

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2547

By: Newport

AS INTRODUCED

An Act relating to crimes and punishments;

prohibiting certain body piercing; defining terms;
providing exception; requiring the State Department
of Health to regulate body piercing by licensure;
authorizing inspections and fees; providing
administrative penalty; 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 body piercing
or offer to perform body piercing on any person less than eighteen
(18) years of age unless the body piercing is approved by written
consent by the parent or legal guardian of the person and the parent
or legal guardian of that person is present during the procedure.

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

1. "Body piercing" means the creation of an opening in the body
of a human being solely for the purpose of inserting jewelry or

other decoration. "Body piercing" does not include the piercing of an ear;

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; and

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

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 the rules specified in Section 3 of this act shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed ninety (90) days or by the imposition of 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 providing licensure for performing body piercing.

B. The State Board of Health shall have the power and the duty to promulgate and adopt rules concerning:

1. Artist licensure;
2. Facility operator licensure;
3. Body-piercing facility requirements;
4. Equipment requirements;
5. Recommended procedures for sanitary body piercing;

6. Before performing body piercing, applications including but not limited to consent forms;

7. Hand washing and general health;

8. Equipment setup;

9. Body-piercing site preparation;

10. Body-piercing application;

11. After performing body-piercing application;

12. Temporary licensing of artist, facilities and mobile establishments;

13. Limits and prohibitions concerning body piercing;

14. Facility inspection documents, including but not limited to equipment inspection; and

15. Imposition of administrative fines.

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

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

46-2-8040

MCD