

CF 7r1069

By: Senator Stone

Introduced and read first time: January 22, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Licensing and Regulation of Tattoo Artists and Body Piercing Artists

3 FOR the purpose of establishing a State Board of Tattoo Artists and Body Piercing
4 Artists in the Department of Health and Mental Hygiene; providing for the
5 composition, powers, and duties of the Board and for the appointment, removal,
6 qualifications, and terms of the members of the Board; specifying the initial terms of
7 the members of the Board; establishing the State Board of Tattoo Artists and Body
8 Piercing Artists Fund; providing for the nature, purpose, administration, and
9 oversight of the Fund; providing a certain immunity for certain persons who provide
10 information to the State Board of Tattoo Artists and Body Piercing Artists or who
11 otherwise participate in the Board's activities; requiring the Board to adopt certain
12 regulations; requiring the licensure as a tattoo artist of any individual who practices
13 tattooing; requiring the licensure as a body piercing artist of any individual who
14 practices body piercing; providing an application procedure for a license; providing
15 for the issuance, terms, expiration, and renewal of a license; authorizing the Board
16 to deny, revoke, suspend, reprimand, reinstate a license under certain
17 circumstances, or place a license on probation under certain circumstances;
18 providing for the qualifications and duties of licensees; granting certain judicial and
19 administrative rights and procedures to certain licensees and license applicants;
20 requiring the Board to adopt certain regulations; providing for the inactive status of
21 a licensee; requiring certain apprenticeship programs to receive a certain approval;
22 prohibiting certain acts; imposing criminal penalties for unlicensed practice, certain
23 misrepresentations, and other prohibited acts; providing for the short title of this
24 Act; providing for the termination of this Act; defining certain terms; requiring the
25 Board to grant certain waivers of certain requirements under this Act to certain
26 individuals under certain circumstances; providing for the application of certain
27 provisions of this Act; and generally relating to the licensing and regulation of
28 tattoo artists and body piercing artists.

29 BY adding to

30 Article - Courts and Judicial Proceedings
31 Section 5-398.1
32 Annotated Code of Maryland
33 (1995 Replacement Volume and 1996 Supplement)

34 BY adding to

2

1 Article - Health Occupations
2 Section 20-101 through 20-902, inclusive, to be under the new title "Title 20.
3 Maryland Tattoo Artists and Body Piercing Artists Act"
4 Annotated Code of Maryland
5 (1994 Replacement Volume and 1996 Supplement)

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

8 **Article - Courts and Judicial Proceedings**

9 5-398.1.

10 (A) IN THIS SECTION, "BOARD" MEANS THE STATE BOARD OF TATTOO
11 ARTISTS AND BODY PIERCING ARTISTS.

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

15 **Article - Health Occupations**

16 TITLE 20. MARYLAND TATTOO ARTISTS AND BODY PIERCING ARTISTS ACT.

17 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

18 20-101.

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

20 (B) "BOARD" MEANS THE STATE BOARD OF TATTOO ARTISTS AND BODY
21 PIERCING ARTISTS.

22 (C) "BODY PIERCING ARTIST" MEANS AN INDIVIDUAL WHO PRACTICES BODY
23 PIERCING.

24 (D) "BODY PIERCING ARTIST LICENSE" MEANS A LICENSE ISSUED BY THE
25 BOARD TO PRACTICE BODY PIERCING.

26 (E) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
27 LICENSE ISSUED BY THE BOARD TO PRACTICE TATTOOING OR TO PRACTICE BODY
28 PIERCING.

29 (F) "LICENSED BODY PIERCING ARTIST" MEANS A BODY PIERCING ARTIST
30 WHO IS LICENSED BY THE BOARD TO PRACTICE BODY PIERCING.

31 (G) "LICENSED TATTOO ARTIST" MEANS A TATTOO ARTIST WHO IS LICENSED
32 BY THE BOARD TO PRACTICE TATTOOING.

33 (H) (1) "PRACTICE BODY PIERCING" MEANS TO PENETRATE THE SKIN OR
34 THE MUCOUS MEMBRANE OF AN INDIVIDUAL FOR THE PURPOSE OF INSERTING
35 JEWELRY OR OTHER FORMS OF BODY ADORNMENT.

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1 (2) "PRACTICE BODY PIERCING" DOES NOT INCLUDE THE PIERCING OF
2 AN EARLOBE USING A PROPERLY DISINFECTED EAR PIERCING GUN AND SINGLE
3 USE, STERILE STUDS AND CLUTCHES.

4 (I) "PRACTICE TATTOOING" MEANS TO MAKE A MARK OR DESIGN ON THE
5 SKIN OF AN INDIVIDUAL:

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

8 (2) BY RAISING SCARS ON THE SKIN.

9 (J) "TATTOO ARTIST" MEANS AN INDIVIDUAL WHO PRACTICES TATTOOING.

10 20-102.

11 THIS TITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A
12 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
13 THIS ARTICLE.

14 SUBTITLE 2. STATE BOARD OF TATTOO ARTISTS AND BODY PIERCING ARTISTS.

15 20-201.

16 THERE IS A STATE BOARD OF TATTOO ARTISTS AND BODY PIERCING ARTISTS
17 IN THE DEPARTMENT.

18 20-202.

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

20 (2) OF THE FIVE BOARD MEMBERS:

21 (I) ONE SHALL BE A LICENSED TATTOO ARTIST, WHO SHALL HAVE
22 PRACTICED TATTOOING IN THE STATE FOR AT LEAST 5 YEARS IMMEDIATELY
23 BEFORE APPOINTMENT;

24 (II) ONE SHALL BE A LICENSED BODY PIERCING ARTIST, WHO
25 SHALL HAVE PRACTICED BODY PIERCING IN THE STATE FOR AT LEAST 5 YEARS
26 IMMEDIATELY BEFORE APPOINTMENT;

27 (III) ONE SHALL BE A HEALTH CARE PROFESSIONAL, LICENSED IN
28 THIS STATE; AND

29 (IV) TWO SHALL BE CONSUMER MEMBERS.

30 (3) EXCEPT FOR THE HEALTH CARE PROFESSIONAL, THE GOVERNOR
31 SHALL APPOINT THE MEMBERS WITH THE ADVICE AND CONSENT OF THE SENATE.

32 (4) THE SECRETARY SHALL APPOINT THE HEALTH CARE
33 PROFESSIONAL.

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

4

1 (C) THE CONSUMER MEMBER OF THE BOARD:

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

3 (2) MAY NOT BE OR EVER HAVE BEEN A TATTOO ARTIST OR BODY
4 PIERCING ARTIST OR IN TRAINING TO BECOME A TATTOO ARTIST OR BODY
5 PIERCING ARTIST;

6 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A TATTOO ARTIST
7 OR BODY PIERCING ARTIST OR IN TRAINING TO BECOME A TATTOO ARTIST OR
8 BODY PIERCING ARTIST;

9 (4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A
10 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF TATTOOING
11 OR BODY PIERCING;

12 (5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
13 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF TATTOOING
14 OR THE PRACTICE OF BODY PIERCING; AND

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

17 (D) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT
18 HAVE AN INTEREST IN A PERSON REGULATED BY THE BOARD.

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

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

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

24 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
25 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
26 QUALIFIES.

27 (5) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
28 TERMS.

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

31 (F) (1) THE GOVERNOR MAY REMOVE A MEMBER THAT THE GOVERNOR
32 APPOINTED FOR INCOMPETENCE OR MISCONDUCT.

33 (2) UPON THE RECOMMENDATION OF THE SECRETARY, THE
34 GOVERNOR MAY REMOVE A MEMBER THAT THE GOVERNOR APPOINTED WHOM
35 THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM TWO SUCCESSIVE BOARD
36 MEETINGS WITHOUT ADEQUATE REASON.

37 (3) THE SECRETARY MAY REMOVE THE HEALTH CARE PROFESSIONAL
38 MEMBER:

5

1 (I) FOR INCOMPETENCE OR MISCONDUCT; OR

2 (II) WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM
3 TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.

4 20-203.

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

7 (B) THE BOARD SHALL DETERMINE:

8 (1) THE MANNER OF ELECTION OF OFFICERS;

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

10 (3) THE DUTIES OF EACH OFFICER.

11 20-204.

12 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
13 QUORUM.

14 (B) THE BOARD SHALL MEET AT LEAST 4 TIMES A YEAR, AT THE TIMES AND
15 PLACES IT DETERMINES.

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

17 (1) COMPENSATION IN ACCORDANCE WITH THE BUDGET OF THE
18 BOARD; AND

19 (2) REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY THE
20 BOARD.

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

22 (1) EMPLOY A STAFF; AND

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

25 20-205.

26 (A) IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN
27 THIS TITLE, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

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

30 (2) TO KEEP RECORDS OF ITS PROCEEDINGS;

31 (3) TO KEEP A LIST OF ALL CURRENTLY LICENSED TATTOO ARTISTS
32 AND LICENSED BODY PIERCING ARTISTS;

33 (4) TO KEEP A LIST OF ALL LICENSED TATTOO ARTISTS AND LICENSED
34 BODY PIERCING ARTISTS THAT ARE CURRENTLY APPROVED TO OPERATE TATTOO

6

1 ARTIST APPRENTICESHIP PROGRAMS OR BODY PIERCING ARTIST APPRENTICESHIP
2 PROGRAMS IN THIS STATE;

3 (5) TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND THE
4 SECRETARY;

5 (6) TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS;

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

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

11 (9) TO CONDUCT UNANNOUNCED INSPECTIONS OF THE PLACE OF
12 BUSINESS OF A TATTOO ARTIST OR BODY PIERCING ARTIST TO DETERMINE
13 COMPLIANCE WITH THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
14 UNIVERSAL PRECAUTIONS.

15 (B) THE BOARD SHALL ADOPT REGULATIONS FOR THE PRACTICE OF
16 TATTOOING, INCLUDING:

17 (1) THE CARE, STORAGE, AND USE OF PIGMENTS, DYES, INKS, COLORS,
18 AND OTHER CHEMICALS USED IN MAKING A TATTOO;

19 (2) THE CARE, STORAGE, AND USE OF STENCILS USED IN MAKING A
20 TATTOO;

21 (3) THE CARE, STORAGE, AND USE OF TATTOO ARTIST EQUIPMENT AND
22 INSTRUMENTS; AND

23 (4) PROCEDURES AND PRACTICES FOR MAKING TATTOOS.

24 (C) THE BOARD SHALL ADOPT REGULATIONS FOR THE PRACTICE OF BODY
25 PIERCING, INCLUDING:

26 (1) THE CARE, STORAGE, USE, AND STERILIZATION OF BODY PIERCING
27 EQUIPMENT; AND

28 (2) PROCEDURES AND PRACTICES FOR PIERCING BODIES.

29 20-206.

30 (A) THERE IS A STATE BOARD OF TATTOO ARTISTS AND BODY PIERCING
31 ARTISTS FUND.

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

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

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

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

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

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

8 (2) THE FUND IS A CONTINUING NONLAPSING FUND, NOT SUBJECT TO §
9 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

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

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

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

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

20 20-207.

21 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
22 5-398.1 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE FOR GIVING
23 INFORMATION TO THE BOARD OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

24 SUBTITLE 3. LICENSING OF TATTOO ARTISTS.

25 20-301.

26 IN THIS SUBTITLE, "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES
27 OTHERWISE, A LICENSE ISSUED BY THE BOARD TO PRACTICE TATTOOING.

28 20-302.

29 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE
30 LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE TATTOOING.

31 20-303.

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

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

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

8

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

4 (1) AN INFECTION CONTROL CLASS, TAUGHT BY THE DEPARTMENT
5 AND THAT INCLUDES TRAINING IN:

6 (I) STERILIZATION, THE STORAGE OF STERILIZED EQUIPMENT,
7 RESTERILIZATION, AND THE DISPOSAL OF DISCARDED NEEDLES AND OTHER
8 EQUIPMENT;

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

12 (III) ANY OTHER SUBJECT MATTER RELATING TO INFECTION
13 CONTROL THAT THE DEPARTMENT CONSIDERS NECESSARY TO THE HEALTH AND
14 SAFETY OF THE PUBLIC.

15 (2) A 3-YEAR APPRENTICESHIP TRAINING PROGRAM, APPROVED BY
16 THE DEPARTMENT, UNDER THE DIRECT SUPERVISION OF A LICENSED TATTOO
17 ARTIST.

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

20 20-304.

21 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

22 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
23 BOARD REQUIRES;

24 (2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE
25 REQUIREMENTS OF § 20-303 OF THIS SUBTITLE; AND

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

27 20-305.

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

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

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

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

9

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

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

5 (I) THE CARE, STORAGE, AND USE OF PIGMENTS, DYES, INKS,
6 COLORS, AND OTHER CHEMICALS USED IN MAKING A TATTOO;

7 (II) THE CARE, STORAGE, AND USE OF STENCILS USED IN MAKING
8 A TATTOO;

9 (III) THE CARE, STORAGE, AND USE OF TATTOO ARTIST
10 EQUIPMENT AND INSTRUMENTS;

11 (IV) PROCEDURES AND PRACTICES FOR MAKING TATTOOS; AND

12 (V) THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
13 UNIVERSAL PRECAUTIONS TO PREVENT THE SPREAD OF DISEASE OR INFECTION
14 DURING OR RELATING TO TATTOOING PROCEDURES.

15 (D) AN APPLICANT MAY RETAKE THE EXAMINATION ONLY IF THE
16 APPLICANT:

17 (1) RETAKES THE ENTIRE EXAMINATION; AND

18 (2) PAYS THE FULL EXAMINATION FEE.

19 20-306.

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

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

25 (1) PAYS THE LICENSE FEE REQUIRED BY 20-307 OF THIS SUBTITLE; AND

26 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

27 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
28 TITLE;

29 (II) BECAME LICENSED IN THE OTHER STATE AFTER PASSING IN
30 THAT OR ANY OTHER STATE AN EXAMINATION THAT IS SUBSTANTIALLY
31 EQUIVALENT TO THE EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE
32 WAIVER; AND

33 (III) BECAME LICENSED IN THE OTHER STATE AFTER MEETING
34 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS
35 OF THIS TITLE.

10

1 20-307.

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

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

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

5 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE CERTIFICATE THAT THE
6 BOARD ISSUES A LICENSE DESIGNATION AS A TATTOO ARTIST LICENSE.

7 20-308.

8 A TATTOO ARTIST LICENSE ISSUED UNDER THIS SUBTITLE AUTHORIZES THE
9 LICENSEE TO PRACTICE TATTOOING WHILE THE LICENSE IS EFFECTIVE.

10 20-309.

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

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

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

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

21 (3) THE AMOUNT OF THE RENEWAL FEE.

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

24 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

26 (3) SUBMITS TO THE BOARD:

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

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

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

34 (E) AS THE BOARD CONSIDERS NECESSARY, THE BOARD MAY ESTABLISH
35 CONTINUING EDUCATION REQUIREMENTS CONCERNING INFECTION CONTROL.

11

1 20-310.

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
24 WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS
25 AFTER THE LICENSE EXPIRES. HOWEVER, THE TATTOO ARTIST OR TATTOOING
26 INSTRUCTOR MAY BECOME LICENSED BY MEETING THE CURRENT REQUIREMENTS
27 FOR OBTAINING A NEW LICENSE UNDER THIS TITLE.

28 20-311.

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

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

36 20-312.

37 (A) SUBJECT TO THE HEARING PROVISIONS OF § 20-314 OF THIS SUBTITLE,
38 THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,

12

1 PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE
2 APPLICANT OR LICENSEE:

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

5 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

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

8 (4) IS GROSSLY NEGLIGENT IN THE PRACTICE OF TATTOOING;

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

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

15 (7) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
16 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF
17 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR
18 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY PROVISIONS;

19 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

20 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

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

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

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

28 (11) EXCEPT AS OTHERWISE AUTHORIZED IN AN APPROVED TATTOO
29 ARTIST APPRENTICESHIP PROGRAM, PRACTICES TATTOOING WITH AN UNLICENSED
30 TATTOO ARTIST;

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

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

36 (14) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

37 (15) VIOLATES ANY RULE OR REGULATION ADOPTED BY THE BOARD;

13

1 (16) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

2 (17) BEHAVES IMMORALLY IN THE PRACTICE OF TATTOOING;

3 (18) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE
4 OF TATTOOING;

5 (19) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
6 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
7 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS; OR

8 (20) VIOLATES A PROVISION OF SUBTITLE 5 OR SUBTITLE 8 OF THIS
9 TITLE.

10 (B) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED BY
11 THE BOARD SHALL RETURN THE LICENSE TO THE BOARD. IF AT THAT TIME THE
12 LICENSE IS LOST, THE INDIVIDUAL SHALL SEND A SWORN STATEMENT TO THIS
13 EFFECT TO THE BOARD.

14 20-313.

15 (A) IF AFTER A HEARING UNDER § 20-314 OF THIS SUBTITLE THE BOARD
16 FINDS THAT THERE ARE GROUNDS UNDER § 20-312 OF THIS SUBTITLE TO SUSPEND
17 OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING
18 \$5,000:

19 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

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

21 (B) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO SET
22 STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

23 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION
24 INTO THE GENERAL FUND OF THIS STATE.

25 20-314.

26 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
27 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-312, § 20-313, OR § 20-603 OF
28 THIS TITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS
29 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

30 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
31 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

32 (C) THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE SENT BY
33 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE
34 UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE PERSON
35 AT LEAST 30 DAYS BEFORE THE HEARING.

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

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

14

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

4 20-315.

5 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 20-312, §
6 20-313, OR § 20-603 OF THIS TITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF
7 THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE
8 PROCEDURE ACT, MAY:

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

10 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
11 ADMINISTRATIVE PROCEDURE ACT.

12 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD
13 UNDER § 20-312, § 20-313, OR § 20-603 OF THIS SUBTITLE MAY NOT APPEAL TO THE
14 SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

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

17 20-316.

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

20 SUBTITLE 4. LICENSING OF BODY PIERCING ARTISTS.

21 20-401.

22 IN THIS SUBTITLE, "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES
23 OTHERWISE, A LICENSE ISSUED BY THE BOARD TO PRACTICE BODY PIERCING.

24 20-402.

25 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE
26 LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE BODY PIERCING
27 IN THIS STATE.

28 20-403.

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

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

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

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

15

1 (1) AN INFECTION CONTROL CLASS, TAUGHT BY THE DEPARTMENT,
2 THAT IS APPROVED UNDER THIS TITLE AND INCLUDES EDUCATION IN:

3 (I) THE CARE, STORAGE, AND USE OF BODY PIERCING ARTIST
4 EQUIPMENT AND INSTRUMENTS;

5 (II) PROCEDURES AND PRACTICES FOR PRACTICING BODY
6 PIERCING;

7 (III) THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
8 UNIVERSAL PRECAUTIONS TO PREVENT THE SPREAD OF DISEASE OR INFECTION
9 DURING OR RELATING TO BODY PIERCING PROCEDURES; AND

10 (2) A 6-MONTH APPRENTICESHIP TRAINING PROGRAM, APPROVED BY
11 THE DEPARTMENT, UNDER THE DIRECT SUPERVISION OF A LICENCED BODY
12 PIERCING ARTIST.

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

15 20-404.

16 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

17 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
18 BOARD REQUIRES;

19 (2) SUBMIT TO THE BOARD EVIDENCE OF COMPLIANCE WITH THE
20 REQUIREMENTS OF § 20-403 OF THIS SUBTITLE; AND

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

22 20-405.

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

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

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

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

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

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

36 (I) THE CARE, STORAGE, AND USE OF BODY PIERCING ARTIST
37 EQUIPMENT AND INSTRUMENTS;

16

1 (II) PROCEDURES AND PRACTICES FOR PRACTICING BODY
2 PIERCING; AND

3 (III) THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON
4 UNIVERSAL PRECAUTIONS TO PREVENT THE SPREAD OF DISEASE OR INFECTION
5 DURING OR RELATING TO BODY PIERCING PROCEDURES.

6 (D) AN APPLICANT MAY RETAKE THE EXAMINATION ONLY IF THE
7 APPLICANT:

8 (1) RETAKES THE ENTIRE EXAMINATION; AND

9 (2) PAYS THE FULL EXAMINATION FEE.

10 20-406.

11 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
12 THE EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL WHO IS
13 LICENSED TO PRACTICE BODY PIERCING IN ANY OTHER STATE.

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

16 (1) PAYS THE LICENSE FEE REQUIRED BY § 20-407 OF THIS SUBTITLE;
17 AND

18 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

19 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
20 TITLE;

21 (II) BECAME LICENSED IN THE OTHER STATE AFTER PASSING IN
22 THAT OR ANY OTHER STATE AN EXAMINATION THAT IS SUBSTANTIALLY
23 EQUIVALENT TO THE EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE
24 WAIVER; AND

25 (III) BECAME LICENSED IN THE OTHER STATE AFTER MEETING
26 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS
27 OF THIS TITLE.

28 20-407.

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

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

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

32 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES
33 A LICENSE CERTIFICATE DESIGNATION AS A BODY PIERCING ARTIST LICENSE.

34 20-408.

35 A BODY PIERCING ARTIST LICENSE ISSUED UNDER THIS SUBTITLE
36 AUTHORIZES THE LICENSEE TO PRACTICE BODY PIERCING WHILE THE LICENSE IS
37 EFFECTIVE.

17

1 20-409.

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

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

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

9 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
10 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
11 THE LICENSE EXPIRES; AND

12 (3) THE AMOUNT OF THE RENEWAL FEE.

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

15 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

17 (3) SUBMITS TO THE BOARD:

18 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
19 REQUIRES; AND

20 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
21 CONTINUING EDUCATION REQUIREMENT SET UNDER THIS SECTION FOR LICENSE
22 RENEWAL.

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

25 (E) AS THE BOARD CONSIDERS NECESSARY, THE BOARD MAY ESTABLISH
26 CONTINUING EDUCATION REQUIREMENTS CONCERNING INFECTION CONTROL.

27 20-410.

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

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

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

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

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

18

1 (II) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE
2 BOARD.

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

6 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

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

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

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

13 (C) THE BOARD MAY NOT REINSTATE THE LICENSE OF A BODY PIERCING
14 ARTIST WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5
15 YEARS AFTER THE LICENSE EXPIRES. HOWEVER, THE BODY PIERCING ARTIST MAY
16 BECOME LICENSED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A
17 NEW LICENSE UNDER THIS TITLE.

18 20-411.

19 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,
20 A LICENSED BODY PIERCING ARTIST MAY NOT SURRENDER THE LICENSE NOR MAY
21 THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER
22 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

23 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
24 LICENSED BODY PIERCING ARTIST UNDER INVESTIGATION OR AGAINST WHOM
25 CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.

26 20-412.

27 (A) SUBJECT TO THE HEARING PROVISIONS OF § 20-414 OF THIS SUBTITLE,
28 THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE,
29 PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE
30 APPLICANT OR LICENSEE:

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

33 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

34 (3) AS PART OF THE PRACTICE OF BODY PIERCING, KNOWINGLY DOES
35 ANY ACT THAT EXCEEDS THE SCOPE OF THE PRACTICE OF BODY PIERCING;

36 (4) IS GROSSLY NEGLIGENT IN THE PRACTICE OF BODY PIERCING;

37 (5) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
38 STANDARDS FOR THE PRACTICE OF BODY PIERCING;

19

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

5 (7) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
6 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF
7 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR
8 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY PROVISIONS;

9 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

10 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

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

14 (9) USES TYPES OF INSTRUMENTS OR PROCEDURES IN THE PRACTICE
15 OF BODY PIERCING THAT ARE NOT APPROVED BY THE BOARD;

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

18 (11) EXCEPT AS OTHERWISE AUTHORIZED IN AN APPROVED BODY
19 PIERCING ARTIST APPRENTICESHIP TRAINING PROGRAM, PRACTICES BODY
20 PIERCING WITH AN UNLICENSED BODY PIERCING ARTIST;

21 (12) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
22 PRACTICE OF BODY PIERCING;

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

26 (14) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

27 (15) VIOLATES ANY RULE OR REGULATION ADOPTED BY THE BOARD;

28 (16) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

29 (17) BEHAVES IMMORALLY IN THE PRACTICE OF BODY PIERCING;

30 (18) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE
31 OF BODY PIERCING;

32 (19) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE
33 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR
34 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS; OR

35 (20) VIOLATES A PROVISION OF SUBTITLE 5 OR 8 OF THIS TITLE.

36 (B) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED BY
37 THE BOARD SHALL RETURN THE LICENSE TO THE BOARD. IF AT THAT TIME THE

20

1 LICENSE IS LOST, THE INDIVIDUAL SHALL SEND A SWORN STATEMENT TO THIS
2 EFFECT TO THE BOARD.

3 20-413.

4 (A) IF AFTER A HEARING UNDER § 20-414 OF THIS SUBTITLE THE BOARD
5 FINDS THAT THERE ARE GROUNDS UNDER § 20-412 OF THIS SUBTITLE TO SUSPEND
6 OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING
7 \$5,000:

8 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

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

10 (B) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO SET
11 STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

12 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION
13 INTO THE GENERAL FUND OF THIS STATE.

14 20-414.

15 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
16 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-412, § 20-413, OR § 20-603 OF
17 THIS TITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS
18 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

19 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
20 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

21 (C) THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE SENT BY
22 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE
23 UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE PERSON
24 AT LEAST 30 DAYS BEFORE THE HEARING.

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

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

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

31 20-415.

32 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 20-412, §
33 20-413, OR § 20-603 OF THIS TITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF
34 THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE
35 PROCEDURE ACT, MAY:

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

37 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
38 ADMINISTRATIVE PROCEDURE ACT.

21

1 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD
2 UNDER § 20-413 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD
3 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

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

6 20-416.

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

9 SUBTITLE 5. MISCELLANEOUS PROVISIONS.

10 20-501.

11 (A) (1) EACH LICENSED TATTOO ARTIST SHALL DISPLAY AT ALL TIMES THE
12 TATTOO ARTIST LICENSE CERTIFICATE IN A CONSPICUOUS PLACE IN THE TATTOO
13 ARTIST'S PLACE OF BUSINESS.

14 (2) EACH LICENSED BODY PIERCING ARTIST SHALL DISPLAY AT ALL
15 TIMES THE BODY PIERCING ARTIST LICENSE CERTIFICATE IN A CONSPICUOUS
16 PLACE IN THE BODY PIERCING ARTIST'S PLACE OF BUSINESS.

17 (B) (1) IF A TATTOO ARTIST LICENSE CERTIFICATE OR A BODY PIERCING
18 ARTIST LICENSE CERTIFICATE IS LOST OR DESTROYED, THE LICENSEE
19 IMMEDIATELY SHALL NOTIFY THE SECRETARY.

20 (2) ON RECEIPT OF NOTICE OF THE LOSS OR DESTRUCTION OF AN
21 AGENCY LICENSE CERTIFICATE, THE SECRETARY MAY ISSUE A DUPLICATE.

22 20-502.

23 (A) (1) EACH LICENSED TATTOO ARTIST SHALL KEEP RECORDS OF EACH
24 TATTOO RECIPIENT.

25 (2) BEFORE MAKING A TATTOO ON AN INDIVIDUAL, THE LICENSED
26 TATTOO ARTIST SHALL:

27 (I) RECORD THE NAME, ADDRESS, AND AGE OF THE TATTOO
28 RECIPIENT AND THE DATE ON WHICH THE TATTOO RECIPIENT RECEIVED THE
29 TATTOO;

30 (II) REVIEW AND RECORD THE NUMBER OF THE TATTOO
31 RECIPIENT'S DRIVER'S LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN
32 EMPLOYER, A GOVERNMENTAL ENTITY, OR INSTITUTION OF HIGHER EDUCATION;
33 AND

34 (III) OBTAIN THE SIGNATURE OF THE TATTOO RECIPIENT.

35 (3) THE LICENSED TATTOO ARTIST SHALL:

36 (I) MAINTAIN THE RECORDS AT THE TATTOO ESTABLISHMENT
37 FOR AT LEAST 3 YEARS; AND

22

1 (II) MAKE THE RECORDS AVAILABLE FOR INSPECTION BY A
2 MEMBER OF THE BOARD OR A DESIGNEE OF THE BOARD.

3 (B) (1) EACH LICENSED BODY PIERCING ARTIST SHALL KEEP RECORDS OF
4 EACH BODY PIERCING RECIPIENT.

5 (2) BEFORE PRACTICING BODY PIERCING ON AN INDIVIDUAL, THE
6 LICENSED BODY PIERCING ARTIST SHALL:

7 (I) RECORD THE NAME, ADDRESS, AND AGE OF AN INDIVIDUAL
8 WHOSE BODY WILL BE PIERCED AND THE DATE THAT THE INDIVIDUAL'S BODY IS
9 PIERCED;

10 (II) REVIEW AND RECORD THE NUMBER OF THE DRIVER'S
11 LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN EMPLOYER, A
12 GOVERNMENTAL ENTITY, OR INSTITUTION OF HIGHER EDUCATION, OF THE
13 INDIVIDUAL WHOSE BODY WILL BE PIERCED; AND

14 (III) OBTAIN THE SIGNATURE OF THE INDIVIDUAL WHOSE BODY
15 WILL BE PIERCED.

16 (3) THE LICENSED BODY PIERCING ARTIST SHALL:

17 (I) MAINTAIN THE RECORDS AT THE BODY PIERCING
18 ESTABLISHMENT FOR AT LEAST 3 YEARS; AND

19 (II) MAKE THE RECORDS AVAILABLE FOR INSPECTION BY A
20 MEMBER OF THE BOARD OR A DESIGNEE OF THE BOARD.

21 20-503.

22 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
23 LICENSED TATTOO ARTIST SHALL PRACTICE TATTOOING IN A PERMANENT
24 TATTOOING ESTABLISHMENT.

25 (2) A TATTOOING ESTABLISHMENT SHALL BE MAINTAINED IN A CLEAN,
26 SANITARY CONDITION AND IN GOOD REPAIR, VENTILATED, AND OF SUFFICIENT
27 SIZE TO ACCOMMODATE CUSTOMERS AND EQUIPMENT.

28 (3) A LICENSED TATTOO ARTIST MAY PRACTICE TATTOOING AT A
29 TEMPORARY TATTOOING ESTABLISHMENT AT A FAIR, CARNIVAL, OR OTHER
30 TEMPORARY EVENT IN THE STATE.

31 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
32 LICENSED BODY PIERCING ARTIST SHALL PRACTICE BODY PIERCING IN A
33 PERMANENT BODY PIERCING ESTABLISHMENT.

34 (2) A TATTOOING ESTABLISHMENT SHALL BE MAINTAINED IN A CLEAN,
35 SANITARY CONDITION AND IN GOOD REPAIR, VENTILATED, AND OF SUFFICIENT
36 SIZE TO ACCOMMODATE CUSTOMERS AND EQUIPMENT.

37 (3) A LICENSED BODY PIERCING ARTIST MAY PRACTICE BODY
38 PIERCING AT A TEMPORARY BODY PIERCING ESTABLISHMENT AT A FAIR,
39 CARNIVAL, OR OTHER TEMPORARY EVENT IN THE STATE.

23

1 (C) THE BOARD SHALL ADOPT REGULATIONS FOR THE CONDITIONS AND
2 OPERATION OF:

3 (1) PERMANENT TATTOOING ESTABLISHMENTS AND BODY PIERCING
4 ESTABLISHMENTS; AND

5 (2) TEMPORARY TATTOOING ESTABLISHMENTS AND TEMPORARY
6 BODY PIERCING ESTABLISHMENTS AT FAIRS, CARNIVALS, OR OTHER TEMPORARY
7 EVENTS IN THE STATE.

8 SUBTITLE 6. TATTOO ARTIST APPRENTICESHIP PROGRAMS.

9 20-601.

10 IN ADDITION TO THE OTHER POWERS AND DUTIES OF THE BOARD, THE BOARD
11 SHALL:

12 (1) BY REGULATION, SET STANDARDS AND PROCEDURES BY WHICH A
13 TATTOO ARTIST APPRENTICESHIP PROGRAM MAY BE APPROVED;

14 (2) SURVEY AND EVALUATE PROPOSED PROGRAMS; AND

15 (3) KEEP A LIST OF LICENSED TATTOO ARTISTS THAT OFFER TATTOO
16 ARTIST APPRENTICESHIP PROGRAMS APPROVED BY THE BOARD UNDER § 20-602 OF
17 THIS SUBTITLE.

18 20-602.

19 (A) BEFORE A LICENSED TATTOO ARTIST MAY OPERATE A TATTOO ARTIST
20 APPRENTICESHIP PROGRAM IN THIS STATE, THE BOARD SHALL APPROVE THE
21 PROGRAM.

22 (B) THE BOARD PERIODICALLY MAY EVALUATE TATTOO ARTIST
23 APPRENTICESHIP PROGRAMS IN THIS STATE AND PREPARE A WRITTEN REPORT.

24 (C) IF A TATTOO ARTIST WHO OFFERS AN APPROVED TATTOO ARTIST
25 APPRENTICESHIP PROGRAM VIOLATES ANY OF THE STANDARDS SET BY THE BOARD
26 UNDER THIS SUBTITLE, THE BOARD SHALL GIVE THE INSTITUTION SPECIFIC,
27 WRITTEN NOTICE OF THE VIOLATION.

28 20-603.

29 (A) A BOARD MAY REMOVE A TATTOO ARTIST APPRENTICESHIP PROGRAM
30 FROM ITS LIST OF APPROVED TATTOO ARTIST APPRENTICESHIP PROGRAMS, IF THE
31 LICENSED TATTOO ARTIST:

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

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

24

1 (3) VIOLATES THE STANDARDS ADOPTED UNDER THIS SUBTITLE AND
2 DOES NOT CORRECT THE VIOLATION IN A REASONABLE TIME AFTER NOTICE IS
3 GIVEN; OR

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

6 (B) ANY ACTION TAKEN UNDER THIS SECTION SHALL BE IN ACCORDANCE
7 WITH THE HEARING AND ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS
8 UNDER §§ 20-314 AND 20-315 OF THIS TITLE.

9 SUBTITLE 7. BODY PIERCING ARTIST APPRENTICESHIP PROGRAMS.

10 20-701.

11 IN ADDITION TO THE OTHER POWERS AND DUTIES OF THE BOARD, THE BOARD
12 SHALL:

13 (1) BY REGULATION, SET STANDARDS AND PROCEDURES BY WHICH A
14 BODY PIERCING ARTIST APPRENTICESHIP PROGRAM MAY BE APPROVED;

15 (2) SURVEY AND EVALUATE PROPOSED PROGRAMS; AND

16 (3) KEEP A LIST OF BODY PIERCING ARTISTS THAT OFFER BODY
17 PIERCING ARTIST APPRENTICESHIP PROGRAMS APPROVED BY THE BOARD UNDER §
18 20-702 OF THIS SUBTITLE; AND

19 (4) KEEP A LIST OF LICENSED BODY PIERCING ARTISTS THAT OFFER
20 BODY PIERCING ARTIST APPRENTICESHIP PROGRAMS APPROVED BY THE BOARD
21 UNDER § 20-702 OF THIS SUBTITLE.

22 20-702.

23 (A) BEFORE A LICENSED BODY PIERCING ARTIST MAY OPERATE A BODY
24 PIERCING ARTIST APPRENTICESHIP PROGRAM IN THIS STATE, THE BOARD SHALL
25 APPROVE THE PROGRAM.

26 (B) THE BOARD PERIODICALLY MAY EVALUATE BODY PIERCING ARTIST
27 APPRENTICESHIP PROGRAMS IN THIS STATE AND PREPARE A WRITTEN REPORT.

28 (C) IF A BODY PIERCING ARTIST WHO OFFERS AN APPROVED BODY PIERCING
29 ARTIST APPRENTICESHIP PROGRAM VIOLATES ANY OF THE STANDARDS SET BY THE
30 BOARD UNDER THIS SUBTITLE, THE BOARD SHALL GIVE THE INSTITUTION SPECIFIC,
31 WRITTEN NOTICE OF THE VIOLATION.

32 20-703.

33 (A) A BOARD MAY REMOVE A BODY PIERCING ARTIST APPRENTICESHIP
34 PROGRAM FROM ITS LIST OF APPROVED APPRENTICESHIP PROGRAMS, IF THE
35 INSTITUTION OR LICENSED BODY PIERCING ARTIST:

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

25

1 (2) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED
2 STANDARDS FOR THE PRACTICE OF BODY PIERCING;

3 (3) VIOLATES THE STANDARDS ADOPTED UNDER THIS SUBTITLE AND
4 DOES NOT CORRECT THE VIOLATION IN A REASONABLE TIME AFTER NOTICE IS
5 GIVEN; OR

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

8 (B) ANY ACTION TAKEN UNDER THIS SECTION SHALL BE IN ACCORDANCE
9 WITH THE HEARING AND ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS
10 UNDER §§ 20-414 AND 20-415 OF THIS TITLE.

11 SUBTITLE 8. PROHIBITED ACTS; PENALTIES.

12 20-801.

13 (A) A TATTOO ARTIST MAY NOT MAKE A TATTOO ON A MINOR.

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

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

21 20-802.

22 (A) A BODY PIERCING ARTIST MAY NOT PRACTICE BODY PIERCING ON A
23 MINOR.

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

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

31 20-803.

32 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY
33 NOT PRACTICE TATTOOING OR ATTEMPT TO PRACTICE TATTOOING IN THIS STATE
34 UNLESS LICENSED BY THE BOARD.

35 (B) UNLESS AUTHORIZED TO PRACTICE TATTOOING OR APPROVED TO
36 OPERATE AN APPROVED TATTOO ARTIST APPRENTICESHIP PROGRAM UNDER THIS
37 TITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY
38 DESCRIPTION OF SERVICE, METHODS, OR PROCEDURES, OR OTHERWISE THAT THE

26

1 INDIVIDUAL IS AUTHORIZED TO PRACTICE TATTOOING OR OPERATE AN APPROVED
2 TATTOO ARTIST APPRENTICESHIP PROGRAM IN THIS STATE.

3 20-804.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY
5 NOT PRACTICE BODY PIERCING OR ATTEMPT TO PRACTICE BODY PIERCING IN THIS
6 STATE UNLESS LICENSED BY THE BOARD.

7 (B) UNLESS AUTHORIZED TO PRACTICE BODY PIERCING OR APPROVED TO
8 OPERATE A BODY PIERCING APPRENTICESHIP PROGRAM UNDER THIS TITLE, AN
9 INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF
10 SERVICE, METHODS, OR PROCEDURES, OR OTHERWISE THAT THE INDIVIDUAL IS
11 AUTHORIZED TO PRACTICE BODY PIERCING OR OPERATE A BODY PIERCING
12 APPRENTICESHIP PROGRAM IN THIS STATE.

13 20-805.

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

17 SUBTITLE 9. SHORT TITLE; TERMINATION OF TITLE.

18 20-901.

19 THIS TITLE MAY BE CITED AS THE "MARYLAND TATTOO ARTISTS AND BODY
20 PIERCING ARTISTS ACT".

21 20-902.

22 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
23 PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES AND REGULATIONS
24 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER
25 JULY 1, 2007.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the State Board of Tattoo Artists and Body Piercing Artists shall expire as
28 follows:

29 (1) two members in 2001;

30 (2) two members in 2002; and

31 (3) one member in 2003.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Tattoo
33 Artists and Body Piercing Artists shall waive the apprenticeship requirements for the
34 licensing as a tattoo artist of any individual who:

35 (1) is practicing tattooing on July 1, 1997;

36 (2) has actively practiced tattooing for the 3 years immediately preceding
37 July 1, 1997; and

27

1 (3) passes the examination requirements for licensing.

2 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Tattoo
3 Artists and Body Piercing Artists shall waive the apprenticeship requirements for the
4 licensing as a body piercing artist of any individual who:

5 (1) is practicing body piercing on July 1, 1997;

6 (2) has actively practiced body piercing for the 6 months immediately
7 preceding July 1, 1997; and

8 (3) passes the examination requirements for licensing.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding §§
10 20-803 and 20-804 of the Health Occupations Article as enacted by this Act, an
11 individual is not required to be licensed in order to practice tattooing or to practice body
12 piercing until January 1, 1998.

13 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1997.