

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

189B0047

HOUSE BILL NO. 1176

Introduced by: Representatives Duvall, Rasmussen, and Wiese and Senators Soholt,
DiSanto, Foster, Langer, Sutton, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide for the regulation of saline tattoo removal by
2 municipalities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-34-17 be amended to read:

5 9-34-17. Any municipality may regulate the practice of tattooing, saline tattoo removal, and
6 body piercing by licensing ~~tattoo artists and practitioners of tattooing, saline tattoo removal, or~~
7 body piercing; inspecting tattoo, saline tattoo removal, and body piercing establishments; and
8 establishing standards for sanitation that are at least as stringent as those adopted by the
9 Department of Health pursuant to under § 34-1-17. ~~The term, tattoo, means~~

10 Terms used in this section mean:

11 (1) "Tattooing," to make marks or designs into the skin by puncturing it and inserting
12 indelible colors. ~~Tattooing~~ The term includes microblading and similar techniques
13 used to partially or fully simulate natural hair. ~~The term, body piercing, means;~~

14 (2) "Saline tattoo removal," inserting a saline solution in skin to lighten or remove an
15 existing tattoo. The term does not include the use of other acids or of lasers as



1 described in § 36-4-8.2;

2 (3) "Body piercing," to place a permanent or temporary foreign object in a person's body
3 for a decorative or other nonmedical purpose by a person not directly under the
4 supervision of a licensed physician as defined by § 36-4-11.

5 Section 2. That § 34-1-17 be amended to read:

6 34-1-17. The Department of Health may adopt and enforce, subject to chapter 1-26, orders
7 and rules necessary to preserve and protect the public health and may regulate, by requiring
8 licenses or other appropriate means, control, and, in proper cases, prohibit and suppress any of
9 the following matters:

- 10 (1) The manufacture into articles of commerce, other than food, of diseased, tainted, or
11 decayed animal or vegetable matter;
- 12 (2) The location of cemeteries and the removal and burial of the dead;
- 13 (3) The management of lying-in houses and boarding places for infants, and the
14 treatment of infants therein;
- 15 (4) The construction and equipment, in respect to sanitary conditions, of schools,
16 hospitals, prisons, and other public institutions;
- 17 (5) The treatment in hospitals and elsewhere of persons suffering from any
18 ~~communicable diseases~~ disease, the disinfection and quarantine of persons and places
19 in case of ~~such~~ disease, and the reporting of sickness and deaths ~~therefrom~~ from
20 disease;
- 21 (6) The distribution of biological products to be used for the prevention and treatment
22 of communicable diseases;
- 23 (7) The diagnosis, control, and treatment of tuberculosis; and
- 24 (8) The minimum sanitation requirements for tattooing, saline tattoo removal, and body

1 piercing as defined in § 9-34-17, including premises, equipment, methods of
2 operation, and freedom from communicable disease.