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COMMITTEE REPORT

March 8, 2018

**H. 4426**

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. 4426) to amend Section 44‑32‑80, Code of Laws of South Carolina, 1976, relating to the licensing of body piercing facilities, so as to authorize the Department, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 44‑32‑20(B) of the 1976 Code is amended to read:

“(B) Prior to applying to the department for a ~~permit~~ license, a body piercing facility must ensure that all body piercing technicians obtain a certificate attesting to the successful completion of a course in blood‑ borne pathogens and body piercing infection control as approved by the department; the body piercing facility must then apply for and obtain a ~~permit~~ license issued by the department, who shall issue such ~~permits~~ licenses, renewable annually, upon presentation of a certificate of each body piercing technician’s initial and annual certification of successful completion of a course in blood‑borne pathogens and body piercing infection control and payment of an annual ~~permitting~~ license fee of three hundred dollars per body piercing facility.”

SECTION 2. Section 44‑32‑40(A) of the 1976 Code is amended to read:

“(A) Every person engaged in the business of body piercing shall register by October 1, 2000, with the department. Upon completion of all the requirements of ~~permitting~~ licensing, the body piercing facility shall receive a body piercing ~~permit~~ license. A ~~permitted~~ licensed facility shall:

(1) obtain a copy of the department’s standards from the department, sign an acknowledgment upon receipt of the standards, and commit to meet the standards;

(2) provide the department with its business address and the address at which the ~~permittee~~ licensee performs any activity regulated by this chapter;

(3) pay an annual ~~permit~~ license fee of three hundred dollars to the department;

(4) post the body piercing facility ~~permit~~ license in a conspicuous place on the premises of a licensed body piercing facility.”

SECTION 3. Section 44‑32‑50(A) of the 1976 Code is amended to read:

“(A) A body piercing technician must be at least eighteen years old and shall possess a current Red Cross First Aid certification or an American Safety and Health Institute certification, or certification from a program that meets or exceeds the certification standards of the Red Cross First Aid or the American Safety and Health Institute, and Adult Cardiopulmonary Resuscitation (CPR) certification. The Red Cross First Aid certification must be renewed every three years, and the Adult CPR certification must be renewed annually. A body piercing technician must conspicuously display:

(1) the annual certificate of successful completion of a course in CPR and infection control as approved by the department; and

(2) the annual ~~permit~~ license issued by the department.”

SECTION 4. Section 44‑32‑60(A) of the 1976 Code is amended to read:

“(A) The department may conduct the following inspections of the locations at which ~~permittees~~ licensees under this chapter conduct regulated activities:

(1) an initial inspection which must be successfully completed as a condition of ~~permitting~~ licensure;

(2) an inspection after any complaint is filed with the department; and

(3) no‑notice inspections which may be conducted by the department at any time without previous notification to the body piercing facility.”

SECTION 5. Section 44‑32‑80 of the 1976 Code is amended to read:

“Section 44‑32‑80. The department may revoke, suspend, or refuse to issue or renew a ~~permit~~ license pursuant to this chapter or may place a body piercing facility on probation, and also may impose a monetary penalty on a body piercing facility or person upon proof that the operator of the facility under this chapter or a person has:

(1) failed to maintain a business address or telephone number at which the 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 body piercing facility license through fraud or deceit; ~~or~~

(4) violated any applicable law or regulation; or

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

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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 permit, and to impose a monetary penalty on a facility or person that violates the provisions of Chapter 32 of Title 44, Body Piercing. Currently, such penalties are imposed upon the permittee of the body piercing facility. This bill allows the penalty to be imposed upon either the permittee of the body piercing facility or the person responsible for the violation. This bill allows further that penalties may be imposed on a body piercing facility or person that operates a body piercing 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 permits facilities and imposes penalties under this statute. It retains the revenue from these penalties to support regulatory activities related to body piercing pursuant to Section 44-32-120 (G). 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 permits 42 body piercing facilities. DHEC has taken one enforcement actions against body piercing facilities in the past three years. This action resulted in probation and no monetary penalties. DHEC estimates that additional monetary penalties collected from persons or unlicensed facilities would be minimal and varying. Any monetary penalties collected would be deposited in an account designated for the regulation of body piercing and retained by DHEC.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑32‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSING OF BODY PIERCING FACILITIES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPOSE MONETARY PENALTIES.

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

SECTION 1. Section 44‑32‑80 of the 1976 Code is amended to read:

“Section 44‑32‑80. The department may revoke, suspend, or refuse to issue or renew a permit pursuant to this chapter or may place a body piercing facility on probation, and also may impose a monetary penalty on a body piercing facility or person, upon proof that the operator of the facility under this chapter or a person has:

(1) failed to maintain a business address or telephone number at which the 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 body piercing facility license through fraud or deceit; ~~or~~

(4) violated any applicable law or regulation; or

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

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

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