

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 228 (Calvert County Delegation)
Health and Government Operations

Calvert County - Regulation of Tattoo Artist and Body-Piercing Services

This bill authorizes the County Commissioners of Calvert County to adopt ordinances pertaining to tattoo artist or body-piercing services. The Calvert County Health Department is responsible for enforcing the ordinances.

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Calvert County advises that enacting and enforcing ordinances relating to tattoo artists and body-piercing can be carried out with existing resources.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Tattooing and body-piercing are regulated under Code of Maryland Regulations (COMAR) provisions applicable to the Department of Health and Mental Hygiene (DHMH). An individual who performs a skin-penetrating body adornment procedure must disclose the risks of the procedure, obtain the client's written consent for the performance of the procedure, and retain the consent on file for three years. COMAR also establishes specific standards for sanitation throughout the process of skin-penetrating body adornment procedures in the State.

In the case of a minor, the consent of a parent or guardian is required. The COMAR regulations do not establish any penalties for individuals who perform a skin-penetrating body adornment procedure upon a minor.

The Local Laws of Worcester County establish more rigorous requirements for individuals who perform body adornment procedures in the county. To work as a tattoo artist in Worcester County, a person must be licensed by the county and operate under the supervision of a physician or osteopath. Minors (younger than age 18) may not be tattooed in the county but are permitted to undergo body piercing with direct parental supervision and consent. Additionally, a violator may be fined between \$50 and \$1,000 and/or imprisoned for up to 180 days.

Neither the State COMAR provisions nor the Laws of Worcester County apply to the piercing of an ear lobe using a properly disinfected ear piercing gun. Calvert County has no local ordinances regarding tattoo artist or body-piercing services. (*See* COMAR: 10.06.01.06 H and 10.06.01.02; Local Laws of Worcester County: PH 1-103 and 1-107.)

Background: According to DHMH, without proper precautions as specified in COMAR, infection or illness can result from skin-penetrating body adornment procedures. However, DHMH reports that compliance with these procedures is widespread, and no significant public health concerns result from these practices within the State.

The Department of Labor, Licensing, and Regulation advises that it has no jurisdiction over tattooing, except to prohibit licensees from performing cosmetic tattooing (*e.g.*, permanent make-up).

Small Business Effect: Depending on the type of ordinances adopted by Calvert County, businesses that perform skin-penetrating body adornment procedures in the county may be subject to licensure or increased regulation.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Calvert County; Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services.

Fiscal Note History: First Reader - February 13, 2009
mcp/mcr

Analysis by: Michael T. Vorgetts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510