

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Tattoo and Body Piercing Establishment Registration Act is amended by changing Sections 10, 15, 25, 35, 40, and 80 as follows:

(410 ILCS 54/10)

Sec. 10. Definitions. In this Act:

"Aseptic technique" means a practice that prevents and hinders the transmission of disease-producing microorganisms from one person or place to another.

"Body piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.

"Client" means the person, customer, or patron whose skin will be tattooed or pierced.

"Communicable disease" means a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.

"Department" means the Department of Public Health or other

health authority designated as its agent.

"Director" means the Director of Public Health or his or her designee.

"Establishment" means a body-piercing operation, a tattooing operation, or a combination of both operations in a multiple-type establishment.

"Ink cup" means a small container for an individual portion of pigment that may be installed in a holder or palette and in which a small amount of pigment of a given color is placed.

"Multi-type establishment" means an operation encompassing both body piercing and tattooing on the same premises and under the same management.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, or limited liability company.

"Procedure area" means the immediate area where instruments and supplies are placed during a procedure.

"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning, managing, or offering services of body piercing or tattooing.

"Sanitation" means the effective bactericidal and veridical treatment of clean equipment surfaces by a process that effectively destroys pathogens.

"Single use" means items that are intended for one time and one person use only and are to then be discarded.

"Sterilize" means to destroy all living organisms

including spores.

"Tattooing" means making permanent marks on the skin of a live human being by puncturing the skin and inserting indelible colors. "Tattooing" includes imparting permanent makeup on the skin, such as permanent lip coloring and permanent eyeliner.

"Tattooing" does not include any of the following:

(1) The practice of electrology as defined in the Electrology Licensing Act.

(2) The practice of acupuncture as defined in the Acupuncture Licensing Act.

(3) The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/15)

Sec. 15. Registration required.

(a) A certificate of registration issued by the Department shall be required prior to the operation of any establishment or multi-type establishment. The operator ~~owner~~ of the facility shall file an application for a certificate of registration with the Department that shall be accompanied by the requisite fee, as determined by the Department, and include all of the following information:

(1) The applicant's operator ~~(owner)~~ name, address,

telephone number, and age. In order to qualify for a certificate of registration under this Act, an applicant must be at least 18 years of age.

(2) The name, address, and phone number of the establishment.

(3) The type and year of manufacture of the equipment proposed to be used for tattooing or body piercing.

(4) The sterilization and operation procedures to be used by the establishment.

(5) Any other information required by the Department.

(b) If the operator ~~owner~~ owns or operates more than one establishment, the operator ~~owner~~ shall file a separate application for each facility owned or operated.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/25)

Sec. 25. Operating requirements. All establishments registered under this Act must comply with the following requirements:

(1) The operator of an ~~An~~ establishment must ensure that all body piercing and tattooing procedures are performed in a clean and sanitary environment that is consistent with sanitation techniques established by the Department.

(2) The operator of an ~~An~~ establishment must ensure that all body piercing and tattooing procedures are

performed in a manner that is consistent with an aseptic technique established by the Department.

(3) The operator of an ~~An~~ establishment must ensure that all equipment and instruments used in body piercing and tattooing procedures are either single use and pre-packaged instruments or in compliance with sterilization techniques established by the Department.

(4) The operator of an ~~An~~ establishment must ensure that single use ink is used in all tattooing procedures.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/35)

Sec. 35. Expiration and renewal of registration; display.

(a) A certificate of registration issued under this Act shall expire and may be renewed annually. The Department may assess a late fee if the renewal application and renewal fee are not submitted on or before the registration expiration date. The Department shall by rule determine the amount of the fee assessed under this subsection (a).

(b) Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable.

(c) The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/40)

Sec. 40. Change of operator ownership. In the event of a change of operator ownership, the new operator owner must apply for a certificate of registration prior to taking possession of the property. A provisional certificate of registration may be issued by the Department until an initial inspection for a certificate of registration can be performed by the Department or its designee.

(Source: P.A. 94-1040, eff. 7-1-07.)

(410 ILCS 54/80)

Sec. 80. Penalties; fines. The Department is authorized to establish and assess penalties or fines against any person who violates this Act or rules adopted ~~a registrant for violations of this Act or regulations adopted~~ under this Act. In no circumstance will any penalties or fines exceed \$1,000 per day for each day the ~~registrant remains in violation~~ continues.

(Source: P.A. 94-1040, eff. 7-1-07.)