

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1505

2007 HOUSE HUMAN SERVICES

HB 1505

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1505

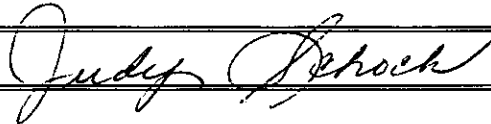
House Human Services Committee

Check here for Conference Committee

Hearing Date: January 23

Recorder Job Number: 1623

Committee Clerk Signature



Minutes:

**Chairman Price:** We will open HB 1505.

**Representative Dan Ruby, District 38 in Minot:** HB 1505 is a product from an email I received on something that is scary. It deals with the term scarification. There is nothing in the code dealing with tattooing. I am not aware of what the requirements the health department has on regulating tattoo parlors. What worries me is going from tattoo parlors to a new thing dealing with scarification. I think this is somewhat dealing with minor surgery. I think this would be very dangerous and potential for infections. We could work on the language. This bill was drafted quickly. I have prohibited my children from tattoos as long as they live in my house. I always prefer parents having say over the government. I would rather no one under 18 so they would be considered an adult. Tattoos are permanent.

**Sophia Preszler, District 35 from Bismarck, ND:** See attached testimony along with other materials. I was repeatedly driven from the mall at Northbrook even though I was not in the tattooing establishment. I was not able to negotiate with them. We need to go beyond parental consent. We need a law in place to protect total population.

**Justin Marter, owner of a tattooing establishment:** Bismarck has an ordinance, Mandan does not. It is not state wide. It varies from county to county. Most states are 18 or over. We

do tattoo minors 16 and 17 with parental consent. If you say no to minors, they will find a way, such as out of homes which are a concern to us. Mandan's health has no rules or regulations what so ever. We have seen many infections. I defiantly think there should be a state wide law for age group. I believe there are 2 states that have 18 and over. I believe the other states are 16 and 17. Flesh cutting is not tattooing. It would be fine by me if you put a ban on branding and flesh cutting. Sub dermal implants, is almost like a piercing with like Teflon beads placed just under the skin, with a pouch incision. They than tape the edges shut. Once it heals it is left there. You can not take it in and out. There is branding being done in Fargo, and Grand Forks area. The branding that is being done is being done correctly. It is set up in a separate room with its own ventilation, exhaust fan and lighting. It is kept completely separate. They are in their guide lines. There is no standardized testing for piercing or tattooing. We are inspected and have a 75.00 fee.

**Kenan Bullinger, Director of the Division of food and Lodging for the ND Department of Health:** See attached testimony and I will leave testimony from **Keith Johnson** who is unable to be here. We have memorandums with all departments MOU's. We would accept theirs.

Chairman Price: Any other testimony on HB1505? If not we will close HB 1505

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1505

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 24, 2007

Recorder Job Number: 1856

Committee Clerk Signature

*Judy Schock*

Minutes:

**Chairman Price:** We will take out HB 1505.

**Committee discusses:** We wanted to outlaw scarification and implants. Some direction is given to piercing belly button etc. over the internet. Do we charge them with a class B misdemeanor? What about branding, and freezing? The difference in branding is it is taken from the outside in and implantation is taken place from the inside out. We had David Peske did some research, and he said none of this is considered medical. It is not considered a surgical procedure. There are religious things that go on with scaring, branding, tattooing and implantation, such as the Sundance ceremony. Committee can't agree if implants should be banned or not. We should use the same language we did on the tanning. A lot of the is offensive to use but we should also address the fees.

**Representative Kaldo** moves a do pass as amended, seconded by **Representative Porter** all were in favor. **Representative Damschen** moves a do pass as amended, **Representative Schneider** seconds the motion. Vote was 10 yeas 1 nay and 1 absent. **Representative Kaldor** will carry to the floor.

# FISCAL NOTE

Requested by Legislative Council

03/09/2007

Amendment to:           Engrossed  
                                  HB 1505

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                       | 2005-2007 Biennium |             | 2007-2009 Biennium |             | 2009-2011 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    |             |                    |             |                    |             |
| <b>Expenditures</b>   |                    |             | \$9,551            |             | \$4,234            |             |
| <b>Appropriations</b> |                    |             |                    |             |                    |             |

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium |        |                  | 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
|                    |        |                  |                    |        |                  |                    |        |                  |

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Health Council to adopt rules to regulate any person that received compensation for engaging in the practice of tattooing, body piercing, or scarification.

The amendment allows the department to collect the fees and deposit them in our operating fund.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The rules are to establish health and safety requirements and limitations to the age of an individual who may receive these services and prohibit any practice that is determined to be unsafe or a threat to public health. While there is no mention of inspections within the proposed legislation, there is no way to enforce the provisions in this bill without inspection of the services provided. The costs included in this fiscal note include staff time for rules development and inspection of approximately 20 practices of these services annually. Ear piercing was not included as body piercing and the number would need to be adjusted if the intent is to include ear piercing. It is also assumed that the cities and counties that are currently regulating these individuals would continue to do so rather than the department of health. If the department is given the authority to collect fees and place them in our operating fund, the cost of the project could be other funds rather than general funds.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The fee for licensure of these individuals is not addressed in this bill and therefore would need to be determined. A determination would also need to be made if the revenue would need to be sufficient to cover the entire costs of rules development and implementation of the requirements.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 340 hours of staff time for rules development and implementation and public hearing costs. It is anticipated that the costs during the 2007-2009 biennium would be \$9,551.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be less at approximately \$4,234 for the biennium.

- C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Funds for this project are not included in the Department's Appropriation bill (HB 1004). The department would need these funds appropriated to carry out these responsibilities.

|                      |                |                       |                   |
|----------------------|----------------|-----------------------|-------------------|
| <b>Name:</b>         | Kathy J. Albin | <b>Agency:</b>        | Health Department |
| <b>Phone Number:</b> | 328.4542       | <b>Date Prepared:</b> | 03/09/2007        |

# FISCAL NOTE

Requested by Legislative Council

01/31/2007

Amendment to: HB 1505

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                | 2005-2007 Biennium |             | 2007-2009 Biennium |             | 2009-2011 Biennium |             |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| Revenues       |                    |             |                    |             |                    |             |
| Expenditures   |                    |             | \$9,551            |             | \$4,234            |             |
| Appropriations |                    |             |                    |             |                    |             |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium |        |                  | 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
|                    |        |                  |                    |        |                  |                    |        |                  |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Health Council to adopt rules to regulate any person that received compensation for engaging in the practice of tattooing, body piercing, or scarification.

The amendment to this bill will not change the impact of the fiscal note.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The rules are to establish health and safety requirements and limitations to the age of an individual who may receive these services and prohibit any practice that is determined to be unsafe or a threat to public health. While there is no mention of inspections within the proposed legislation, there is no way to enforce the provisions in this bill without inspection of the services provided. The costs included in this fiscal note include staff time for rules development and inspection of approximately 20 practices of these services annually. Ear piercing was not included as body piercing and the number would need to be adjusted if the intent is to include ear piercing. It is also assumed that the cities and counties that are currently regulating these individuals would continue to do so rather than the department of health. If the department is given the authority to collect fees and place them in our operating fund, the cost of the project could be other funds rather than general funds.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The fee for licensure of these individuals is not addressed in this bill and therefore would need to be determined. A determination would also need to be made if the revenue would need to be sufficient to cover the entire costs of rules development and implementation of the requirements.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 340 hours of staff time for rules development and implementation and public hearing costs. It is anticipated that the costs during the 2007-2009 biennium would be \$9,551.



As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be less at approximately \$4,234 for the biennium.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Funds for this project are not included in the Department's Appropriation bill (HB 1004). The department would need these funds appropriated to carry out these responsibilities.

|                      |                |                       |            |
|----------------------|----------------|-----------------------|------------|
| <b>Name:</b>         | Kathy J. Albin | <b>Agency:</b>        | Health     |
| <b>Phone Number:</b> | 328.4542       | <b>Date Prepared:</b> | 01/31/2007 |

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/16/2007

Bill/Resolution No.: HB 1505

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                       | 2005-2007 Biennium |             | 2007-2009 Biennium |             | 2009-2011 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       |                    |             |                    |             |                    |             |
| <b>Expenditures</b>   |                    |             | \$9,551            |             | \$4,234            |             |
| <b>Appropriations</b> |                    |             |                    |             |                    |             |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium |        |                  | 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
|                    |        |                  |                    |        |                  |                    |        |                  |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires the Health Council to adopt rules to regulate any person that received compensation for engaging in the practice of tattooing, body piercing, or scarification.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The rules are to establish health and safety requirements and limitations to the age of an individual who may receive these services and prohibit any practice that is determined to be unsafe or a threat to public health. While there is no mention of inspections within the proposed legislation, there is no way to enforce the provisions in this bill without inspection of the services provided. The costs included in this fiscal note include staff time for rules development and inspection of approximately 20 practices of these services annually. Ear piercing was not included as body piercing and the number would need to be adjusted if the intent is to include ear piercing. It is also assumed that the cities and counties that are currently regulating these individuals would continue to do so rather than the department of health. If the department is given the authority to collect fees and place them in our operating fund, the cost of the project could be other funds rather than general funds.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The fee for licensure of these individuals is not addressed in this bill and therefore would need to be determined. A determination would also need to be made if the revenue would need to be sufficient to cover the entire costs of rules development and implementation of the requirements.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

During the 2007-2009 biennium, it is anticipated that it will take approximately 340 hours of staff time for rules development and implementation and public hearing costs. It is anticipated that the costs during the 2007-2009 biennium would be \$9,551.

As development will occur prior to the 2009-2011 biennium, it is anticipated that the expenditures for ongoing operation of this program will be less at approximately \$4,234 for the biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Funds for this project are not included in the Department's Appropriation bill (HB 1004). The department would need these funds appropriated to carry out these responsibilities.

|                      |                |                       |            |
|----------------------|----------------|-----------------------|------------|
| <b>Name:</b>         | Kathy J. Albin | <b>Agency:</b>        | Health     |
| <b>Phone Number:</b> | 328.4542       | <b>Date Prepared:</b> | 01/22/2007 |

Date: 4/24  
 Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House HUMAN SERVICES HB 1505 Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken move amendment

Motion Made By Rep Kaldor Seconded By Rep. Porter

| Representatives                | Yes | No | Representatives  | Yes | No |
|--------------------------------|-----|----|------------------|-----|----|
| Clara Sue Price - Chairman     |     |    | Kari L Conrad    |     |    |
| Vonnie Pietsch - Vice Chairman |     |    | Lee Kaldor       |     |    |
| Chuck Damschen                 |     |    | Louise Potter    |     |    |
| Patrick R. Hatlestad           |     |    | Jasper Schneider |     |    |
| Curt Hofstad                   |     |    |                  |     |    |
| Todd Porter                    |     |    |                  |     |    |
| Gerry Uglem                    |     |    |                  |     |    |
| Robin Weisz                    |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1/31  
 Roll Call Vote #: 2

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House HUMAN SERVICES HB 1505 Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as Amended

Motion Made By Rep Damschen Seconded By Rep Schneider

| Representatives                | Yes | No | Representatives  | Yes | No |
|--------------------------------|-----|----|------------------|-----|----|
| Clara Sue Price - Chairman     | ✓   |    | Kari L Conrad    |     |    |
| Vonnie Pietsch - Vice Chairman | ✓   |    | Lee Kaldor       | ✓   |    |
| Chuck Damschen                 | ✓   |    | Louise Potter    | ✓   |    |
| Patrick R. Hatlestad           | ✓   |    | Jasper Schneider | ✓   |    |
| Curt Hofstad                   | ✓   |    |                  |     |    |
| Todd Porter                    | ✓   |    |                  |     |    |
| Gerry Uglen                    | ✓   |    |                  |     |    |
| Robin Weisz                    |     | ✓  |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |
|                                |     |    |                  |     |    |

Total (Yes) 10 "Click here to type Yes Vote" No 1 "Click here to type No Vote"

Absent \_\_\_\_\_

Floor Assignment Rep. Kaldor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1505: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1505 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "adoption of rules by the health council to regulate" with "regulation of"

Page 1, line 3, after the comma insert "branding, subdermal implants,"

Page 1, line 7, after the second boldface underscored comma insert "**branding, subdermal implants,**", after "**scarification**" insert "**- Permit - Fee**", and after the boldface underscored period insert:

- Rep. Price*
- "1. A person may not operate a facility providing tattooing, body piercing, branding, subdermal implant, and scarification services without a permit issued by the department under this section. The holder of a permit shall display the permit in a conspicuous place at the facility for which the permit is issued. A permit issued under this section expires annually on June thirtieth. An applicant for a permit shall submit an application for a permit to the department, on a form provided by the department, with a permit fee established by the department. The application must include the name and complete mailing address and street address of the facility and any other information reasonably required by the department for the administration of this section.

2."

Page 1, line 9, after the second underscored comma insert "branding, subdermal implants,"

Renumber accordingly

2007 HOUSE APPROPRIATIONS

HB 1505

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1505

House Appropriations Committee

Check here for Conference Committee

Hearing Date: 2/6/07

Recorder Job Number: 2970

Committee Clerk Signature

*Shelby N. Sand*

Minutes:

**Chairman Svedjan:** We will be open the hearing for HB 1505.

**Rep Price:** HB 1505 came to us as a result to us as an email to Rep Ruby, mainly concerning scarification. Currently the tattoo and body art industry is regulated by local health units in some parts of the state but not in all parts of the state. Nine local health jurisdictions have adopted local ordinances in the tattoo and body art.

This is looking at the age and Health Council deems unsafe or a threat to the public. We started out prohibiting and branding sub-dermal implants and scarification in our committee. It ended up be amended to this bill. There is a Senate bill also SB 2352 that has to do with limitations on tattooing and body piercing of minors and has a penalty in it, which is a class B misdemeanor.

Rep Price did have an example of branding and implanting.

**Chairman Svedjan:** The only reason we have the bill is that it does have an affect on the agency expenditure of \$9,500. This is slightly over the threshold for re-referring it to us. This bill does not produce any revenue.

**Rep Price:** No it does not establish. What I honest seeing happening is that we are going to get the Senate bill and they are going to get our bill and we are going to merge the 2 bills and come up with a final product.



**Rep Wald motioned for a Do Pass. Rep. Wieland seconded the motion. The motion carried by a roll call vote of 23 ayes, 0 nays and 1 absent and not voting. Rep. Kaldor was designated to carry the bill.**

Date: 2/16/07  
 Roll Call Vote #: 1 of 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1505**

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Dr. Pass

Motion Made By Wald Seconded By Wieland

| Representatives          | Yes | No | Representatives          | Yes | No |
|--------------------------|-----|----|--------------------------|-----|----|
| Chairman Svedjan         | ✓   |    |                          |     |    |
| Vice Chairman Kempenich  | ✓   |    |                          |     |    |
| Representative Wald      | ✓   |    | Representative Aarsvold  | ✓   |    |
| Representative Monson    | ✓   |    | Representative Gulleson  | ✓   |    |
| Representative Hawken    | ✓   |    |                          |     |    |
| Representative Klein     | ✓   |    |                          |     |    |
| Representative Martinson | ✓   |    |                          |     |    |
| Representative Carlson   | ✓   |    | Representative Glassheim | ✓   |    |
| Representative Carlisle  | ✓   |    | Representative Kroeber   | ✓   |    |
| Representative Skarphol  | ✓   |    | Representative Williams  | ✓   |    |
| Representative Thoreson  | ✓   |    |                          |     |    |
| Representative Pollert   | ✓   |    | Representative Ekstrom   | ✓   |    |
| Representative Bellew    | ✓   |    | Representative Kerzman   |     |    |
| Representative Kreidt    | ✓   |    | Representative Metcalf   | ✓   |    |
| Representative Nelson    | ✓   |    |                          |     |    |
| Representative Wieland   | ✓   |    |                          |     |    |
|                          |     |    |                          |     |    |
|                          |     |    |                          |     |    |

Total (Yes) 23 No 0

Absent 1

Floor Assignment Kaldor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
February 8, 2007 2:04 p.m.

Module No: HR-25-2566  
Carrier: Kaldor  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1505, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)**  
recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1505 was placed on the Eleventh order on the calendar.

2007 SENATE HUMAN SERVICES

HB 1505

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1505

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 3-06-07

Recorder Job Number: 4452, 4494

Committee Clerk Signature

*Mary R. Mowson*

Minutes:

Chairman Senator J. Lee opened the hearing on HB 1505 relating to the regulation of tattooing, body piercing, branding, sub dermal implants, and scarification.

Representative Dan Ruby (District #38) introduced HB 1505 and testified in support of it.

This bill is the result of a constituent having concerns. This puts provisions in law for the Dept. of Health to regulate some of the tattooing and body piercing procedures. He showed pictures of scarification (attachment #1) that he felt borders on dealing with surgical procedures. He pointed out that to his knowledge scarification has not yet been done in ND. He also talked about branding and sub dermal implants. This bill addresses all of those processes.

Senator Dever said he didn't see a penalty.

Rep. Ruby replied that originally they just had a short version of putting it under the regulation of the health council. They did the amendments that changed this language so the current version is not what he devised. The details probably need some work.

Senator Warner pointed out that this was the .0200 version and asked if there were amendments before it was introduced.

Rep. Ruby replied that the first one was really general. Most was added in the House.

Senator Dever talked about inmates branding each other.

Kenan Bullinger (ND Dept. of Health) testified in favor of HB 1505. (Attachment #2)

He answered a question about penalties that was asked earlier. The penalties are addressed in SB 2352. Also addressed in that bill was to accept local jurisdiction if their ordinances were as stringent as state laws.

(Meter 15:10) Mr. Bullinger reported that his testimony included one concern they had about fees and he presented the committee with a wording to address this (attachment 2a).

The hearing on HB 1505 was recessed.

#### **JOB #4494**

Vice Chairman Senator Erbele brought the committee back to order and asked for additional testimony.

Karen Marter (Michael Jays Tattoo & Piercing Clinic) provided testimony in favor of HB 1505. (Attachment #3) She said they do not do any branding, sub dermal implants, and scarification. Senator Erbele asked if they knew of anybody in ND that does scarification.

Ms. Marter indicated they did not.

Senator Heckaman asked where a person goes if they get an infection after getting a tattoo.

Ms. Marter said they prefer the person goes back to them and went on to explain reasons it might have happened.

Senator Heckaman asked if a person getting a tattoo is given something to clean it with when they go home.

Ms. Marter said yes and explained.

Senator Dever asked if they still ask about tattoos when a person goes to donate blood.

Ms. Marter said they do.

Senator Warner asked Ms. Marter if they anticipated any losses of shops in the industry because of the regulation.

Ms. Marter said she was hoping those having shops in their homes will. That is what they want to see stopped.

Senator Pomeroy asked how many places would be licensed in ND.

Ms. Marter answered that there are not that many, maybe 4-5.

Senator Dever – Is there any type of state association?

Ms. Marter – No.

Senator Warner stated there is the potential for nerve damage in some cases of piercing which would come under a scope of practice issue. Health is going to deal mostly with sanitation.

Ms. Marter said the biggest problem of piercing are the piercing guns (meter 8:55).

Senator Erbele asked about the cost of the guns.

Ms. Marter replied that they are relatively inexpensive, probably under \$30.

Senator Erbele asked if they should only be used once because of the sanitation capabilities.

Ms. Marter explained that the guns initially came out for earlobes only and then people started using them for cartilage piercing. That can do damage (meter 10:00).

She told that a lot of states are banning the guns for anything other than earlobe piercing.

Senator Erbele as if it was by law they are banning then.

Ms. Marter said she believed so.

Senator Warner asked if it would be useful to amend this to ban guns or to let the rules process to ban them as an unsafe practice.

Ms. Marter said she would personally like to see them banned.

Senator Heckaman asked where the guns can be purchased.

Ms. Marter said they are in the piercing section of stores.

The hearing on HB 1505 was closed.

Discussion followed about possibly combining this with SB 2352 which is more about age restrictions. HB 1505 is more about regulation of the facility.

Proposed amendments about fees were discussed.

Senator Warner moved to accept the amendment offered by the health department dealing with fees.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Amendment adopted.

After some discussion about banning piercing guns for anything other than earlobes it was decided not to do it at this point.

Senator Warner moved a Do Pass on HB 1505 as amended.

Senator Pomeroy seconded the motion.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Warner.



Date: 3-6-07

Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1505

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment dealing w/ fees

Motion Made By Sen. Warner Seconded By Sen. Heckaman

| Senators                        | Yes | No | Senators               | Yes | No |
|---------------------------------|-----|----|------------------------|-----|----|
| Senator Judy Lee, Chairman      | ✓   |    | Senator Joan Heckaman  | ✓   |    |
| Senator Robert Erbele, V. Chair | ✓   |    | Senator Jim Pomeroy    | ✓   |    |
| Senator Dick Dever              | ✓   |    | Senator John M. Warner | ✓   |    |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-6-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1505

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass / amended / ~~amended~~

Motion Made By Sen. Warner Seconded By Sen. Pomeroy

| Senators                        | Yes | No | Senators               | Yes | No |
|---------------------------------|-----|----|------------------------|-----|----|
| Senator Judy Lee, Chairman      | ✓   |    | Senator Joan Heckaman  | ✓   |    |
| Senator Robert Erbele, V. Chair | ✓   |    | Senator Jim Pomeroy    | ✓   |    |
| Senator Dick Dever              | ✓   |    | Senator John M. Warner | ✓   |    |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Warner -

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1505, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1505 was placed on the Sixth order on the calendar.

Page 1, after line 24, insert:

- "3. The fees established by the department must be based on the cost of conducting routine and complaint inspections and enforcement actions and preparing and sending license renewals. Fees collected under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall waive all or a portion of the fee for any facility that is subject to local jurisdiction."

Renumber accordingly

2007 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1505

