

BILL ANALYSIS

Senate Research Center
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S.B. 1310
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Health & Human Services
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DIGEST AND PURPOSE

Current Texas law does not provide for a program to encourage the public to inform authorities of tattoo or body piercing studios that are operating without a license. As proposed, S.B. 1310 requires the Texas Department of Health (TDH) to establish a program that rewards persons who provide TDH with certain information regarding unlicensed studios, and authorizes TDH to pay the person with part of the funds collected from an offender as an administrative penalty established by this bill. In addition, S.B. 1310 requires TDH to provide the public with information regarding the potential dangers associated with unlicensed studios and how to report such facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 146, Health and Safety Code, by adding Section 146.021, as follows:

Sec. 146.021. REPORTS OF UNLICENSED FACILITIES; ADMINISTRATIVE PENALTIES. (a) Requires the Texas Department of Health (TDH), in order to protect the public health and safety, to establish a program to locate and close tattoo and body piercing studios that are operating without a license issued by TDH.

(b) Authorizes TDH to pay a reward of no more than \$500 to a person who voluntarily reports to TDH the location of a tattoo or body piercing studio that is operating in this state without a license, as part of the program under Subsection (a). Requires the person to provide certain information to be eligible for the reward.

(c) Requires TDH to protect the anonymity of a person who makes a report under Subsection (b).

(d) Authorizes a reward under Subsection (b) to be paid only after an administrative penalty has been collected from the operator of the studio. Requires TDH to pay the reward to the person who provides the first report under Subsection (b), if more than one person provides information to TDH regarding the same studio.

(e) Authorizes TDH to impose an administrative penalty of no more than \$5,000 on a person who performs tattoo or body piercing services in an unlicensed studio, in accordance with Section 146.019. Provides that each day the services are performed constitutes a separate violation for the purposes of imposing a penalty.

(f) Provides that the owner of a home in which an unlicensed studio is located is subject to an administrative penalty of \$5,000 for each violation. Provides that each day the services are performed constitutes a separate violation for the purposes of

imposing a penalty. Provides that the tenant of a rental property in which an unlicensed studio is located is subject to an administrative penalty of no more than \$5,000 for each violation.

(g) Requires an administrative penalty collected under this section to be remitted to TDH. Requires TDH to pay the rewards authorized by this section from money received under this section. Requires TDH to use the money to administer this section and to educate the public by distributing written and other materials, in English and Spanish, containing certain information.

(h) Requires TDH to maintain information on its website regarding how a person may report an unlicensed studio.

SECTION 2. (a) Requires TDH to implement Section 146.021, Health and Safety Code, as added by this Act, and inform the Texas Cosmetology Commission (TCC) of this Act's requirements no later than March 1, 2004.

(b) Requires TCC to inform TDH of any unlicensed tattoo or body piercing studio that it knows to be in noncompliance with the requirements of Chapter 146, Health and Safety Code.

SECTION 3. Effective date: September 1, 2003.