



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 381	Assembly Substitute Amendment 1
<i>Memo published:</i> January 15, 2004	<i>Contact:</i> Don Salm, Senior Staff Attorney (266-8540)

Under **current law** [s. 252.24, Stats.], body piercing, body piercers, and body-piercing establishments are regulated by the Department of Health and Family Services (DHFS). “Body piercing” is defined, by statute, to mean perforating any human body part or human tissue, **except an ear**, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person’s parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment. [ch. HFS 173, Wis. Adm. Code.]

Assembly Substitute Amendment 1 prohibits the owner or operator of an ear-piercing establishment from piercing the ear of a child or permitting an employee or contractor of the ear-piercing establishment to pierce the ear of a child, for compensation, **unless** an informed consent for the piercing is signed by the child’s parent or legal guardian in the presence of the owner, operator, employee, or contractor who performs the ear piercing. The substitute amendment defines: (1) “compensation” to mean direct or indirect payment, including the expectation of payment whether or not actually received; and (2) “indirect payment” to include payment for the purchase of an earring under an agreement in which the ear-piercing establishment includes a free ear piercing with the purchase.

Any person who violates this provision is subject to a **Class D forfeiture** (a forfeiture not to exceed **\$200**).

LEGISLATIVE HISTORY

On January 14, 2004, the Assembly Committee on Family Law voted to recommend passage of the bill (as amended by Assembly Substitute Amendment 1) on a vote of Ayes, 5; Noes, 1.

DLS:wu:jal;tlu