ENROLLED

2022 Regular Session

HOUSE BILL NO. 822

BY REPRESENTATIVE DAVIS

AN ACT

To amend and reenact R.S. 37:563(introductory paragraph) and (6) and R.S. 40:2831(introductory paragraph) and (1)(b) and to enact R.S. 37:581(B)(6) and (F), relative to ear piercing; to exempt ear piercing from certain regulatory requirements; to provide for persons engaged in piercing; to provide requirements for exemption; to prohibit certain ear piercing at home for remuneration; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:563(introductory paragraph) and (6) are hereby amended and reenacted and R.S. 37:581(B)(6) and (F) are hereby enacted to read as follows:

§563. Definitions

As used in this Chapter, the following words shall have the meaning herein ascribed to them, unless the content clearly otherwise indicates following meanings:

*          *          *

(6)(a) "Cosmetology" means the practice of using one's hands, mechanical or electrical apparatuses, or appliances or using cosmetic preparations, antiseptics, soaps, detergents, tonics, lotions, or creams in any one or any combination of the practices of esthetics, hair dressing, and manicuring for compensation, direct or indirect, including tips.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(b) "Cosmetology" does not include ear piercing as provided for in R.S. 37:581(B)(6).

§581. Unlawful practice; exemptions

B. The following persons are exempt from the provisions of this Chapter while in the proper discharge of their professional duties in a facility not licensed by the board:

(6) A cosmetologist, esthetician, qualified healthcare professional, or employee of a qualified healthcare professional who engages in ear piercing if both of the following are true:

(a) The person utilizes piercing needles that are single-use, hollow, and made of stainless steel.

(b) The person complies with all manufacturer instructions for any apparatus used to pierce the ear and all applicable health and safety standards.

F. No person shall engage in the practice of ear piercing at home for remuneration. Nothing in this Subsection shall be construed to prevent a person from piercing their own ears at home or gratuitously piercing the ears of another person at home if they disclose to the person that they are not a licensed or certified cosmetologist, esthetician, or qualified healthcare professional.

Section 2. R.S. 40:2831(introductory paragraph) and (1)(b) are hereby amended and reenacted to read as follows:

§2831. Definitions

As used in this Chapter, these the following terms shall have the following meanings:

(1) "Commercial body art facility" means any location, place, area, or business, whether permanent or temporary, which provides consumers access to
personal services workers who for remuneration perform any of the following procedures:

* * *

(b) Body piercing or the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration; but does not for the purposes of this Chapter, include piercing an ear in either of the following manners:

(i)  With a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear, if the person complies with all manufacturer instructions for any apparatus used to pierce the ear and all applicable health and safety standards.

(ii)  By a cosmetologist, esthetician, qualified healthcare professional, or employee of a qualified healthcare professional if both of the following are true:

(aa)  The person utilizes piercing needles that are single-use, hollow, and made of stainless steel.

(bb)  The person complies with all manufacturer instructions for any apparatus used to pierce the ear and all applicable health and safety standards.

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