

SENATE BILL 137

An act providing for the licensure and regulation of tattooing and body piercing establishments by the Department of Public Health and Human Services and Local Boards of Health

EXHIBIT NO. _____

DATE _____

BILL NO. _____

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1-17-05
SB137

Testimony of Senator Dave Lewis

Good morning Mr. Chairman and members of the committee. For the record, my name is Dave Lewis. I am the Senator for Senate District 42.

I am here today as the sponsor of Senate Bill 137, a bill for an act providing for the licensure and regulation of tattooing and body piercing establishments by the Department of Public Health and Human Services and Local Boards of Health.

- Legitimate tattooists and body piercers encourage legislation as a means of standardizing and protecting the integrity of their profession.
- Tattooing and body piercing, being invasive processes, possess the potential to pose significant health risk. Foremost is the risk of transmission of blood born pathogens, especially HIV, Hepatitis B, and Hepatitis C. Additionally, the risk of secondary infection is particularly great depending upon the area of the body pierced. Any of these situations can be life threatening. The risks to health can be minimized by standardization and regulation of facilities, equipment, and processes.
- The state has promulgated administrative rules for tattoo establishments. The state does not have authority to develop rules for body piercing and branding, relatively new techniques of permanent body marking. Currently, the state certifies operators for compliance to administrative rule; however, the state has no authority to collect fees. Thus, the inspection and certification of establishments has a negative financial impact on the state. The state has only vague authority to enforce the administrative rule, making compliance essentially voluntary. A voluntary regulatory program is intrinsically flawed.

- SB137 requires licensure for all tattooists and body piercers in Montana. It sets standards for sanitation, safety, licensure, enforcement and fees. The Bill authorizes the state to collect fees based upon the cost of the program. SB137 allows local jurisdictions to develop and manage their own local programs and to collect fees. For those local jurisdictions that choose to defer the program, the state will assume the responsibilities of inspection, licensure, enforcement, and fee collection.