

ENROLLED HOUSE
BILL NO. 2547

By: Newport of the House

and

Shurden and Helton of
the Senate

An Act relating to crimes and punishments;
prohibiting body piercing on certain persons;
defining terms; providing exception; requiring
State Board of Health to promulgate rules
regulating body piercing; providing penalties;
providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 842.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to perform or offer to perform body piercing on a child under eighteen (18) years of age unless the parent or legal guardian of such child gives written consent for the procedure and the parent or legal guardian of the child is present during the procedure.

B. As used in this section and Section 3 of this act:

1. "Body piercing" means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry or other decoration; provided, however, the term does not include ear piercing;

2. "Operator" means any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not. A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other nonpermanent facility, shall not be used as a permanent body piercing establishment; and

3. "Artist" means the person who actually performs the body piercing procedure.

C. The provisions of this act shall not apply to any act of a licensed practitioner of the healing arts performed in the course of such practitioner's practice.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 842.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any person convicted of violating the provisions of Section 1 of this act or rules promulgated pursuant thereto shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed ninety (90) days, a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 842.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health shall promulgate rules regulating body piercing which shall include, but not be limited to:

1. Artist temporary and permanent licensure;
2. Facility operator temporary and permanent licensure;
3. Body piercing facility requirements;
4. Equipment setup and requirements;
5. Recommended procedures for sanitary body piercing;
6. Forms to be completed prior to performing body piercing including, but not limited to, applications and parental consent forms;
7. Hand washing and general health;
8. Body piercing site preparation and application;
9. Procedure following body piercing application;
10. Limits and prohibitions concerning body piercing;
11. Facility inspection documents including, but not limited to, equipment inspection; and
12. Administrative fines structure.

B. The Board may notify the district attorney of any violation of Section 1 of this act or rules promulgated pursuant thereto and, in addition to any criminal penalty imposed, the Board may impose an administrative fine not to exceed Five Hundred Dollars (\$500.00), may suspend the establishment's license, or may impose both such administrative fine and suspension for any such violation.

SECTION 4. This act shall become effective November 1, 1998.

Passed the House of Representatives the 13th day of April, 1998.

Speaker of the House of
Representatives

Passed the Senate the 1st day of April, 1998.

President of the Senate