


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

5 OCT 13 11 45

SENATE
S.B. No. 2141

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides that:

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, again 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 may result because of these procedures and if carried out by unlicensed artists in unsanitary conditions.


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.


MIRIAM DEFENSOR SANTIAGO


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AN ACT
TO REGULATE BODY PIERCING AND TATTOOING

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

SECTION 1. *Short Title.* – This Act shall be known as the “Body Piercing and Tattooing Regulation Act.”

SECTION 2. *Purpose.* – The purpose of this Act is to regulate the any and all forms of body piercing and tattooing to protect the health and welfare of the public.

SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term:

- (a) “Secretary” shall mean the Secretary of Health.
- (b) “Department” shall mean the Department of Health
- (c) “Body piercing” shall mean the piercing of any part of the body.
- (d) “Tattoo” shall mean a mark on the body of a person made with indelible ink or pigments injected beneath the outer layer of the skin.
- (e) “Body piercing specialist” shall mean any person who performs body piercing on the body of any other person.
- (f) “Tattooist” shall mean any person who applies a tattoo to the body of any other person
- (g) “Body piercing studio” shall mean any premises in which the body piercing specialist conducts such practice.
- (h) “Tattoo studio” shall mean any premises in which the tattooist conducts such practice.

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

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

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

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

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

SECTION 6. *Renewal of Permit, Duplicate Copy.* – All permits shall be for a period of two years. No permit shall be assignable or transferable to any other person, firm, corporation, partnership, or other association.

Any permit which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by the Secretary, be renewed for additional periods of two years from its expiration, upon the filing on any application for such renewal, on a form to be prescribed by the Secretary. Any person, firm, corporation, partnership or other association failing to file application and fee for renewal of a permit within one year immediately following the expiration of his last permit shall pay an additional fee as prescribed by the Secretary.

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

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

SECTION 8. *Powers of the Secretary.* – In addition to the powers and duties elsewhere prescribed in this Act, the Secretary shall have the power to:

(a) appoint or authorize one or more officers as shall be necessary to do or perform in the department's place or stead the acts authorized by this article;

(b) examine the qualifications and fitness of applicants for permits;

(c) keep records of all permits issued, suspended or revoked, or orders directing the cessation of unpermitted activities;

(d) prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring the same upon payment of a reasonable fee therefor; and

(e) establish an appropriate fee structure for licenses, permits, renewals and duplicates, and set levels of punishments for failure to abide by this article.

SECTION 9. *Penalties.* – The performance of any body piercing or tattooing without first obtaining a permit from the department shall be punishable by a penalty of imprisonment of *arresto mayor*, or a fine ranging from Fifty Thousand Pesos (P50,000) to One Hundred Thousand Pesos (P100,000), or both, at the discretion of the court, taking into consideration all attending circumstances.

The operation of a body piercing studio or tattoo studio without first obtaining a permit from the department shall be punishable by a penalty of imprisonment of *prision correccional*, or a fine ranging from One Hundred Thousand Pesos (P100,000) to Two Hundred Thousand Pesos (P200,000), or both, at the discretion of the court, taking into consideration all attending circumstances.

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

SECTION 10. *Aggravating Circumstances.* – The penalties described in section eight shall be imposed in the maximum if the violation of this act results in the following circumstances:

- (a) death of the patient;
- (b) insanity or psychological damage of the patient; and
- (c) permanent physical disfigurement or permanent disability of the patient.

SECTION 11. *Appropriations.* – To carry out the provisions of this Act, such sum as may be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the sum necessary for the continuous operation of the program shall be included in the annual appropriation of the Department of Health.

SECTION 12. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

SECTION 13. *Application of This Act.* – Nothing contained in this article shall be construed to limit the duty or power of an officer to act with regard to an immediate threat to the health of the customers of a body piercing specialist or tattooist or body piercing studio or tattoo studio or the community in which it is located.

SECTION 14. *Appropriations.* – To carry out the provisions of this Act, such sum as may be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the sum necessary for the continuous operation of the program shall be included in the annual appropriation of the Department of Health.

SECTION 15. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

SECTION 16. *Repealing Clause.* – Any law, presidential decree, issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,