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CHAPTER 32.

 BODY PIERCING

**SECTION 44‑32‑10.** Definitions.

 As used in this chapter:

 (1) "Body piercing" means the creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" for the purpose of this chapter does not include piercing an ear lobe 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 lobe.

 (2) "Department" means the Department of Health and Environmental Control.

 (3) "Body piercing facility" means any room, space, location, area, structure, or business, or any part of any of these places, where body piercing is practiced or where the business of body piercing is conducted.

 (4) "Body piercing technician" means a person who practices body piercing and who meets the requirements of this chapter.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑20.** Sterilization, sanitation and safety standards; certificate of completion of blood‑borne pathogens and body piercing infection control course; permits.

 (A) The Department of Health and Environmental Control shall establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing. The department shall provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross‑contamination of instruments and supplies.

 (B) Prior to applying to the department for a permit, a body piercing facility must ensure that all body piercing technicians obtain a certificate attesting to the successful completion of a course in blood‑ borne pathogens and body piercing infection control as approved by the department; the body piercing facility must then apply for and obtain a permit issued by the department, who shall issue such permits, renewable annually, upon presentation of a certificate of each body piercing technician's initial and annual certification of successful completion of a course in blood‑borne pathogens and body piercing infection control and payment of an annual permitting fee of three hundred dollars per body piercing facility.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑30.** Infection control precautions.

 A body piercing technician must observe the following infection control precautions at all times:

 (1) The technician must wash his hands thoroughly with water and a germicide soap approved by the department before and after each client's procedure.

 (2) When necessary for the technician to perform a procedure on certain individuals who must undergo shaving of hair, either disinfected scissors or a single‑use disposable razor must be used, and the skin must be cleaned with a germicidal solution approved by the department and used in accordance with the manufacturer's directions.

 (3) The technician must always use single‑use disposable gloves when setting up equipment and single‑use disposable gloves when performing procedures on a client; these gloves must never be washed or reused in any manner and must be immediately replaced upon notice of a tear, any contamination, or other defect.

 (4) All needles, instruments and other surgical equipment, and body piercing items or jewelry must be properly sterilized by autoclave and sterilely packaged and labeled with the date of sterilization and a sterile indicator.

 (5) Prior to any direct contact with the client, the technician must sterilely place all sterile instruments and body piercing items or jewelry on a sterile disposable towel or drape to be used as a single sterile field throughout the procedure. Re‑gloving with single‑use sterile disposable surgical gloves must occur prior to initiation of the procedure, which is to be performed using strict sterile surgical techniques. Any nonsterile contact or contamination of the instruments, jewelry, or field must immediately result in cessation of the procedure and nonuse of all equipment until re‑sterilized.

 (6) The skin of the client must be scrubbed in a sterile surgical manner with a germicidal solution approved by the department and used in accordance with the manufacturer's direction.

 (7) The use of gauze, alum, styptic pencils, or medical supplies deemed necessary to control bleeding is prohibited unless a separate disposable single‑use sterile item is used on each client.

 (8) The technician must dispose of single‑use used needles and other disposable sharp supplies in safety puncture‑proof containers as approved by the department; these used containers must be disposed of in a manner prescribed by the department.

 (9) All used surgical equipment intended for reuse must be properly scrubbed clean of visible materials and soaked for a minimum of twenty minutes in a germicidal solution approved by the department and used in accordance with the manufacturer's direction prior to being re‑sterilized by autoclave.

 (10) Each body piercing facility must keep a written log for two years of autoclave use, to include (but not be limited to) date and time of use and sterilization spore test strip results done at least monthly.

 (11) The technician must allow and cooperate with on‑site inspections as deemed necessary by the department.

 (12) A body piercing facility must include a room for the purpose of disinfecting and sterilization of equipment and this room must be physically separate from the room used for body piercing procedures to avoid cross‑contamination of equipment.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑40.** Registration and permits; fees; additional charges.

 (A) Every person engaged in the business of body piercing shall register by October 1, 2000, with the department. Upon completion of all the requirements of permitting, the body piercing facility shall receive a body piercing permit. A permitted facility shall:

 (1) obtain a copy of the department's standards from the department, sign an acknowledgment upon receipt of the standards, and commit to meet the standards;

 (2) provide the department with its business address and the address at which the permittee performs any activity regulated by this chapter;

 (3) pay an annual permit fee of three hundred dollars to the department;

 (4) post the body piercing facility permit in a conspicuous place on the premises of a licensed body piercing facility.

 (B) The department may charge an additional amount if necessary to cover the cost of inspection.

 (C) Fees established by this chapter must be used exclusively in support of activities pursuant to this chapter.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑50.** Body piercing technician requirements.

 (A) A body piercing technician must be at least eighteen years old and shall possess a current Red Cross First Aid certification or an American Safety and Health Institute certification, or certification from a program that meets or exceeds the certification standards of the Red Cross First Aid or the American Safety and Health Institute, and Adult Cardiopulmonary Resuscitation (CPR) certification. The Red Cross First Aid certification must be renewed every three years, and the Adult CPR certification must be renewed annually. A body piercing technician must conspicuously display:

 (1) the annual certificate of successful completion of a course in CPR and infection control as approved by the department; and

 (2) the annual permit issued by the department.

 (B) A body piercing technician must comply with all applicable federal Office of Safety and Health Administration requirements or guidelines.

 (C) A body piercing technician must obtain a certificate attesting to the successful completion of a course in blood‑borne pathogens and body piercing infection control as approved by the department.

HISTORY: 2000 Act No. 249, Section 1; 2008 Act No. 206, Section 2, eff May 14, 2008.

**SECTION 44‑32‑60.** Inspections; blood donor disqualification notice; verification of recipient's age; right of action.

 (A) The department may conduct the following inspections of the locations at which permittees under this chapter conduct regulated activities:

 (1) an initial inspection which must be successfully completed as a condition of permitting;

 (2) an inspection after any complaint is filed with the department; and

 (3) no‑notice inspections which may be conducted by the department at any time without previous notification to the body piercing facility.

 (B) Each body piercing location shall conspicuously display a clearly legible notice to patrons informing them of any disqualification which body piercing may confer upon a prospective blood donor according to the current and subsequent amendments to standards of the American Association of Blood Banks. This notice also must appear in any informed consent or release form which a body piercer uses. This informed consent or release form must be signed by the prospective client and must contain, at a minimum, aftercare suggestions for the specific piercing site.

 (C) A body piercing technician shall verify by means of a picture identification that a recipient is at least eighteen years of age. For purposes of this section, "picture identification" means (a) a valid South Carolina driver's license; or (b) an official photographic identification card issued by the South Carolina Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or United States Department of State. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age is a defense to an action brought pursuant to this section.

 (D) A person who has his or her body pierced while under the age of eighteen in violation of subsection (C) above may bring an action in the circuit court against the person convicted of the violation to recover actual damages and punitive damages plus costs of the action and attorney's fees.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑70.** Regulations; business license or permit.

 (A) A department may adopt regulations that do not conflict with, or are more comprehensive than, the provisions of this chapter or with the standards adopted by the department and promulgated by regulations by the department.

 (B) This chapter does not limit the department's ability to require a registrant to obtain any business license or permit that the department finds appropriate.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑80.** Revocation, suspension, or refusal to renew permit; probation.

 The department may revoke, suspend, or refuse to issue or renew a permit pursuant to this chapter or may place a body piercing facility on probation upon proof that the operator of the facility under this chapter has:

 (1) failed to maintain a business address or telephone number at which the facility may be reached during business hours;

 (2) failed to maintain proper safety, sanitation, or sterilization procedures as established by law or by department regulations;

 (3) obtained a body piercing facility license through fraud or deceit; or

 (4) violated any applicable law or regulation.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑100.** Time for compliance.

 On or after October 1, 2000, a person seeking to engage in the business of body piercing shall comply with the provisions of this chapter.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑110.** Physician or surgeon activities exempted.

 This chapter does not restrict the activities of a physician or surgeon licensed pursuant to the laws of this State.

HISTORY: 2000 Act No. 249, Section 1.

**SECTION 44‑32‑120.** Minors or persons impaired by drugs, alcohol, or otherwise incapable of consenting; unhealthy skin surfaces; penalty.

 (A) It is unlawful for a person to perform or offer to perform body piercing upon a person under the age of eighteen years, unless the body piercing is performed in the presence of, or as directed by a notarized writing by, the person's parent or legal guardian.

 (B) This section does not apply to the body piercing of an emancipated minor.

 (C) The minor upon whom body piercing is performed, or the parent or legal guardian of that minor or any other minor, is not liable for punishment pursuant to this section.

 (D) Body piercing may not be performed upon a person impaired by drugs or alcohol. A person is considered incapable of consenting to body piercing and incapable of understanding body piercing procedures and aftercare suggestions.

 (E) Body piercing may not be performed on skin surfaces having a rash, pimples, boils, infections, or evidence of unhealthy conditions.

 (F) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined up to two thousand five hundred dollars or imprisoned up to one year, or both.

 (G) All fines collected must be remitted to the State Treasurer to be credited to the Department of Health and Environmental Control in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.

HISTORY: 2000 Act No. 249, Section 1.