

REPUBLIC OF THE PHILIPPINES)
FIFTEENTH CONGRESS)
First Regular Session)

SENATE

Senate Bill No. 1126

Introduced by Senator Manny Villar

EXPLANATORY NOTE

Tattooing, a tradition among people around the world, has been practiced worldwide among Polynesian peoples, and among certain tribal groups in the Philippines, Borneo, Mentawai Islands, Africa, North America, South America, Mesoamerica, Europe, Japan, Cambodia, New Zealand and China. Tattoos have served as rites of passage, marks of status and rank, symbols of religious and spiritual devotion, decorations for bravery, sexual lures and marks of fertility, pledges of love, punishment, amulets and talismans, protection, and as the marks of outcasts, slaves and convicts.

Today, tattoos have experienced a resurgence in popularity in many parts of the world. People choose to be tattooed for cosmetic, sentimental/ memorial, religious, and magical reasons, and to symbolize their belonging to or identification with particular groups. They are useful in enhancing eyebrows, lips, eyes and even moles, usually with natural colors as the designs are intended to resemble make-up.

Tattooing, however, may carry health risks, including infection and allergic reactions. Infections that could be transmitted via the use of unsterilized tattoo equipment include surface infections of the skin, herpes simplex virus, tetanus, staph (infected tattoo) fungal infections, some forms of hepatitis and HIV.

This bill seeks to protect and promote the right to health of the people by providing standards in the operation of tattoo studios to ensure the safety of the people against health risks and all possible complications that may arise in receiving a tattoo.

Under the proposed measure, the owner of a tattoo studio or tattoo artist shall have the duty to discuss with the patron or person intending to be tattooed the health risks involved in the tattoo requested, including the potential that a tattoo may interfere with the clinical reading of a magnetic resonance imaging study, should the patron ever encounter a medical need for such a study. The owner of a tattoo studio or tattoo artist is also mandated to advise the patron of all the possible complications that may arise in receiving a tattoo.

The proposed bill also seeks to penalize any person who shall perform tattoo work on a minor without the written consent of the latter's parents or guardian; any person who is intoxicated or under the influence of drugs or alcohol; pregnant or nursing women; any person with contraindicated skin condition; and any person incapable of giving consent due to mental incapacity.

It is hoped that the health risks and all possible complications which may arise in receiving a tattoo shall be minimized.

In view of the foregoing, the passage of this bill is earnestly requested.



MANNY VILLAR

SENATE

Senate Bill No. 1126

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AN ACT
PROVIDING STANDARDS IN THE OPERATION OF TATTOO STUDIOS,
PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER
PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. - This Act shall be known as the "**Tattoo Patrons Protection Act of 2010.**"

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the right to health of the people. Toward this end, the government shall provide standards in the operation of tattoo studios to ensure the safety of the people against health risks and all possible complications that may arise in receiving a tattoo.

SEC. 3. License Requirement. -No person shall perform tattoo or operate a tattoo studio unless he possesses the qualifications that may be prescribed by the Department of Health.

SEC. 4. Duty to inform and advise patron. - It shall be the duty of the owner of a tattoo studio or tattoo artist to discuss with the patron or person intending to be tattooed the health risks involved in the tattoo requested, including the potential that a tattoo may interfere with the clinical reading of a magnetic resonance imaging study, should the patron ever encounter a medical need for such a study. The owner of a tattoo studio or tattoo artist shall also advise the patron of all the possible complications that may arise in receiving a tattoo.

SEC. 5. Records. - The owner of a tattoo studio in which the tattoo was performed shall maintain a complete record which shall contain, but not limited to, the following:

- (a) name and signature of the person;
- (b) address;
- (c) age;
- (d) date tattooed;

- (e) design of the tattoo;
- (f) location of the tattoo in the person's body;
- (g) name of the tattoo artist who performed the work.

He shall also keep on file the written consent of the parents or guardian in case the person to be tattooed is a minor and the advice given to the patron regarding the possible complications that may arise in receiving a tattoo.

SEC. 6. Procedures. - Every owner of a tattoo studio or tattoo artist shall conform to the following procedures:

- (1) A copy of the printed instructions shall be posted in a conspicuous place, clearly visible to the person being tattooed;
- (2) Each tattoo artist shall wear a clean outer garment, i.e., patron, smock, T-shirt, etc.;
- (3) Tattoo artists who are experiencing diarrhea, vomiting, fever, rash, productive cough, jaundice, draining or open skin infections such as boils which could be indicative or more serious conditions such as, but not limited to, impetigo, scabies, hepatitis-B, HIV or AIDS shall refrain from tattooing activities until such time as they are no longer experiencing or exhibiting the aforementioned symptoms;
- (4) Before working on each patron, the fingernails and hands of the tattoo artist shall be thoroughly washed and scrubbed without running water, antibacterial soap and an individual hand brush that is clean and in good repair;
- (5) The tattoo artist's hands shall be air blown dried or dried by a single-use towel. In addition, disposable latex examination gloves shall be worn during the tattoo process. The gloves shall be changed each time there is an interruption in the tattoo application, the glove become torn or punctured or whenever their ability to function as a barrier is compromised;
- (6) Only sterilized or single-use, disposable razors shall be used to shave the area to be tattooed;
- (7) Immediately prior to beginning the tattoo procedure, the affected skin area shall be treated with an antibacterial solution;
- (8) If an acetate stencil is used by a tattoo artist for transferring the design to the skin, the acetate stencil shall be thoroughly cleaned and rinsed in a germicidal solution for at least twenty minutes and then dried with sterile gauze or dried in the air on a sanitized surface after each use;
- (9) If a paper stencil is used by a tattoo artist for transferring the design to the skin, the paper stencil shall be single-use and disposable;
- (10) If the design is drawn directly onto the skin, the design shall be applied with a single-use article only.

SEC. 7. Dyes or pigments. - In performing tattoo work, the owner of a tattoo studio or tattoo artist shall use only nontoxic sterile dyes or pigments which

shall be prepared in sterilized or disposable single-use containers for each patron. After tattooing, the unused dye or pigment in the single-use containers shall be discarded along with the container. All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

SEC. 8. Sterilization of needles. - In performing tattoo work, the owner of a tattoo studio or tattoo artist shall use a set of individual, sterilized needles shall be used for each patron. No less than twenty-four sets of sterilized needles and tubes shall be on hand for the entire day or night operation. Unused sterilized instruments shall be re-sterilized at intervals of no more than six months from the date of the last sterilization.

Used, non-disposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water and soap and then sterilized by autoclaving.

If used instruments are ultrasonically cleaned prior to being placed in the used instrument container, they shall be ultrasonically cleaned and then rinsed under running hot water prior to being placed in the used instrument container. The ultrasonic unit shall be sanitized daily with a germicidal solution.

If used instruments are not ultrasonically cleaned prior to being placed in the used instrument container, they shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and then sterilized by autoclaving.

All non-disposable instruments, including the needle tubes, shall be sterilized and shall be handled and stored in such a manner as to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If non-transparent sterilization bags are utilized, the bag shall also list the contents.

Autoclave sterilization bags, with a color code indicator which changes color upon proper steam sterilization, shall be utilized during the autoclave sterilization process. Instruments shall be placed in the autoclave in such a manner as to allow live steam to circulate around them.

The owner of a tattoo studio shall not keep in the studio any rusty, defective or faulty instruments.

SEC. 9. Aftercare of tattoo. - The completed tattoo shall be washed with a single use towel saturated with an antibacterial solution. Printed instructions on the care of the skin after tattooing shall be given to each patron as a precaution to prevent infection.

SEC. 10. Prohibited Acts. - It shall be unlawful for any person to perform tattoo work on the following:

- (a) any person who is intoxicated or under the influence of drugs or alcohol;
- (b) pregnant or nursing women;
- (c) any person with contraindicated skin condition; and
- (d) any person incapable of giving consent due to mental incapacity.

SEC. 11. Penalties. - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) year nor more than five (5) years or a fine of not less than One Hundred Thousand pesos (P100,000.00) nor more than Five Hundred Thousand pesos (P500,000.00), or both such fine and imprisonment at the discretion of the court.

The license to operate a tattoo studio and to perform tattoo shall be revoked.

Any action arising from the violation of the provisions of this Act shall prescribe in five (5) years.

SEC. 12. Implementing Rules and Regulations. - The Department of Health, in coordination with Department of Trade and Industry, shall promulgate rules and regulations for the effective implementation of this Act.

SEC. 13. Separability Clause. - If, for any reason, any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 14. Repealing Clause. - All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 15. Effectivity Clause. -This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,