

By: Van de Putte

S.B. No. 1310

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of the tattoo and body piercing laws;
providing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 146, Health and Safety Code, is amended
by adding Section 146.021 to read as follows:

Sec. 146.021. REPORTS OF UNLICENSED FACILITIES;
ADMINISTRATIVE PENALTIES. (a) To protect the public health and
safety, the department shall establish a program to locate and
close tattoo studios and body piercing studios that are operating
without a license issued by the department.

(b) As part of the program under Subsection (a), the
department may pay a reward, not to exceed \$500, to a person who
voluntarily reports to the department the location of a tattoo
studio or body piercing studio that is operating in this state
without a license. To be eligible for the reward, the person must
provide:

(1) the name of the studio or of the person operating
the studio;

(2) the physical address and, if available, telephone
number of the studio; and

(3) other specific information regarding the time and
date when tattoo or body piercing services are provided at the
studio.

1 (c) The department shall protect the anonymity of a person
2 who makes a report under Subsection (b).

3 (d) A reward under Subsection (b) may be paid only after an
4 administrative penalty has been collected from the operator of the
5 studio. If more than one person provides information to the
6 department regarding the same studio, the department shall pay the
7 reward to the person who made the first report under Subsection (b).

8 (e) The department may, in accordance with Section 146.019,
9 impose an administrative penalty not to exceed \$5,000 on a person
10 who performs tattoo or body piercing services in an unlicensed
11 studio. Each day the services are performed constitutes a separate
12 violation for purposes of imposing a penalty.

13 (f) If an unlicensed studio is in a home, the owner of the
14 home is subject to an administrative penalty of \$5,000 for each
15 violation. Each day the services are performed constitutes a
16 separate violation for purposes of imposing a penalty. If the
17 unlicensed location is on rental property, the tenant is subject to
18 an administrative penalty not to exceed \$5,000 for each violation.

19 (g) An administrative penalty collected under this section
20 shall be remitted to the department. The department shall pay the
21 rewards authorized by this section from money received under this
22 section. The department shall use the money to administer this
23 section and to educate the public by distributing written and other
24 materials, in English and Spanish, on:

25 (1) the requirements of this chapter;

26 (2) basic infection control; and

27 (3) bloodborne diseases.

1 (h) The department shall maintain on its website
2 information on how a person may report an unlicensed studio to the
3 department under this section.

4 SECTION 2. (a) Not later than March 1, 2004, the Texas
5 Department of Health shall:

6 (1) implement Section 146.021, Health and Safety Code,
7 as added by this Act; and

8 (2) inform the Texas Cosmetology Commission of the
9 requirements of this Act.

10 (b) The Texas Cosmetology Commission shall inform the Texas
11 Department of Health of any unlicensed tattoo or body piercing
12 studio that the commission has knowledge is not in compliance with
13 the requirements of Chapter 146, Health and Safety Code.

14 SECTION 3. This Act takes effect September 1, 2003.