

ACT No. 196

2022 Regular Session

HOUSE BILL NO. 822

BY REPRESENTATIVE DAVIS

1 AN ACT

2 To amend and reenact R.S. 37:563(introductory paragraph) and (6) and R.S.
3 40:2831(introductory paragraph) and (1)(b) and to enact R.S. 37:581(B)(6) and (F),
4 relative to ear piercing; to exempt ear piercing from certain regulatory requirements;
5 to provide for persons engaged in piercing; to provide requirements for exemption;
6 to prohibit certain ear piercing at home for remuneration; to make technical changes;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

11 §563. Definitions

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

14 * * *

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

1 (b) "Cosmetology" does not include ear piercing as provided for in R.S.
2 37:581(B)(6).

3 * * *

4 §581. Unlawful practice; exemptions

5 * * *

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

9 * * *

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

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

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

17 * * *

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

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

25 §2831. Definitions

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

28 (1) "Commercial body art facility" means any location, place, area, or
29 business, whether permanent or temporary, which provides consumers access to

1 personal services workers who for remuneration perform any of the following
2 procedures:

3 * * *

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____