

(H. B. 1365)

(No. 168)

(Approved August 30, 2006)

AN ACT

To amend Section 11 of Act No. 318 of October 18, 1999, known as the “Act to Regulate the Practice of Making Permanent Tattoos in Puerto Rico,” in order to substitute “certificate of good conduct” with the term “criminal record certificate.”

STATEMENT OF MOTIVES

Act No. 318 of October 18, 1999 was created to regulate the permanent tattoo business and to authorize the Secretary of the Department of Health to create a Register of Dermatography Artists in the Department of Health of Puerto Rico, and to promulgate regulations thereto. Section 11 of said Act provides among the requirements to apply for a license to operate a tattoo studio, the presentation of the certificate of good conduct of the owner and administrator of the establishment which is or shall be engaged in the business that is regulated under Act No. 318, supra.

Section 1 of Act No. 254 of July 27, 1974, as amended establishes what the citizenry refers to as the “Penal Antecedents Certificate.” It is a list of the convictions in the files of each person who has been sentenced in any Court of Justice of the Commonwealth of Puerto Rico.

To request a certificate of good conduct from the owner and administrator of the establishment engaged or to be engaged in the tattoo business is contrary to the provision of Section 19 of Section 19 [sic] of Article VI of the Constitution of the Commonwealth of Puerto Rico, in

which it is established as the public policy of the Commonwealth to enable the moral and social rehabilitation of convicted persons. To request said certificate would also give the impression that a person whose certificate does not show “good conduct” shall not be given the opportunity to work or obtain certification. To flatly reject an application because it is accompanied by a positive criminal record without evaluating each case individually would be to attempt against the public policy of the Commonwealth which seeks the rehabilitation of the individual, and would deny the person the possibility of earning his/her sustenance, reintegrating into society and becoming productive. The Secretary shall evaluate the nature of the offense, if it involves moral depravity or any public security issue, and whether the applicant is on probation or parole prior to making a final decision.

This Legislature deems it necessary to substitute the phrase “certificate of good conduct” with the phrase “criminal record certificate,” with two fundamental purposes: first, to prevent possible discrimination against persons who intend to carry out the activity regulated by this Act, and second, to adjust the language of the Act with the term established in the Penal Code of Puerto Rico.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 11 of Act No. 318 of October 18, 1999, is hereby amended to read as follows:

“Section 11.- License Application and Fee.-

- (a) The application for a license to operate a tattoo studio shall be filled out in the form provided by the Department, pursuant to the provisions of this Act;

- (b) The application shall include the location and address of the studio and the address of the owner or the administrator with the following information:
- (1) attesting evidence of the fact that the owner or administrator is of legal age;
 - (2) the criminal record certificate of the owner and the administrator of the establishment;
 - (3) a list of the names of all owners or persons holding fifty (50) percent or more of the shares in the corporation that shall operate the studio;
 - (4) a three hundred (300) dollar fee;
 - (5) a list of all the studio equipment and instruments; and
 - (6) a description of the procedures and the nature of the services to be rendered and the health and safety measures to be taken in benefit of the clients and employees.”

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 168 (H.B. 1365) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 11 of Act No. 318 of October 18, 1999, known as the “Act to Regulate the Practice of Making Permanent Tattoos in Puerto Rico,” in order to substitute “certificate of good conduct” with the term “criminal record certificate,”

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of March of 2007.

Francisco J. Domenech
Director