

## NOTICE OF INTENT

**Department of Health  
Office of Public Health**  
Commercial Body Art  
(LAC 51: XXVIII.107)

Under the authority of R.S. 40:4 and 40:5 and 40:2831 et seq., and in accordance with R.S. 49:950 *et seq.*, the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to amend Part XXVIII (Commercial Body Art) of Title 51. These amendments are being proposed to comply with the provisions of Act 365 of the 2024 Regular Legislature.

### **Title 51 PUBLIC HEALTH—SANITARY CODE Part XXVIII. Commercial Body Art**

#### **Chapter 1. Commercial Body Art Regulation**

##### **§107. Practice Standards; Restrictions [formerly Paragraph 28:004]**

A. [Formerly Paragraph 28:004-1] Prior to any body art procedure, a consent form shall be completed and signed by each client. This consent form shall include a prominent statement regarding the regulatory status of any inks being used for the procedure (i.e., whether those inks are regulated or approved by the state of Louisiana or the federal Food and Drug Administration). Aftercare instructions shall be given to the client both verbally and in writing after every service. The written care instructions shall advise the client to consult the body art operator or a qualified health care professional at the first sign of abnormal inflammation/swelling or possible infection.

B.-M. ...

**AUTHORITY NOTE:** Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1458 (June 2002), amended LR 51:

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Monday, November 11, 2024 at COB, 4:30 pm, and should be addressed to Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, November 11, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 am on Monday, December 2, 2024, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Monday, November 11, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Ralph Abraham  
Surgeon General  
and

Michael Harrington, MBA, MA  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

Person

Preparing

Statement: Brian R. Warren

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Office: Office of Public Health

Return

Address: 628 N. 4<sup>th</sup> Street,  
Baton Rouge, LA 70802

Rule Title: Commercial Body Art

Date Rule Takes Effect: January 20, 2025

### SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Besides the cost of publishing, the proposed rule change is anticipated to result in implementation costs or savings. The cost of rulemaking is anticipated to increase expenditures for the Office of Public Health (OPH) by approximately \$266 in FY 24-25 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule amends the requirements for a commercial body art consent form as required by Act 365 of the 2024 Regular Legislative Session of the Louisiana Legislature.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed rule will add a nominal cost to the business owners of commercial body art establishments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of this proposed rule should not engender or have any effect on competition among commercial body art facility owners.

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Signature of Agency Head or Designee

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Legislative Fiscal Officer or Designee

Tonya Joiner  
Assistant Secretary, Office of Public Health

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Typed Name & Title of Agency Head or Designee

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Date of Signature

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Date of Signature