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SENATE  
S. No. 1563

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, in its declaration of State Policies, provides:

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Body piercing is puncturing through any part of the body by a needle, after which a piece of jewelry is inserted into the puncture. On the other hand, a tattoo is a puncture wound made deep into the dermis layer of the skin after which it is filled with ink.

Oral or tongue piercing is on the rise, and of concern to health personnel are risks resulting from the procedure, which include damage to dentition, infection, speech impediment, and nerve damage. These risks occur as a result of the trauma incurred from a barbell inserted during tongue piercing. Body piercing is no safer. Health experts say that people who undergo body piercing risk bacterial infection, bleeding, and local trauma. Body piercing has also been found as a substantial risk factor in acquiring Hepatitis B and C, and even HIV.

Moreover, those who suffer from diabetes and haematopoietic abnormalities (such as Thrombocytopenia, neutropenia, and anaemia), haemophilia, and keloids make poor candidates, and should therefore be warned before the procedure itself of the possible effect of body piercing and tattooing on their medical condition. After the procedure, many complications may arise for those with pre-existing medical conditions, such as chronic infection, uncontrollable or prolonged bleeding, scarring, Hepatitis B and C, tetanus, skin allergies, abscesses or boils, and inflammation or nerve damage.

This bill seeks to restrict body piercing and tattooing only to licensed body piercing specialists or tattooists, and the location where such procedures are to be performed only to body piercing studios and tattoo studios.

*aw* *Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO



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1 AN ACT  
2 REGULATING BODY PIERCING AND TATTOOING

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

3 SECTION 1. *Short Title.* - This Act shall be known as the "Body Piercing and Tattooing  
4 Regulation Act."

5 SECTION 2. *Purpose.* - The purpose of this Act is to regulate body piercing and  
6 tattooing to protect the health and welfare of the public.

7 SECTION 3. *Definition of Terms.* - For the purposes of this Act, the term—

8 (A) "Secretary" shall mean the Secretary of Health;

9 (B) "Department" shall mean the Department of Health;

10 (C) "Body piercing" shall mean the piercing of any part of the body for the purpose of  
11 inserting jewelry or any other decorative object into the puncture;

12 (D) "Tattoo" shall mean a mark on the body of a person made with indelible ink or  
13 pigments injected beneath the outer layer of the skin;

14 (E) "Body piercing specialist" shall mean any person who performs body piercing on the  
15 body of any other person;

16 (F) "Tattooist" shall mean any person who applies tattoo to the body of any other person;

17 (G) "Body piercing studio" shall mean any premises in which the body piercing specialist  
18 conducts such practice; and

19 (H) "Tattoo studio" shall mean any premises in which the tattooist conducts such practice.

1           SECTION 4. *Permit Required.* – It shall be unlawful for any person to engage in body  
2 piercing or tattooing without first obtaining a permit from the Department. It shall likewise be  
3 unlawful for any person, firm, corporation, partnership, or any other association to operate a  
4 body piercing studio or tattoo studio without first obtaining a permit from the Department.

5           All body piercing or tattooing shall be performed in accordance with the rules and  
6 regulations promulgated by the Secretary of Health.

7           Each permit issued pursuant to this section shall be posted and kept posted in some  
8 conspicuous place in the body piercing studio or tattoo studio in which the permittee is engaged  
9 in the practice of body piercing or tattooing.

10          SECTION 5. *Denial of Permit; Notice of Hearing.* - The Department shall, before  
11 making a final determination to deny an application for a permit, notify the applicant in writing  
12 of the reasons for such proposed denial and shall afford the applicant an opportunity to be heard  
13 in person or by counsel prior to denial of the application. Such notification shall be served  
14 personally or by certified mail or in any manner authorized by law and rules for service of a  
15 summons.

16          If a hearing is requested, such hearing shall be held at such time and place as the  
17 Department shall prescribe. If the applicant fails to make a written request for a hearing within  
18 thirty (30) days after receipt of such notification, then the notification of denial shall become the  
19 final determination of the Department.

20          SECTION 6. *Renewal of Permit; Duplicate Copy.* - All permits shall be for a period of  
21 two (2) years. No permit shall be assignable or transferable to any other person, firm,  
22 corporation, partnership, or any other association.

23          Any permit which has not been suspended or revoked, may, upon the payment of the  
24 renewal fee prescribed by the Secretary, be renewed for additional periods of two (2) years from  
25 its expiration, upon the filing on any application for such renewal, on a form to be prescribed by  
26 the Secretary. Any person, firm, corporation, partnership, or any other association failing to file

1 the application and fee for renewal of a permit within one (1) year immediately following the  
2 expiration of the last permit shall pay an additional fee as prescribed by the Secretary.

3 A duplicate permit may be issued for one lost, destroyed, or mutilated upon application  
4 therefor on a form prescribed by the Secretary and the payment of the fee prescribed therefor by  
5 the Secretary. Each such duplicate permit shall have the word "duplicate" stamped across the  
6 face thereof and shall bear the same number as the one it replaces.

7 SECTION 7. *Information for Patients.* – Each body piercing studio or tattoo studio shall  
8 make available to those seeking to obtain body piercing or tattooing services a description of the  
9 procedure they wish to be performed on them which must be written in concise, plain, non-  
10 technical language. Such information shall include eligibility criteria for patients, treatment  
11 options, including relative advantages and disadvantages, general and procedure-specific risks,  
12 and complications associated with the procedure, their frequency, management course, and  
13 possible outcomes.

14 SECTION 8. *Implementing Rules and Regulations.* – Within sixty (60) days from the  
15 date of effectivity of this Act, the Secretary shall promulgate the rules and regulations to  
16 implement this Act.

17 SECTION 9. *Penalties.* - The performance of any body piercing or tattooing without first  
18 obtaining a permit from the Department shall be punishable by a penalty of imprisonment of six  
19 (6) months to one (1) year, or a fine ranging from Fifty Thousand Pesos (P50,000) to One  
20 Hundred Thousand Pesos (P 100,000), or both, at the discretion of the court, taking into  
21 consideration all attending circumstances.

22 The operation of a body piercing studio or tattoo studio without first obtaining a permit  
23 from the Department shall be punishable by a penalty of imprisonment of one (1) year to three  
24 (3) years, or a fine ranging from One Hundred Thousand Pesos (P100,000) to Two Hundred  
25 Thousand Pesos (P200,000), or both, at the discretion of the court, taking into consideration all  
26 attending circumstances.

1           If the owner, proprietor, or operator of the establishment above is a corporation, trust or  
2 firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed  
3 on the entity's responsible officers, including, but not limited to, the president, vice-president,  
4 chief executive officer, general manager, managing director, or partner directly responsible  
5 therefor.

6           SECTION 10. *Aggravating Circumstances.* – The penalties described in section 9 shall  
7 be imposed in the maximum if the violation results in the following circumstances:

8           (A) death of the patient;

9           (B) insanity or psychological damage of the patient; and

10          (C) permanent physical disfigurement or permanent disability of the patient.

11          SECTION 11. *Application of this Act.* - Nothing contained in this Act shall be construed  
12 to limit the duty or power of the appropriate public officer to act with regard to an immediate  
13 threat to the health of the customers of a body piercing specialist or tattooist or body piercing  
14 studio or tattoo studio.

15          SECTION 12. *Separability Clause.* – If any provision or part thereof is held invalid or  
16 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
17 valid and subsisting.

18          SECTION 13. *Repealing Clause.* – Any law, presidential decree, issuance, executive  
19 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
20 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

21          SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
22 its publication in at least two (2) newspapers of general circulation.

Approved,