance of body art, (3) registration requirements for the practitioner of body art, (4) restrictions on the maintenance and sterilization of permanent and temporary body art facilities, and (5) the enforcement actions allowable by local enforcement agencies to encourage compliance with state law.

**FISCAL SUMMARY**

Because the authority to implement the provisions in the Safe Body Art Act would be delegated to local jurisdictions, the Department of Public Health would bear minimal and absorbable costs for providing technical assistance to local enforcement agencies.

**COMMENTS**

The Department of Finance is neutral on this bill as it would not create a need for additional state resources.

This bill would require the body art license applicant to provide specified health information as a condition of registration and require the applicant to pay a registration fee to the local enforcement agency in an amount sufficient to cover actual administrative costs. This bill would make it a crime to perform body art without being registered, operate a body art facility without a health permit, or operate a temporary body art event without a health permit, and would authorize the local enforcement agency to assess an administrative penalty of \$25 to \$1,000 for the violation of any provision of this bill.

This bill would clarify that body art does not include piercing an ear with a disposable, single-use device stud or solid needle that is applied using a mechanical device to force the clasp or stud through the ear. This bill would require the use of a single-use, presterilized stud and clasp for ear piercings and would require sites that perform this activity to meet specified registration, training, sanitation, and equipment requirements. This bill also would allow a local enforcement agency to charge a one-time facility notification fee ranging from \$25 to \$45 for each facility operating these services; however, these fees could not exceed the amount necessary to cover the actual costs of administering and enforcing the provisions of this bill. As of December 31, 2015, this bill would allow counties to charge a different fee, established by local ordinance, if the increased fee is necessary to cover the actual costs of administering and enforcing its provisions.

In addition to these penalties, this bill also would allow the local enforcement agency to impose a penalty of up to three times the cost of the registration or permit on a practitioner, owner of a body art facility, or sponsor of a temporary body art event who fails to obtain all necessary permits.

Analyst/Principal Date Program Budget Manager Date  
(0551) B. Nunes Lisa Ann L. Mangat

Department Deputy Director Date

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

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

F. Ma

June 14, 2011

AB 300

This bill also would allow a local jurisdiction to adopt regulations or ordinances that do not conflict with, or are more stringent than, the provisions of this bill.

This bill is similar to AB 223 (Ma, 2009), which Governor Schwarzenegger vetoed stating that it would place unnecessary regulations on businesses.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO RV	PROP 98	FC	2010-2011 FC	2011-2012 FC	2012-2013 FC			
4265/PublicHealth	SO	No			----- No/Minor Fiscal Impact -----			0001	
4265/PublicHealth	LA	No			----- No/Minor Fiscal Impact -----			0001	