

2022 Regular Session

HOUSE BILL NO. 822

BY REPRESENTATIVE DAVIS

COMMERCE: Provides relative to exemptions for ear piercing

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), relative
4 to ear piercing; to exempt ear piercing from certain regulatory requirements; to
5 provide for persons engaged in piercing; to provide requirements for exemption; to
6 make technical changes; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 §563. Definitions

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

13 * * *

14 (6)(a) "Cosmetology" means the practice of using one's hands, mechanical
15 or electrical apparatuses, or appliances or using cosmetic preparations, antiseptics,
16 soaps, detergents, tonics, lotions, or creams in any one or any combination of the
17 practices of esthetics, hair dressing, and manicuring for compensation, direct or
18 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 Section 2. R.S. 40:2831(introductory paragraph) and (1)(b) are hereby amended and
19 reenacted to read as follows:

20 §2831. Definitions

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

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

27 * * *

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

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

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

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

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

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 822 Reengrossed 2022 Regular Session Davis

Abstract: Exempts ear piercing from licensure requirements if certain criteria are met.

Present law requires persons who practice cosmetology in the state to be licensed by the state board.

Proposed law retains present law, but exempts certain persons engaging in ear piercing from the licensing requirement if certain conditions are met.

The exemption in proposed law would apply to a cosmetologist, esthetician, qualified healthcare professional, or employee of a qualified healthcare professional who does both of the following:

- (1) Uses stainless steel, single-use, hollow needles to pierce the ear.
- (2) Complies with all applicable instructions of any device used in the piercing and with all health and safety standards.

Present law regulates persons who provide body modification services in this state, but carves out an exemption for persons who pierce ears using a stud gun, as long as the person complies with all instructions for use and all health and safety standards.

Proposed law expands the exemption to include ear piercing if the piercer is a cosmetologist, esthetician, qualified healthcare professional, or employee of a qualified healthcare professional who does both of the following:

- (1) Uses stainless steel, single-use, hollow needles to pierce the ear.
- (2) Complies with all applicable instructions of any device used in the piercing and with all health and safety standards.

(Amends R.S. 37:563(intro. para.) and (6) and R.S. 40:2831(intro. para.) and (1)(b); Adds R.S. 37:581(B)(6))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.