~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 8, 2018

**H. 4410**

Introduced by Reps. Henderson, Henegan and W. Newton

S. Printed 3/8/18--H.

Read the first time January 9, 2018.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4410) to amend Section 44‑34‑80, Code of Laws of South Carolina, 1976, relating to the licensing of tattoo facilities, so as to authorize the Department of, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Prefiled on November 9, 2017**

**State Expenditure**

This bill allows DHEC to revoke, suspend, refuse to issue a new license, and to impose a monetary penalty on a facility or person that violates provisions of Chapter 34 of Title 44, Tattooing. Currently, such penalties are imposed upon the licensee of the tattoo facility. This bill allows the penalty to be imposed upon either the licensee of the tattoo facility or the person responsible for the violation. This bill allows further that penalties may be imposed on a tattoo facility or person that operates a tattoo facility without a license as required by this chapter.

Before a monetary penalty could be assessed, DHEC would be required to promulgate regulations regarding how the person responsible would be determined in an enforcement action and to assign a violation classification to the new offense. DHEC currently licenses facilities and imposes penalties under this statute. It retains the revenue from these penalties to support regulatory activities related to tattooing pursuant to Section 48-34-40. DHEC anticipates the additional work can be managed within existing resources and appropriations. If an unexpectedly large number of violations were to occur, the additional costs would be offset by the penalty revenues.

**State Revenue**

DHEC currently licenses 188 tattoo facilities. DHEC has taken three enforcement actions against tattoo facilities in the past three years in the form of consent orders. The assessed penalties totaled $7,100, of which $3,100 has been collected by DHEC. DHEC estimates that additional monetary penalties collected from persons or unlicensed facilities would be minimal and varying. The monetary penalties collected would be deposited in an account designated for the regulation of tattooing and retained by DHEC.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑34‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSING OF TATTOO FACILITIES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ASSESS MONETARY PENALTIES AGAINST PERSONS OPERATING UNLICENSED TATTOO FACILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑34‑80 of the 1976 Code is amended to read:

“Section 44‑34‑80. The department may revoke, suspend, or refuse to issue or renew a license pursuant to this chapter and ~~invoke~~ may impose a monetary penalty on a facility or person upon evidence as determined by the department that the licensee of the facility or the person ~~under this chapter~~ has:

(1) failed to maintain a business address or telephone number at which the tattoo facility may be reached during business hours;

(2) failed to maintain proper safety, sanitation, or sterilization procedures as established by law or by department regulations;

(3) obtained a tattoo facility license through fraud or deceit; ~~or~~

(4) violated any applicable law or regulation; or

(5) operated a tattoo facility without a license as required by this chapter.”

SECTION 2. This act takes effect upon approval by the Governor.

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