



Legislation Text

File #: 990343, Version: 1

990343
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to licensing and regulation of tattooing and body-piercing establishments and tattooists and body piercers.
75-51 cr
- Analysis -

This ordinance authorizes the health department to act as an agent of the state to enforce the tattooing and body-piercing regulations of state law. This authorization is pursuant to an agency agreement with the Wisconsin department of health and family services. The ordinance requires all body piercers, tattooists, body-piercing establishments and tattooing establishments to have a city license, to comply with statutory requirements and to pay the license fees provided in the Wisconsin administrative code. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 75-51 of the code is created to read:

75-51. Tattooing and Body-Piercing. 1. STATE ADMINISTRATIVE CODE ADOPTED. The city of Milwaukee adopts ch. HFS 173, Wis. Adm. Code, as amended, as part of this code.

2. DEPARTMENT AS AGENT OF STATE. The health department is authorized to act as an agent of the Wisconsin department of health and family services, as authorized under ss. 252.23, 252.24 and 252.245, Wis. Stats., and chapter HFS 173, Wis. Admin. Code. The department is authorized, as agent of the state, to enforce the tattooing and body-piercing regulations of ss. 252.23, 252.24 and 252.245, Wis. Stats., and ch. HFS 173, Wis. Adm. Code.

3. LICENSE REQUIRED. a. Except as provided in par b, no person may tattoo or attempt to tattoo another, designate or represent himself or herself as a tattooist or use or assume the title "tattooist" and no tattoo establishment may be operated unless the person and the establishment are licensed under this section. No person may pierce the body of or attempt to pierce the body of another, designate or represent himself or herself as a body piercer or use or assume the title "body piercer" and no body-piercing establishment may be operated unless the person and the establishment is licensed under this section.

b. The licensure requirement of par. a does not apply to a dentist who is licensed under s. 447.03(1), Wis. Stats., or to a physician who, in the course of the dentist's or physician's professional practice, tattoos or offers to tattoo an individual or who pierces the body of or offers to pierce the body of an individual.

c. A person seeking a license under this section shall apply to the health department and shall comply with the requirements established under Wisconsin statutes and the Wisconsin administrative code for that license.

4. FEE. a. Each license applicant shall pay the appropriate license fee or fees provided in ch. HFS 173, Wis. Adm. Code.

b. In addition, each applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Health Department

99189-2

CW

6/1/99