



1995 ASSEMBLY BILL 733

December 12, 1995 – Introduced by Representatives BRANDEMUEHL, RYBA, URBAN, AINSWORTH, HUBER, KELSO, FREESE, JOHNSRUD, BOCK, OTT, NOTESTEIN, OLSEN and SILBAUGH, cosponsored by Senator BUETTNER. Referred to Committee on Consumer Affairs.

1 **AN ACT to amend** 20.435 (1) (gm); and **to create** 252.23 of the statutes; **relating**
2 **to:** regulation of tattooing, granting rule-making authority and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a person who tattoos a child is subject to a forfeiture of up to \$200, unless the person is a physician acting in the course of his or her professional practice.

This bill provides the department of health and social services (DHSS) with authority to license and regulate tattooists and to inspect and regulate tattoo establishments. The bill prohibits a person from tattooing or attempting to tattoo another, from designating or representing himself or herself as a tattooist and from assuming the title of "tattooist" unless the person is licensed by DHSS. The bill requires DHSS to promulgate rules establishing standards and procedures, including fee payments, for the annual issuance of licenses for tattooists and standards for tattooing. Lastly, the bill exempts from DHSS regulation tattooing that is performed by physicians in the course of their professional practice.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 20.435 (1) (gm) of the statutes, as affected by 1995 Wisconsin Act
5 27, section 816m, is amended to read:

1 20.435 (1) (gm) *Licensing, review and certifying activities*. The amounts in the
2 schedule for the purposes specified in ss. 50.135, 50.49 (2) (b), 146.50 (8), 250.05 (6),
3 252.23, 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to
4 254.89 and 255.08 (2), subch. IV of ch. 50 and ch. 150. All moneys received under ss.
5 50.135, 50.49 (2) (b), 50.93 (1) (c), 146.50 (8) (d), 150.13, 250.05 (6), 252.23 (3) (a),
6 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and
7 255.08 (2) (b) shall be credited to this appropriation.

8 **SECTION 2.** 252.23 of the statutes is created to read:

9 **252.23 Regulation of tattooists.** (1) DEFINITIONS. In this section:

10 (a) "Tattoo" has the meaning given in s. 948.70 (1) (b).

11 (b) "Tattoo establishment" means the premises where a tatooisit performs
12 tattoos.

13 (c) "Tattooist" means a person who tattoos another.

14 (2) DEPARTMENT; AUTHORITY. The department may provide uniform, statewide
15 licensing and regulation of tattooists and uniform, statewide inspection and
16 regulation of tattoo establishments under this section.

17 (3) LICENSE REQUIRED. Except as provided in sub. (5), no person may tattoo or
18 attempt to tattoo another, designate or represent himself or herself as a tattooist or
19 use or assume the title "tattooist" unless the person is licensed under this section.

20 (4) RULE MAKING. The department shall promulgate all of the following as rules:

21 (a) Standards and procedures, including fee payment to offset the cost of
22 licensing tattooists, for the annual issuance of licenses as tatooisits to applicants
23 under this section.

24 (b) Standards for the performance of tattoos by a licensed tattooist, which will
25 promote safe and adequate care and treatment for individuals who receive tattoos

1 and eliminate or greatly reduce the danger of exposure by these individuals to
2 communicable disease or infection.

3 **(5) EXCEPTION.** This section does not apply to a physician who tattoos or offers
4 to tattoo a person in the course of the physician's professional practice.

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6 **SECTION 3. Effective dates.** This act takes effect on October 1, 1996, except
7 as follows:

8 (1) The treatment of section 252.23 (3) of the statutes takes effect on the day
9 after publication.

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(END)