

2003 DRAFTING REQUEST

Bill

Received: **09/16/2002**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **Katie**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **RLR, MDK**

Submit via email: **YES**

Requester's email: **Rep.Ladwig@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Parental consent for minor's ear piercing

Instructions:

Constituent's daughter was able to get ear pierced without parental consent.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 09/17/2002 dkennedy 09/27/2002	csicilia 10/02/2002		_____			
/P2			jfrantze 10/02/2002	_____	mbarman 10/03/2002		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dkennedy 02/14/2003	csicilia 02/14/2003	rschluet 02/14/2003	_____	lemery 02/14/2003	amentkow 02/19/2003	S&L
/2	dkennedy 03/11/2003	csicilia 03/12/2003	jfrantze 03/12/2003	_____	amentkow 03/12/2003	amentkow 03/12/2003	S&L

FE Sent For: *at intro*

<END>

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/P2		12 cjs 3/12 03	jfrantze 10/02/2002		mbarman 10/03/2002		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typcd</u>	<u>Proofcd</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dkennedy 02/14/2003	csicilia 02/14/2003	rschluct 02/14/2003	_____	lcmcry 02/14/2003	amcntkow 02/19/2003	S&L

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	dkennedy 09/27/2002			_____			
/P2				jfrantze 10/02/2002	mbarman 10/03/2002		S&L

Handwritten notes: 1/95 2/14 03, 2-14-03, and initials.

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FE Sent For:

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		1/PI	9/30/02	10/2			

FE Sent For:

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen cat

1 AN ACT ~~...~~; relating to: requiring informed consent by a minor's parent or
2 guardian for the minor's ear piercing.

Analysis by the Legislative Reference Bureau

Under current law, body piercing, body piercers, and body-piercing establishments are regulated by the department of health and family services (DHFS). "Body piercing" is defined as perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person's parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment.

This bill prohibits a licensed body piercer from piercing the ear of a minor unless an informed consent for the piercing is signed by the minor's parent or legal guardian in the presence of the owner or other person responsible for the operation of a body-piercing establishment.

FE-S/L

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 252.24 (title) of the statutes is amended to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0079/dh

DAK

gjs

PI

(The bill is a 1P2 because of a transmission problem with the electronic file of the draft.)

Representative Ladwig:

I have drafted this bill in preliminary form in case you wish to change it before introduction. Several issues arose in the course of drafting the bill that you may want to consider:

1. The bill prohibits the ear piercing of a minor, without informed parental consent, but has no specific penalty. For a prohibition for which there is no specific penalty, s. 939.61, stats., applies and would subject a violator to a forfeiture of up to \$200. Do you want s. 939.61, stats., to apply, do you want it not to apply, or do you have another penalty that you wish to use? ✓
2. Current DHFS rules, at HFS 173.05, Wis. Admin. Code, prohibit body piercing (which excludes ear piercing) of all minors under age 16 and permits body piercing of minors aged 16 or 17 only with informed parental consent. The bill requires informed parental consent for ear piercing for all minors, but could, of course, be drafted to echo the DHFS rule. In addition, it might be cleaner to incorporate the DHFS prohibition into the statutes, particularly if you want to have a specific penalty, because, if this is not done, a penalty will apply for ear piercing without parental consent but not for body piercing without parental consent. ✓
3. I have applied the prohibition only to licensed body piercers; is that what you had intended. ✓

Please let me know if I may give you any further assistance with this draft.

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0079/P2dn

DAK:cjs:jf

October 2, 2002

Representative Ladwig:

I have drafted this bill in preliminary form in case you wish to change it before introduction. (The bill is a /P2 because of a transmission problem with the electronic file of the draft.) Several issues arose in the course of drafting the bill that you may want to consider:

1. The bill prohibits the ear piercing of a minor, without informed parental consent, but has no specific penalty. For a prohibition for which there is no specific penalty, s. 939.61, stats., applies and would subject a violator to a forfeiture of up to \$200. Do you want s. 939.61, stats., to apply, do you want it not to apply, or do you have another penalty that you wish to use?
2. Current DHFS rules, at HFS 173.05, Wis. Admin. Code, prohibit body piercing (which excludes ear piercing) of all minors under age 16 and permits body piercing of minors aged 16 or 17 only with informed parental consent. The bill requires informed parental consent for ear piercing for all minors, but could, of course, be drafted to echo the DHFS rule. In addition, it might be cleaner to incorporate the DHFS prohibition into the statutes, particularly if you want to have a specific penalty, because, if this is not done, a penalty will apply for ear piercing without parental consent but not for body piercing without parental consent.
3. I have applied the prohibition only to licensed body piercers; is that what you had intended.

Please let me know if I may give you any further assistance with this draft.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 1/14/03

CONVERSATION WITH: Sarah

OF: Ludwig's office

TELEPHONE NO:

REGARDING LRB # OR DRAFT TOPIC: 0079/P2 ; Redraft

INSTRUCTIONS: Response to D-NOTES

- ① Yes - they want s. 939.61 to apply
- ② Anyone under 18 can have ears pierced w/ parental consent
- ③ Apply prohib. to body piercers + persons who exclusively pierce ears + who charge fees for piercing



stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Repeal act

1 AN ACT *to amend* 252.24 (title); and *to create* 252.24 (3m) of the statutes;
2 relating to: requiring informed consent by a minor's parent or guardian for the
3 minor's ear piercing.

Analysis by the Legislative Reference Bureau

Under current law, body piercing, body piercers, and body-piercing establishments are regulated by the department of health and family services (DHFS). "Body piercing" is defined as perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person's parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment.

This bill prohibits a licensed body piercer from piercing the ear of a minor unless an informed consent for the piercing is signed by the minor's parent or legal guardian in the presence of the ~~owner or other person responsible for the operation of a body piercing establishment~~ piercer

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

or a person who exclusively engages in piercing ears and who charges a fee for ear piercing

✓

1 SECTION 1. 252.24 (title) of the statutes is amended to read:

2 252.24 (title) Regulation of body piercing and ~~body-piercing~~
3 establishments; ear piercing of a minor without parental consent
4 prohibited.

✓

5 SECTION 2. 252.24 (3m) of the statutes is created to read:

6 252.24 (3m) EAR PIERCING OF A MINOR; PARENTAL CONSENT REQUIRED. No person
7 who is licensed as a body piercer under sub. (3) may pierce the ear of or attempt to
8 pierce the ear of a minor unless an informed consent form for the minor has been
9 signed by the minor's parent or guardian in the presence of the ~~body~~ piercer. ✓

10 (END)

and no person who exclusively
engages in piercing
ears and who charges
a fee for ear piercing

Mentkowski, Annie

From: Popp, Sarah
Sent: Wednesday, February 19, 2003 2:09 PM
To: LRB.Legal
Subject: Draft review: LRB 03-0079/1 Topic: Parental consent for minor's ear piercing

It has been requested by <Popp, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-0079/1 Topic: Parental consent for minor's ear piercing

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 3/10/03
CONVERSATION WITH: Katie
OF: Ludwig's Office
TELEPHONE NO:
REGARDING LRB # OR DRAFT TOPIC: 0079/1
INSTRUCTIONS: Redraft

She wants a \$200 forfeiture to apply
to the establishment that employs
an ear piercer.



SOON - In edit 3/11

State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0079/2

DAK:cjs:rs

NOTE

T
S

2003 BILL

an establishment that employs or contracts with

permitting the employee or contractor to pierce

Piercing

1 AN ACT to amend 252.24 (title); and to create 252.24 (3m) of the statutes;
2 relating to: requiring informed consent by a minor's parent or guardian for the
3 minor's ear piercing.

Analysis by the Legislative Reference Bureau

Under current law, body piercing, body piercers, and body-piercing establishments are regulated by the Department of Health and Family Services (DHFS). "Body piercing" is defined as perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person's parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment.

This bill prohibits a licensed body piercer or a person who exclusively engages in piercing ears ~~and who charges a fee for ear piercing~~ from ~~piercing~~ the ear of a minor unless an informed consent for the piercing is signed by the minor's parent or legal guardian in the presence of the piercer.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

for a fee,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 SECTION 1. 252.24 (title) of the statutes is amended to read:

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3 establishments; ear piercing of a minor without parental consent
4 prohibited.

5 SECTION 2. 252.24 (3m) of the statutes is created to read:

6 252.24 (3m) EAR PIERCING OF A MINOR; PARENTAL CONSENT REQUIRED. No person
7 who is licensed as a body piercer under sub. (3) ^{or a} and no person who exclusively
8 engages in piercing ears ~~and who charges a fee for ear piercing~~ may pierce the ear
9 of or attempt to pierce the ear of a minor unless an informed consent form for the
10 minor has been signed by the minor's parent or guardian in the presence of the
11 piercer.

for a fee

(END)

INSERT 2-11

12

permit the employee or contractor to

establishment that employs or contracts with a

D-NOTE

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0079/2ins
DAK:cjs:rs

INSERT 2-11

1 **SECTION 1.** 252.25 of the statutes is amended to read:
2 **252.25 Violation of law relating to health.** Any Except as provided in s.
3 252.24 (3m), any person who willfully violates or obstructs the execution of any state
4 statute or rule, county, city or village ordinance or departmental order under this
5 chapter and relating to the public health, for which no other penalty is prescribed,
6 shall be imprisoned for not more than 30 days or fined not more than \$500 or both.

History: 1981 c. 291; 1993 a. 27 s. 300; Stats. 1993 s. 252.25.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0079/2dn

DAK:cjs:rs

T

Stamp

I have rewritten s. 252.24 (3m) to apply the prohibition to the establishment that employ^es or contracts with an ear piercer and have made an exception to s. 252.25, stats., in terms of the penalty that applies to a violation of the prohibition. It is unnecessary to additionally create a penalty, because, in the absence of a penalty, s. 939.61 (1), stats., applies. This statute imposes a forfeiture of up to \$200 for a person who is convicted of an act or omission prohibited by statute for which no penalty is expressed. The \$200 forfeiture is what I understand that you now wish to have made applicable.

Please let me know if I can provide you ~~with~~ any other assistance regarding this bill.

with

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0079/2dn
DAK:cjs:jf

March 12, 2003

I have rewritten s. 252.24 (3m) to apply the prohibition to the establishment that employs or contracts with an ear piercer and have made an exception to s. 252.25, stats., in terms of the penalty that applies to a violation of the prohibition. It is unnecessary to additionally create a penalty, because, in the absence of a penalty, s. 939.61 (1), stats., applies. This statute imposes a forfeiture of up to \$200 for a person who is convicted of an act or omission prohibited by statute for which no penalty is expressed. The \$200 forfeiture is what I understand that you now wish to have made applicable.

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