



2007 ASSEMBLY BILL 453

July 12, 2007 - Introduced by Representatives VOS, ALBERS, HAHN, JESKEWITZ, KERKMAN, A. OTT, PETROWSKI, TURNER, A. WILLIAMS and ZIEGELBAUER, cosponsored by Senators GROTHMAN and KEDZIE. Referred to Committee on Public Health.

1 **AN ACT to amend** 48.57 (3p) (g) 3.; and **to create** 948.71 of the statutes; **relating**
2 **to:** requiring informed consent by a child's parent or guardian for the child's ear
3 piercing and providing a penalty.

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 the owner or operator of an ear-piercing establishment from piercing the ear of a child or permitting an employee or contractor of the ear-piercing establishment to pierce the ear of a child, for compensation, unless an informed consent for the piercing is signed by the child's parent or legal guardian in the presence of the owner, operator, employee, or contractor who performs the ear piercing.

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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:

1 **SECTION 1.** 48.57 (3p) (g) 3. of the statutes is amended to read:

2 48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944,
3 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63 ~~or~~, 948.70,
4 or 948.71, or of a violation of the law of any other state or federal law that would be
5 a violation of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36,
6 948.45, 948.63 ~~or~~, 948.70, or 948.71, if committed in this state, except that a county
7 department or, in a county having a population of 500,000 or more, the department
8 of health and family services may make payments to a person applying for payments
9 under sub. (3m) and a person receiving payments under sub. (3m) may employ in a
10 position in which the person would have regular contact with the child for whom
11 those payments are being made or permit to be an adult resident a person who has
12 been convicted of a violation of s. 944.30, 944.31, or 944.33 or of a violation of the law
13 of any other state or federal law that would be a violation of s. 944.30, 944.31, or
14 944.33 if committed in this state, if that violation occurred 20 years or more before
15 the date of the investigation.

16 **SECTION 2.** 948.71 of the statutes is created to read:

17 **948.71 Ear piercing of a child; parental consent required.** (1) In this
18 section:

19 (a) "Compensation" means direct or indirect payment, including the
20 expectation of payment whether or not actually received.

