

Testimony
House Bill No. 1071
House Human Services Committee
Representative Ruby, Chairman
January 8, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Julie Wagendorf, the Food and Lodging Unit Director with the Department of Health and Human Services (Department). I appear before you in support of House Bill No.1071, which was introduced at the request of the Department.

The Food and Lodging Unit is designated the lead agency to adopt rules to regulate body art facilities and any person that provides tattooing, body piercing, branding, subdermal implant, and scarification services. These regulations are essential for ensuring that these facilities maintain sanitary practices, meet health standards, and operate safely to prevent the transmission of diseases, injuries, or other health risks to customers.

HB 1071 provides general housekeeping and clarifies procedures for expired licenses and penalties for operating without licensure to be consistent with existing licensure laws and to ensure fair and effective enforcement with fewer legal challenges. You will see that we have moved from referring to "permits" and instead refer to "licenses" throughout the section to remain consistent with the other regulated entities of the food and lodging unit. The proposed changes in Section 1 of this Bill amend section 23-01-35 of the North Dakota Century Code to provide definitions of key terms on page 1, lines 9-21 updating the statute to be consistent with current best practices and model language. These definitions currently exist in administrative code and are being

moved into Century Code to provide clarification to the statute. Page 2, lines 9 through 22, help further clarify the responsibilities of license holders and the procedure for renewing the annual license. These sections are again largely moved from the administrative code and into the Century Code for transparency and consistency with other regulated professions and entities. Subsection b provides for inspection of premises prior to issuance of a license and as needed to ensure compliance with laws and rules. Subsections c through e clarify the expectations of license holders.

The changes made on pages 3, lines 22 through 30, and page 4, lines 1 through 6 are sections of administrative code transitioned to the Century Code where criminal penalty, disciplinary action, and the license holder's right to appeal are transparent and accessible. The penalty for operating without a license remains a class B misdemeanor, which it previously was; that has not changed, we are merely moving the language. Additionally, the language regarding the remedies the Department is authorized to take to protect the public, including disciplinary actions against a license, denial of a license, and issuing cease and desist orders, were brought from the administrative code in the Century Code. The consequences of not having clear language in law create challenges for legal professionals and license holders in understanding and following the law, and enforcing the law. Some recent examples experienced by the Department dealt with body art facilities operating without a license and the lack of a legal framework to achieve compliance.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.