General Assembly

Substitute Bill No. 6590

January Session, 2013

HB06590FIN 050113

AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2013*) As used in this section and sections 2 to 6, inclusive, of this act and subsection (c) of section 19a-14 of the general statutes, as amended by this act:

(1) "Commissioner" means the Commissioner of Public Health.

(2) "Department" means the Department of Public Health.

(3) "Tattooing" means marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

(4) "Tattoo technician" means a person who practices tattooing on another person.

Sec. 2. (NEW) (*Effective October 1, 2013*) (a) Except as provided in subsection (c) of this section, on and after July 1, 2014, no person shall engage in the practice of tattooing unless the person is eighteen years of age or older and has obtained a license from the Department of Public Health pursuant to this section. Each person seeking licensure as a tattoo technician shall make application on a form prescribed by the department, pay an application fee of two hundred fifty dollars and present to the department satisfactory evidence that the applicant:

(1) Has completed one or more education courses approved by the Commissioner of Public Health; (2) has passed one or more examinations approved by the commissioner; and (3) has successfully completed a course in first aid. Not later than January 1, 2014, the commissioner shall: (A) Approve one or more education courses and examinations concerning blood-borne pathogens and communicable diseases for purposes of ascertaining the credentials of persons applying to be licensed as tattoo technicians in accordance with this section, and (B) in consultation with the Labor Commissioner, establish a training program for new licensees who have less than one year of experience to practice tattooing under the direct supervision of experienced tattoo technicians.

(b) Licenses shall be renewed once every two years in the form and manner prescribed by the commissioner. The fee for renewal shall be two hundred dollars. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in this or any other state or jurisdiction.

(c) The provisions of this section shall not apply to a physician, an advanced practice registered nurse rendering service under the direction of a physician, a registered nurse rendering service under the supervision, control and responsibility of a physician, or a physician assistant rendering service under the supervision, control and responsibility of a physician.

(d) No person shall use the title "tattoo technician" or "tattoo artist" unless the person holds a license issued in accordance with this section.

(e) (1) Any person who is licensed at the time of application as a tattoo technician, or as a person entitled to perform similar services under a different designation, in another state of the United States, the District of Columbia or a commonwealth or territory subject to the laws of the United States, whose requirements for licensure in such

capacity are equivalent to or higher than those of this state, shall be eligible for licensure in this state and entitled to a license without examination upon payment of a fee of one hundred dollars. No license shall be issued under this subsection to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint.

(2) (A) The commissioner may issue a temporary permit to an applicant for licensure without examination who is licensed or certified to practice tattooing in another state. Such applicant for a temporary permit shall submit to the department a completed application form accompanied by the appropriate fee, as determined by the commissioner. Such applicant for a temporary permit shall additionally submit a copy of a current license or certification to practice tattooing from another state of the United States, the District of Columbia or a commonwealth or territory subject to the laws of the United States and a notarized affidavit attesting that the license or certification is valid and belongs to the person requesting notarization. A temporary permit for an applicant for licensure without examination shall be valid for a period not to exceed one hundred twenty calendar days and shall not be renewable.

(B) The commissioner may issue a temporary permit to an applicant previously licensed in Connecticut whose license has become void. Such applicant for a temporary permit shall submit to the department a completed application form accompanied by the appropriate fee, as determined by the commissioner. A temporary permit for an applicant previously licensed in Connecticut whose license has become void shall be valid for a period not to exceed one hundred twenty calendar days and shall not be renewable.

(C) The commissioner may issue a temporary permit to a person licensed or certified to practice tattooing in another state for the purpose of attending an educational event or trade show in the state, participating in a product demonstration in the state or practicing tattooing temporarily in a specified location in the state. Such applicant

for a temporary permit shall submit to the department a completed application form accompanied by the appropriate fee, as determined by the commissioner. Such applicant for a temporary permit shall additionally submit a copy of a current license or certification to practice tattooing from another state of the United States, the District of Columbia or a commonwealth or territory subject to the laws of the United States and a notarized affidavit attesting that the license or certification is valid and belongs to the person requesting notarization. A temporary permit issued in accordance with this subparagraph shall be valid for a period not to exceed fourteen consecutive days, shall not be renewable and a temporary permit for such applicant shall not be issued more than once in any calendar year.

(D) No temporary permit shall be issued under this subsection to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint.

Sec. 3. (NEW) (*Effective October 1, 2013*) On and after July 1, 2014, no person shall: (1) Buy, sell or fraudulently obtain or furnish any diploma, certificate, license, record or registration purporting to show that any person is qualified or authorized to practice tattooing, as provided in section 2 of this act, or participate in buying, selling, fraudulently obtaining or furnishing any such document; (2) practice or attempt or offer to practice tattooing under cover of any diploma, certificate, license, record or registration illegally or fraudulently obtained or signed, or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; (3) practice or attempt or offer to practice tattooing under a name other than such person's own name or under a false or assumed name; (4) aid or abet practice by a person not lawfully licensed to practice tattooing within this state or by a person whose license to practice has been suspended or revoked; (5) use in such person's advertising the word "tattoo", "tattooing" or any description of services involving marking or coloring, in an indelible manner, the skin of any person, without having obtained a license under the provisions of section 2 of this act; or (6) practice tattooing on a person who is an unemancipated minor

under eighteen years of age without the permission of such person's parent or guardian. No person shall, during the time such person's license as a tattoo technician is revoked or suspended, practice or attempt or offer or advertise to practice tattooing or be employed by, work with or assist, in any way, any person licensed to practice tattooing. Any person who violates any provision of this section shall be guilty of a class D misdemeanor.

Sec. 4. (NEW) (*Effective October 1, 2013*) The Department of Public Health may take any action set forth in section 19a-17 of the general statutes if a person issued a license as a tattoo technician pursuant to section 2 of this act fails to conform to the accepted standards of the tattoo profession, as determined by the Commissioner of Public Health, or violates any provision of this section or section 2 or 3 of this act and regulations adopted in accordance with section 6 of this act. The commissioner may order a tattoo technician to submit to a reasonable physical or mental examination if such tattoo technician's physical or mental capacity to practice safely is the subject of an investigation. The commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17 of the general statutes. Notice of any contemplated action under said section, the cause of the action and the date of a hearing on the action shall be given to the licensee and an opportunity for hearing afforded in accordance with the provisions of chapter 54 of the general statutes.

Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of Public Health shall carry out the commissioner's responsibilities with respect to enforcement of the provisions of sections 2 to 4, inclusive, of this act within available appropriations.

Sec. 6. (NEW) (*Effective October 1, 2013*) (a) An establishment where tattooing is practiced is subject to inspection by the Department of Public Health or its authorized agents.

(b) The Commissioner of Public Health shall, in accordance with

chapter 54 of the general statutes, adopt such regulations as are necessary to implement the provisions of sections 1 to 5, inclusive, of this act. Such regulations shall include, but need not be limited to: (1) Standards for cleaning and sterilization of equipment; (2) standards for preparation and care of the tattoo site; (3) requirements concerning permitting, registration or certification by local health departments or districts to operate an establishment where tattooing is practiced; (4) standards for cleaning and maintaining the establishment where tattooing is practiced; and (5) requirements concerning protocols to prevent infection to be followed by each tattoo technician and a requirement that a written copy of such protocols be maintained on the premises of such establishment.

Sec. 7. Subsection (c) of section 19a-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(c) No board shall exist for the following professions that are licensed or otherwise regulated by the Department of Public Health:

(1) Speech and language pathologist and audiologist;

(2) Hearing instrument specialist;

(3) Nursing home administrator;

(4) Sanitarian;

(5) Subsurface sewage system installer or cleaner;

(6) Marital and family therapist;

(7) Nurse-midwife;

(8) Licensed clinical social worker;

(9) Respiratory care practitioner;

(10) Asbestos contractor and asbestos consultant;

(11) Massage therapist;

(12) Registered nurse's aide;

(13) Radiographer;

(14) Dental hygienist;

(15) Dietitian-Nutritionist;

(16) Asbestos abatement worker;

(17) Asbestos abatement site supervisor;

(18) Licensed or certified alcohol and drug counselor;

(19) Professional counselor;

(20) Acupuncturist;

(21) Occupational therapist and occupational therapist assistant;

(22) Lead abatement contractor, lead consultant contractor, lead consultant, lead abatement supervisor, lead abatement worker, inspector and planner-project designer;

(23) Emergency medical technician, advanced emergency medical technician, emergency medical responder and emergency medical services instructor;

(24) Paramedic;

(25) Athletic trainer;

(26) Perfusionist;

(27) Master social worker subject to the provisions of section 20-195v; **[**and**]**

(28) On and after July 1, 2011, a radiologist assistant, subject to the provisions of section 20-74tt; **[**.**]** and

(29) Tattoo technician.

The department shall assume all powers and duties normally vested with a board in administering regulatory jurisdiction over such professions. The uniform provisions of this chapter and chapters 368v, 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not limited to, standards for entry and renewal; grounds for professional discipline; receiving and processing complaints; and disciplinary sanctions, shall apply, except as otherwise provided by law, to the professions listed in this subsection.

Sec. 8. Subsection (b) of section 20-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) The provisions of this chapter shall not apply to:

(1) Dentists while practicing dentistry only;

(2) Any person in the employ of the United States government while acting in the scope of his employment;

(3) Any person who furnishes medical or surgical assistance in cases of sudden emergency;

(4) Any person residing out of this state who is employed to come into this state to render temporary assistance to or consult with any physician or surgeon who has been licensed in conformity with the provisions of this chapter;

(5) Any physician or surgeon residing out of this state who holds a current license in good standing in another state and who is employed to come into this state to treat, operate or prescribe for any injury, deformity, ailment or disease from which the person who employed such physician, or the person on behalf of whom such physician is employed, is suffering at the time when such nonresident physician or surgeon is so employed, provided such physician or surgeon may practice in this state without a Connecticut license for a period not to

exceed thirty consecutive days;

(6) Any person rendering service as (A) an advanced practice registered nurse if such service is rendered in collaboration with a licensed physician, or (B) an advanced practice registered nurse maintaining classification from the American Association of Nurse Anesthetists if such service is under the direction of a licensed physician;

(7) Any nurse-midwife practicing nurse-midwifery in accordance with the provisions of chapter 377;

(8) Any podiatrist licensed in accordance with the provisions of chapter 375;

(9) Any Christian Science practitioner who does not use or prescribe in his practice any drugs, poisons, medicines, chemicals, nostrums or surgery;

(10) Any person licensed to practice any of the healing arts named in section 20-1, who does not use or prescribe in his practice any drugs, medicines, poisons, chemicals, nostrums or surgery;

(11) Any graduate of any school or institution giving instruction in the healing arts who has been issued a permit in accordance with subsection (a) of section 20-11a and who is serving as an intern, resident or medical officer candidate in a hospital;

(12) Any student participating in a clinical clerkship program who has the qualifications specified in subsection (b) of section 20-11a;

(13) Any person, otherwise qualified to practice medicine in this state except that he is a graduate of a medical school located outside of the United States or the Dominion of Canada which school is recognized by the American Medical Association or the World Health Organization, to whom the Connecticut Medical Examining Board, subject to such regulations as the Commissioner of Public Health, with advice and assistance from the board, prescribes, has issued a permit

261 to serve as an intern or resident in a hospital in this state for the
262 purpose of extending his education;

263 (14) Any person rendering service as a physician assistant licensed
264 pursuant to section 20-12b, a registered nurse, a licensed practical
265 nurse or a paramedic, as defined in subdivision (15) of section 19a-175,
266 acting within the scope of regulations adopted pursuant to section 19a-
267 179, if such service is rendered under the supervision, control and
268 responsibility of a licensed physician;

269 (15) Any student enrolled in an accredited physician assistant
270 program or paramedic program approved in accordance with
271 regulations adopted pursuant to section 19a-179, who is performing
272 such work as is incidental to his course of study;

273 (16) Any person who, on June 1, 1993, has worked continuously in
274 this state since 1979 performing diagnostic radiology services and who,
275 as of October 31, 1997, continued to render such services under the
276 supervision, control and responsibility of a licensed physician solely
277 within the setting where such person was employed on June 1, 1993;

278 (17) Any person practicing athletic training, as defined in section 20-
279 65f;

280 (18) When deemed by the Connecticut Medical Examining Board to
281 be in the public's interest, based on such considerations as academic
282 attainments, specialty board certification and years of experience, to a
283 foreign physician or surgeon whose professional activities shall be
284 confined within the confines of a recognized medical school;

285 **[**(19) Any technician engaging in tattooing in accordance with the
286 provisions of section 19a-92a and any regulations adopted thereunder;**]**

287 **[**(20)**]** <u>(19)</u> Any person practicing perfusion, as defined in section 20-
288 162aa; or

289 **[**(21)**]** <u>(20)</u> Any foreign physician or surgeon (A) participating in
290 supervised clinical training under the direct supervision and control of

291 a physician or surgeon licensed in accordance with the provisions of
292 this chapter, and (B) whose professional activities are confined to a
293 licensed hospital that has a residency program accredited by the
294 Accreditation Council for Graduate Medical Education or that is a
295 primary affiliated teaching hospital of a medical school accredited by
296 the Liaison Committee on Medical Education. Such hospital shall
297 verify that the foreign physician or surgeon holds a current valid
298 license in another country.

299 Sec. 9. Section 19a-92a of the general statutes is repealed. (*Effective*
300 *July 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2013*	New section
Sec. 2	*October 1, 2013*	New section
Sec. 3	*October 1, 2013*	New section
Sec. 4	*October 1, 2013*	New section
Sec. 5	*October 1, 2013*	New section
Sec. 6	*October 1, 2013*	New section
Sec. 7	*October 1, 2013*	19a-14(c)
Sec. 8	*October 1, 2013*	20-9(b)
Sec. 9	*July 1, 2014*	Repealer section

PH *Joint Favorable Subst.*

JUD *Joint Favorable*

FIN *Joint Favorable*