
By: Delegates Arnick and Minnick

Requested: September 26, 1996

Introduced and read first time: January 8, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Licensing and Regulation of Tattoo Artists and Tattoo Artist Instructors**

3 FOR the purpose of establishing a State Board of Tattoo Artists in the Department of
4 Health and Mental Hygiene; providing for the composition, powers, and duties of
5 the Board and for the appointment, removal, qualifications, and terms of the
6 members of the Board; specifying the initial terms of the members of the Board;
7 establishing the State Board of Tattoo Artists Fund; providing for the nature,
8 purpose, administration, and oversight of the Fund; providing a certain immunity
9 for certain persons who provide information to the State Board of Tattoo Artists or
10 who otherwise participate in the Board's activities; requiring the licensure as a
11 tattoo artist of any individual who practices tattooing; requiring the licensure as a
12 tattoo artist instructor of any individual who teaches a tattoo artist education
13 program; providing an application procedure for a license; providing for the
14 issuance, terms, expiration, and renewal of a license; authorizing the Board to deny,
15 revoke, suspend, reinstate a license, or reprimand or place a licensee on probation
16 under certain circumstances; providing for the qualifications and duties of licensees;
17 granting certain judicial and administrative rights and procedures to certain
18 licensees and license applicants; requiring the Board to adopt certain regulations;
19 providing for the inactive status of a licensee; requiring a tattoo artist education
20 program to receive a certain approval before operating in the State; prohibiting the
21 tattoo of a minor without a certain consent; imposing criminal penalties for
22 unlicensed practice, certain misrepresentations, and the making of a tattoo on a
23 minor without a certain consent; providing for the short title of this Act; providing
24 for the termination of this Act; defining certain terms; and generally relating to the
25 licensing and regulation of tattoo artists and tattoo artist instructors.

26 BY adding to

27 Article - Courts and Judicial Proceedings

28 Section 5-398.1

29 Annotated Code of Maryland

30 (1995 Replacement Volume and 1996 Supplement)

31 BY adding to

32 Article - Health Occupations

33 Section 20-101 through 20-602, inclusive, to be under the new title "Title 20.

2

1 Maryland Tattoo Artists Act"
2 Annotated Code of Maryland
3 (1994 Replacement Volume and 1996 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Courts and Judicial Proceedings**

7 5-398.1.

8 (A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD OF TATTOO
9 ARTISTS.

10 (B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF THE
11 JURISDICTION OF THE BOARD IS NOT CIVILLY LIABLE FOR GIVING INFORMATION
12 TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

13 **Article - Health Occupations**

14 TITLE 20. MARYLAND TATTOO ARTISTS ACT.
15 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

16 20-101.

17 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

18 (B) "BOARD" MEANS THE STATE BOARD OF TATTOO ARTISTS.

19 (C) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
20 LICENSE ISSUED BY THE BOARD TO PRACTICE TATTOOING OR TO TEACH A TATTOO
21 ARTIST EDUCATION PROGRAM.

22 (D) "LICENSED TATTOO ARTIST" MEANS A TATTOO ARTIST WHO IS LICENSED
23 BY THE BOARD TO PRACTICE TATTOOING.

24 (E) "LICENSED TATTOO ARTIST INSTRUCTOR" MEANS A TATTOO ARTIST WHO
25 IS LICENSED BY THE BOARD TO PRACTICE TATTOOING AND TEACH A TATTOO
26 ARTIST EDUCATION PROGRAM.

27 (F) "PRACTICE TATTOOING" MEANS TO MAKE A MARK OR DESIGN ON THE
28 SKIN:

29 (1) BY PRICKING THE SKIN AND INGRAINING IN IT AN INDELIBLE
30 PIGMENT; OR

31 (2) BY RAISING SCARS ON THE SKIN.

32 (G) "TATTOO ARTIST" MEANS AN INDIVIDUAL WHO PRACTICES TATTOOING.

33 (H) "TATTOO ARTIST INSTRUCTOR" MEANS AN INDIVIDUAL WHO PRACTICES
34 TATTOOING AND TEACHES A TATTOO ARTIST EDUCATION PROGRAM.

3

1 20-102.

2 THIS TITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A
3 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
4 THIS ARTICLE.

5 SUBTITLE 2. STATE BOARD OF TATTOO ARTISTS.

6 20-201.

7 THERE IS A STATE BOARD OF TATTOO ARTISTS IN THE DEPARTMENT.

8 20-202.

9 (A) (1) THE BOARD CONSISTS OF FIVE MEMBERS.

10 (2) OF THE FIVE BOARD MEMBERS:

11 (I) THREE SHALL BE LICENSED TATTOO ARTISTS;

12 (II) ONE SHALL BE A LICENSED TATTOO ARTIST INSTRUCTOR; AND

13 (III) ONE SHALL BE A CONSUMER MEMBER.

14 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE
15 AND CONSENT OF THE SENATE.

16 (B) EACH MEMBER OF THE BOARD SHALL BE A CITIZEN OF THE UNITED
17 STATES AND A RESIDENT OF THIS STATE.

18 (C) EACH TATTOO ARTIST SHALL HAVE PRACTICED TATTOOING ACTIVELY IN
19 THIS STATE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.

20 (D) THE CONSUMER MEMBER OF THE BOARD:

21 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

22 (2) MAY NOT BE OR EVER HAVE BEEN A TATTOO ARTIST OR IN
23 TRAINING TO BECOME A TATTOO ARTIST;

24 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A TATTOO ARTIST
25 OR IN TRAINING TO BECOME A TATTOO ARTIST;

26 (4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A
27 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF
28 TATTOOING;

29 (5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
30 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF
31 TATTOOING; AND

32 (6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
33 SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

34 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT
35 HAVE AN INTEREST IN A PERSON REGULATED BY THE BOARD.

4

1 (F) (1) THE TERM OF A MEMBER IS 4 YEARS.

2 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
3 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 1997.

4 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
5 SUCCESSOR IS APPOINTED AND QUALIFIES.

6 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
7 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
8 QUALIFIES.

9 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
10 TERMS.

11 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY
12 VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

13 (G) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR
14 MISCONDUCT.

15 (2) UPON THE RECOMMENDATION OF THE SECRETARY, THE
16 GOVERNOR MAY REMOVE A MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN
17 ABSENT FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.

18 20-203.

19 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A PRESIDENT, A
20 SECRETARY, AND A TREASURER.

21 (B) THE BOARD SHALL DETERMINE:

22 (1) THE MANNER OF ELECTION OF OFFICERS;

23 (2) THE TERM OF OFFICE OF EACH OFFICER; AND

24 (3) THE DUTIES OF EACH OFFICER.

25 20-204.

26 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
27 QUORUM.

28 (B) THE BOARD SHALL MEET AT LEAST FOUR TIMES A YEAR, AT THE TIMES
29 AND PLACES IT DETERMINES.

30 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO:

31 (1) COMPENSATION IN ACCORDANCE WITH THE BUDGET OF THE
32 BOARD; AND

33 (2) REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY THE
34 BOARD.

35 (D) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, THE BOARD MAY:

5

1 (1) EMPLOY A STAFF; AND

2 (2) HAVE AVAILABLE AS A CONSULTANT A PHYSICIAN LICENSED BY
3 THIS STATE.

4 20-205.

5 IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS
6 TITLE, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

7 (1) TO ADOPT RULES AND REGULATIONS TO CARRY OUT THE
8 PROVISIONS OF THIS TITLE;

9 (2) TO ADOPT STANDARDS FOR THE PRACTICE OF TATTOOING;

10 (3) TO KEEP RECORDS OF ITS PROCEEDINGS;

11 (4) TO KEEP A LIST OF ALL CURRENTLY LICENSED TATTOO ARTISTS
12 AND LICENSED TATTOO ARTIST INSTRUCTORS;

13 (5) TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND THE
14 SECRETARY;

15 (6) TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS;

16 (7) TO REFER TO THE STATE'S ATTORNEY ANY ALLEGED VIOLATION OF
17 THIS TITLE;

18 (8) IN ACCORDANCE WITH THE STATE BUDGET, TO INCUR ANY
19 NECESSARY EXPENSE THAT RELATES TO THE REFERRAL OF AN ALLEGED
20 VIOLATION OF THE CRIMINAL PROVISIONS OF THIS TITLE; AND

21 (9) ON RECEIPT OF A WRITTEN AND SIGNED COMPLAINT, INCLUDING
22 ONE FROM THE COMMISSIONER OF LABOR AND INDUSTRY, TO CONDUCT AN
23 UNANNOUNCED INSPECTION OF THE PLACE OF BUSINESS OF A TATTOO ARTIST TO
24 DETERMINE COMPLIANCE AT THAT PLACE OF BUSINESS WITH THE CENTERS FOR
25 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS.

26 20-206.

27 (A) THERE IS A STATE BOARD OF TATTOO ARTISTS FUND.

28 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND
29 RENEWAL OF LICENSES AND ITS OTHER SERVICES.

30 (2) THE FEES CHARGED BY THE BOARD SHALL BE SET SO AS TO
31 PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.

32 (3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE
33 BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.

34 (C) (1) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE
35 TO THE COMPTROLLER OF THE STATE.

6

1 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE
2 BOARD OF TATTOO ARTISTS FUND.

3 (D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
4 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY
5 DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS ARTICLE.

6 (2) THE FUND IS A CONTINUING NONLAPSING FUND, NOT SUBJECT TO §
7 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
9 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE
10 FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.

11 (4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

12 (E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

13 (2) MONEYS IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL
14 PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE.

15 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
16 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1215 OF THE STATE GOVERNMENT
17 ARTICLE.

18 20-207.

19 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
20 5-398.1 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR GIVING
21 INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

22 SUBTITLE 3. LICENSING.

23 20-301.

24 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE
25 LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE TATTOOING OR
26 TEACH A TATTOO ARTIST EDUCATION PROGRAM IN THIS STATE.

27 20-302.

28 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
29 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

30 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

31 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OF AGE.

32 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN APPLICANT SHALL
33 BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED EQUIVALENT EDUCATION
34 AND HAVE COMPLETED SATISFACTORILY:

35 (1) A TATTOO ARTIST EDUCATION PROGRAM, TAUGHT BY A LICENSED
36 TATTOO ARTIST INSTRUCTOR, THAT IS APPROVED UNDER THIS TITLE AND
37 INCLUDES TRAINING IN:

7

1 (I) STERILIZATION, THE STORAGE OF STERILIZED EQUIPMENT,
2 RESTERILIZATION, AND THE DISPOSAL OF DISCARDED NEEDLES AND OTHER
3 EQUIPMENT; AND

4 (II) THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
5 UNIVERSAL PRECAUTIONS TO PREVENT THE SPREAD OF DISEASE OR INFECTION
6 DURING OR RELATING TO TATTOO PROCEDURES; AND

7 (2) A TRAINING PROGRAM UNDER THE DIRECT SUPERVISION OF A
8 LICENSED TATTOO ARTIST.

9 (E) EXCEPT AS OTHERWISE PROVIDED BY THIS TITLE, THE APPLICANT SHALL
10 PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

11 (F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, AN
12 APPLICANT FOR A TATTOO ARTIST INSTRUCTOR LICENSE SHALL:

13 (1) BE A LICENSED TATTOO ARTIST;

14 (2) HAVE PRACTICED TATTOOING ACTIVELY FOR AT LEAST 5 YEARS
15 IMMEDIATELY BEFORE THE APPLICATION; AND

16 (3) PASS THE TATTOO ARTIST INSTRUCTOR EXAMINATION.

17 20-303.

18 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

19 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
20 BOARD REQUIRES;

21 (2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE
22 REQUIREMENTS OF § 20-302 OF THIS SUBTITLE; AND

23 (3) PAY TO THE BOARD AN EXAMINATION FEE SET BY THE BOARD.

24 20-304.

25 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
26 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

27 (B) (1) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST
28 ONCE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

29 (2) THE BOARD MAY GIVE REEXAMINATIONS TO APPLICANTS WHO
30 FAIL ALL OR PART OF THE EXAMINATION AT THE TIMES AND PLACES THAT THE
31 BOARD DETERMINES.

32 (3) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE
33 TIME AND PLACE OF THE EXAMINATION.

34 (C) (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS TITLE, THE BOARD
35 SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR
36 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

8

1 (2) EACH EXAMINATION SHALL INCLUDE A SECTION ON:

2 (I) STERILIZATION, THE STORAGE OF STERILIZED EQUIPMENT,
3 RESTERILIZATION, AND THE DISPOSAL OF DISCARDED NEEDLES AND OTHER
4 EQUIPMENT; AND

5 (II) THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
6 UNIVERSAL PRECAUTIONS TO PREVENT THE SPREAD OF DISEASE OR INFECTION
7 DURING OR RELATING TO TATTOOING PROCEDURES.

8 (D) AN APPLICANT MAY RETAKE THE EXAMINATION ONLY IF THE
9 APPLICANT:

10 (1) RETAKES THE ENTIRE EXAMINATION;

11 (2) PAYS THE FULL EXAMINATION FEE; AND

12 (3) COMPLETES AN EDUCATION PROGRAM THAT THE BOARD
13 REQUIRES.

14 20-305.

15 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
16 THE EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL WHO IS
17 LICENSED TO PRACTICE TATTOOING IN ANY OTHER STATE.

18 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
19 APPLICANT:

20 (1) PAYS THE LICENSE FEE REQUIRED BY § 20-306 OF THIS SUBTITLE;
21 AND

22 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

23 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
24 TITLE;

25 (II) BECAME LICENSED IN THE OTHER STATE AFTER PASSING IN
26 THAT OR ANY OTHER STATE AN EXAMINATION THAT IS SUBSTANTIALLY
27 EQUIVALENT TO THE EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE
28 WAIVER; AND

29 (III) BECAME LICENSED IN THE OTHER STATE AFTER MEETING
30 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS
31 OF THIS TITLE.

32 20-306.

33 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

34 (1) MEETS THE REQUIREMENTS OF THIS TITLE; AND

35 (2) PAYS A LICENSE FEE SET BY THE BOARD.

9

1 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES
2 A LICENSE DESIGNATION AS:

3 (1) A TATTOO ARTIST LICENSE; OR

4 (2) A TATTOO ARTIST INSTRUCTOR LICENSE.

5 20-307.

6 (A) A TATTOO ARTIST LICENSE ISSUED UNDER THIS SUBTITLE AUTHORIZES
7 THE LICENSEE TO PRACTICE TATTOOING WHILE THE LICENSE IS EFFECTIVE.

8 (B) A TATTOO ARTIST INSTRUCTOR LICENSE ISSUED UNDER THIS SUBTITLE
9 AUTHORIZES THE LICENSEE TO PRACTICE TATTOOING AND TO TEACH A TATTOO
10 ARTIST EDUCATION PROGRAM WHILE THE LICENSE IS EFFECTIVE.

11 20-308.

12 (A) A LICENSE EXPIRES ON THE DATE SET BY THE BOARD, UNLESS THE
13 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION. A
14 LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

15 (B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL
16 SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF
17 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

18 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

19 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
20 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
21 THE LICENSE EXPIRES; AND

22 (3) THE AMOUNT OF THE RENEWAL FEE.

23 (C) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
24 RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

25 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

26 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

27 (3) SUBMITS TO THE BOARD:

28 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
29 REQUIRES; AND

30 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
31 CONTINUING EDUCATION REQUIREMENT SET UNDER THIS TITLE FOR LICENSE
32 RENEWAL.

33 (D) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS
34 THE REQUIREMENTS OF THIS SECTION.

10

1 20-309.

2 (A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE
3 LICENSEE SUBMITS TO THE BOARD:

4 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM
5 REQUIRED BY THE BOARD; AND

6 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

7 (2) THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL
8 WHO IS ON INACTIVE STATUS, IF THE INDIVIDUAL:

9 (I) COMPLIES WITH ANY CONTINUING EDUCATION
10 REQUIREMENT ESTABLISHED BY THE BOARD FOR THIS PURPOSE; AND

11 (II) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE
12 BOARD.

13 (B) THE BOARD, IN ACCORDANCE WITH ITS RULES AND REGULATIONS,
14 SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS FAILED TO RENEW
15 THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:

16 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

17 (2) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT
18 ESTABLISHED BY THE BOARD FOR THIS PURPOSE;

19 (3) PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES AND A
20 REINSTATEMENT FEE SET BY THE BOARD; AND

21 (4) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE
22 WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

23 (C) THE BOARD MAY NOT REINSTATE THE LICENSE OF A TATTOO ARTIST OR
24 A TATTOO ARTIST INSTRUCTOR WHO FAILS TO APPLY FOR REINSTATEMENT OF THE
25 LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES. HOWEVER, THE TATTOO
26 ARTIST OR TATTOO ARTIST INSTRUCTOR MAY BECOME LICENSED BY MEETING THE
27 CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS TITLE.

28 20-310.

29 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,
30 A LICENSED TATTOO ARTIST OR LICENSED TATTOO ARTIST INSTRUCTOR MAY NOT
31 SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW
32 WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING
33 AGAINST THE LICENSEE.

34 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
35 LICENSED TATTOO ARTIST OR LICENSED TATTOO ARTIST INSTRUCTOR UNDER
36 INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT
37 SURRENDER OF THE LICENSE.

11

1 20-311.

2 (A) SUBJECT TO THE HEARING PROVISIONS OF § 20-313 OF THIS SUBTITLE,
3 THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,
4 PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE
5 APPLICANT OR LICENSEE:

6 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
7 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

8 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

9 (3) AS PART OF THE PRACTICE OF TATTOOING, KNOWINGLY DOES ANY
10 ACT THAT EXCEEDS THE SCOPE OF THE PRACTICE OF TATTOOING;

11 (4) IS GROSSLY NEGLIGENT IN THE PRACTICE OF TATTOOING OR
12 TEACHING A TATTOO ARTIST EDUCATION PROGRAM;

13 (5) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
14 STANDARDS FOR THE PRACTICE OF TATTOOING;

15 (6) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
16 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
17 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
18 SET ASIDE;

19 (7) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
20 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF
21 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR
22 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

23 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

24 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

25 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
26 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN
27 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

28 (9) USES TYPES OF INSTRUMENTS OR PROCEDURES IN THE PRACTICE
29 OF TATTOOING THAT ARE NOT APPROVED BY THE BOARD;

30 (10) IS CURRENTLY ADJUDICATED AS BEING A DISABLED PERSON
31 UNDER TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE;

32 (11) PRACTICES TATTOOING WITH AN UNLICENSED TATTOO ARTIST;

33 (12) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
34 PRACTICE OF TATTOOING;

35 (13) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
36 BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE
37 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

12

- 1 (14) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;
- 2 (15) VIOLATES ANY RULE OR REGULATION ADOPTED BY THE BOARD;
- 3 (16) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;
- 4 (17) BEHAVES IMMORALLY IN THE PRACTICE OF TATTOOING;
- 5 (18) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE
- 6 OF TATTOOING;
- 7 (19) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
- 8 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
- 9 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS; OR
- 10 (20) MAKES A TATTOO ON A MINOR WITHOUT THE CONSENT OF THE
- 11 PARENT OR GUARDIAN UNDER § 20-501 OF THIS TITLE.

12 (B) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED BY

13 THE BOARD SHALL RETURN THE LICENSE TO THE BOARD. IF AT THAT TIME THE

14 LICENSE IS LOST, THE INDIVIDUAL SHALL SEND A SWORN STATEMENT TO THIS

15 EFFECT TO THE BOARD.

16 20-312.

17 (A) IF AFTER A HEARING UNDER § 20-313 OF THIS SUBTITLE THE BOARD

18 FINDS THAT THERE ARE GROUNDS UNDER § 20-311 OF THIS SUBTITLE TO SUSPEND

19 OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING

20 \$5,000:

21 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

22 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

23 (B) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO SET

24 STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

25 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION

26 INTO THE GENERAL FUND OF THIS STATE.

27 20-313.

28 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE

29 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-311 OR § 20-403 OF THIS

30 TITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED

31 AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

32 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN

33 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

34 (C) THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE SENT BY

35 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE

36 UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE PERSON

37 AT LEAST 30 DAYS BEFORE THE HEARING.

13

1 (D) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

2 (E) THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
3 CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

4 (F) IF AFTER DUE NOTICE THE PERSON AGAINST WHOM THE ACTION IS
5 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
6 DETERMINE THE MATTER.

7 20-314.

8 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 20-311
9 OF THIS TITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
10 CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

11 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

12 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
13 ADMINISTRATIVE PROCEDURE ACT.

14 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD
15 UNDER § 20-311 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD
16 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

17 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW
18 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

19 20-315.

20 IF A LICENSE IS SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1
21 YEAR, THE BOARD MAY REINSTATE THE LICENSE AFTER 1 YEAR.

22 SUBTITLE 4. TATTOO ARTIST EDUCATION PROGRAMS.

23 20-401.

24 IN ADDITION TO THE OTHER POWERS AND DUTIES OF THE BOARD AS TO
25 TATTOO ARTIST EDUCATION PROGRAMS OFFERED IN THIS STATE, THE BOARD MAY:

26 (1) ADOPT REGULATIONS BY WHICH A TATTOO ARTIST EDUCATION
27 PROGRAM MAY BE APPROVED;

28 (2) SURVEY AND EVALUATE PROPOSED PROGRAMS; AND

29 (3) KEEP A LIST OF INSTITUTIONS THAT CURRENTLY OFFER TATTOO
30 ARTIST EDUCATION PROGRAMS THAT ARE APPROVED BY THE BOARD UNDER §
31 20-402 OF THIS SUBTITLE.

32 20-402.

33 (A) BEFORE AN INSTITUTION MAY OPERATE A TATTOO ARTIST EDUCATION
34 PROGRAM IN THIS STATE, THE BOARD SHALL APPROVE THE PROGRAM.

35 (B) (1) THE BOARD PERIODICALLY MAY EVALUATE TATTOO ARTIST
36 EDUCATION PROGRAMS IN THIS STATE AND PREPARE A WRITTEN REPORT.

14

1 (2) IF AN INSTITUTION THAT OFFERS AN APPROVED TATTOO ARTIST
2 EDUCATION PROGRAM VIOLATES ANY OF THE REGULATIONS ADOPTED BY THE
3 BOARD UNDER THIS SUBTITLE, THE BOARD SHALL GIVE THE INSTITUTION SPECIFIC,
4 WRITTEN NOTICE OF THE VIOLATION.

5 20-403.

6 (A) A BOARD MAY REMOVE AN INSTITUTION FROM ITS LIST OF INSTITUTIONS
7 THAT OFFER APPROVED TATTOO ARTIST EDUCATION PROGRAMS IF THE
8 INSTITUTION:

9 (1) IS GUILTY OF FRAUD AND DECEIT IN OBTAINING OR ATTEMPTING
10 TO OBTAIN ITS APPROVAL;

11 (2) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
12 STANDARDS FOR THE PRACTICE OF TATTOOING;

13 (3) VIOLATES THE REGULATIONS ADOPTED UNDER THIS SUBTITLE AND
14 DOES NOT CORRECT THE VIOLATION IN A REASONABLE TIME AFTER NOTICE IS
15 GIVEN; OR

16 (4) NO LONGER OPERATES A PROGRAM THAT QUALIFIES FOR
17 APPROVAL UNDER THIS SUBTITLE.

18 (B) ANY ACTION TAKEN UNDER THIS SECTION SHALL BE IN ACCORDANCE
19 WITH THE HEARING AND ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS
20 UNDER §§ 20-313 AND 20-314 OF THIS TITLE.

21 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

22 20-501.

23 (A) A TATTOO ARTIST MAY NOT MAKE A TATTOO ON A MINOR, UNLESS A
24 PARENT OR GUARDIAN OF THE MINOR CONSENTS TO THE TATTOO.

25 (B) IN PROSECUTION FOR A VIOLATION OF THIS SECTION, IT SHALL BE A
26 DEFENSE THAT THE DEFENDANT EXAMINED THE TATTOO RECIPIENT'S DRIVER'S
27 LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN EMPLOYER, A
28 GOVERNMENTAL ENTITY, OR AN INSTITUTION OF HIGHER EDUCATION THAT
29 POSITIVELY IDENTIFIED THE TATTOO RECIPIENT AS AT LEAST 18 YEARS OLD.

30 (C) FOR PURPOSES OF THIS SECTION, EACH SEPARATE AND DISTINCT
31 INCIDENT AT A DIFFERENT TIME AND OCCASION IS A SEPARATE VIOLATION.

32 20-502.

33 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
34 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE TATTOOING OR TEACH,
35 ATTEMPT TO TEACH, OR OFFER TO TEACH A TATTOO ARTIST EDUCATION PROGRAM
36 IN THIS STATE UNLESS LICENSED BY THE BOARD.

15

1 20-503.

2 UNLESS AUTHORIZED TO PRACTICE TATTOOING OR TEACH A TATTOO ARTIST
3 EDUCATION PROGRAM UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE
4 PUBLIC BY TITLE, BY DESCRIPTION OF SERVICE, METHODS, OR PROCEDURES, OR
5 OTHERWISE THAT THE PERSON IS AUTHORIZED TO PRACTICE TATTOOING OR
6 TEACH A TATTOO ARTIST EDUCATION PROGRAM IN THIS STATE.

7 20-504.

8 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
9 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
10 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

11 SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

12 20-601.

13 THIS TITLE MAY BE CITED AS THE "MARYLAND TATTOO ARTISTS ACT".

14 20-602.

15 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
16 PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES AND REGULATIONS
17 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER
18 JULY 1, 2007.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
20 members of the State Board of Tattoo Artists shall expire as follows:

21 (1) two members in 2001;

22 (2) two members in 2002; and

23 (3) one member in 2003.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1997.