

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: Kruse, Morse, Shields, Monnes Anderson

Nays: 0

Exc.: Bates

Prepared By: Brian Niebuurt, Administrator

Meeting Dates: 5/4, 5/18, 5/23

WHAT THE MEASURE DOES: Abolishes Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists (Advisory Council) and transfers duties, functions, powers, records and unexpended balances to the Oregon Health Licensing Agency (OHLA). Establishes seven-member Board of Body Art Practitioners within OHLA to establish standards, determine qualifications, training, education and fitness of applicants for licenses in fields of electrolysis, tattooing, body piercing, dermal implanting, and scarification. Requires OHLA to consult with the Oregon Medical Board (OMB) before adopting rules regulating body piercing of genitals or dermal implanting. Allows OHLA to consult with OMB before adopting rules regulating other body art practices. Provides that person may not perform dermal implanting or scarification without license issued by OHLA. Stipulates provisions for individuals and agencies obtaining and correctly utilizing a license issued by OHLA. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Body modification's rise in popularity
- Current regulation of piercing and tattooing
- Potential fiscal impact to OHLA
- Liability for practitioners of body modification
- Need for clinical training in body modification
- Penalties for practicing without a license
- Purpose of consultation with OMB

EFFECT OF COMMITTEE AMENDMENT: Requires OHLA to consult with OMB before adopting rules regulating body piercing of genitals or dermal implanting. Allows OHLA to consult with OMB before adopting rules regulating other body art practices.

BACKGROUND: OHLA regulates tattoo artists, permanent color technicians and electrologists with the advice and assistance of the Advisory Council. Currently, OHLA lacks statutory authority to regulate emerging practices such as dermal implanting and scarification, which are subsets within the body art practices. Dermal implanting consists of inserting body jewelry under the skin, allowing the body to heal over the implant and creating a raised design. Microdermal anchors are also classified as dermal implants, in which an anchor-like piercing is placed in a non-traditional part of the body to give the appearance of a conventional piercing. Scarification involves cutting the skin to produce designs that remain permanent as scars. According to the Mayo Clinic, any time needles, scalpels, tools, etc. make contact with and puncture the human body, there are inherent risks. These implications can vary from allergic reactions and skin infections to blood borne diseases.

House Bill 2013-A gives OHLA the clear statutory authority to regulate emerging body art practices. Additionally, the bill transitions the Advisory Council into a new Board of Body Art Practitioners that will work with OHLA to set standards of practice, and education, training and examination requirements for these practices. The bill also requires OHLA to consult with OMB before adopting rules regulating body piercing of genitals or dermal implanting. Finally, House Bill 2013-A amends the definition of "single facility license" to include body art practices, replacing the current requirement for separate licenses based on practice.

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This summary has not been adopted or officially endorsed by action of the committee.