

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 44

By: Long

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; providing short title; defining terms; prohibiting certain activities unless person holds tattoo studio license or temporary location license; requiring license be displayed; permitting tattooing under certain conditions; providing exemptions from act; requiring license application and fee be submitted to State Department of Health; requiring Department make certain inspection and determination prior to issuing license; restricting location of tattoo studios; making licenses valid for certain periods and providing for annual renewal of studio license under certain conditions; authorizing State Board of Health to set certain fees pursuant to certain authority and providing for deposit of fees; requiring certain notification prior to change of location of tattoo studio and verification of certain information; requiring and stating precautions to be taken to prevent spread of infection; requiring sterilization and cleanliness of tools and stating methods of sterilization; authorizing Board by rule to establish sanitation requirements for tattoo studios and temporary locations; requiring certain persons to report infection resulting from tattooing; prohibiting tattooing under certain circumstances and requiring certain written consent; requiring tattooist maintain certain record to be inspected upon request by Department; requiring Department to inspect tattoo studios; requiring certain persons to allow inspection of tattoo studio or temporary location at any time during operation; requiring Department inform certain persons of violations and give reasonable period for corrective actions; providing for promulgation of rules and enforcement of act and promulgated rules; requiring compliance with act and promulgated rules; stating conditions under which State Commissioner of Health may refuse to issue or renew or may suspend or revoke licenses; providing for penalties; repealing 21 O.S. 1991, Sections 841 and 842, which relate to prohibition against and penalty for tattooing; providing for codification; and providing for effective dates.

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 3101 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Tattoo Studio Licensing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3102 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Department" means the State Department of Health;
4. "Tattooing" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment;
5. "Tattooist" means a person who performs tattooing;
6. "Tattoo studio" means an establishment or facility in which tattooing is performed; and
7. "Temporary location" means a fixed location at which an individual operator performs tattooing for a specified period of not more than seven (7) days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3103 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2000:

1. A person may not conduct, operate or maintain a tattoo studio unless the person holds a license issued by the State Commissioner of Health to operate the studio;

2. A person may not practice tattooing at a temporary location unless the person holds a temporary location license issued by the Commissioner;

3. The license must be displayed in a prominent place in the tattoo studio or temporary location; and

4. Tattooing is permitted only at a location that is in compliance with this act and rules promulgated pursuant thereto.

B. This act does not apply to:

1. A medical facility licensed under other law; or

2. An office or clinic of a medical doctor or osteopathic physician who is licensed under the provisions of Section 480 et seq. or Section 620 et seq. of Title 59 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3104 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2000, in order to receive a tattoo studio license or temporary location license, a person must submit a signed, verified license application to the State Department of Health on a form prescribed by the Department and must submit an application fee as set by the State Board of Health.

B. On receipt of a tattoo studio license application, the Department shall inspect the proposed tattoo studio to determine compliance with this act and rules promulgated pursuant thereto. In addition, the Department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the studio is proposed to be located to determine compliance with existing building and zoning codes applicable to the studio. The Department may issue a license for a tattoo studio after determining that the studio is in compliance with applicable statutes, rules, and building and zoning codes.

C. On receipt of a temporary location license application, the Department shall request confirmation from the appropriate building

and zoning officials in the municipality or county in which the temporary location is proposed to be located to determine compliance with applicable existing building and zoning codes. The Department may issue a license for a temporary location after determining that the temporary location is in compliance with applicable building and zoning codes.

D. A tattoo studio may only be located in a permanent, nondwelling building.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3105 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A tattoo studio license is valid for one (1) year from the date of issuance. A temporary tattooing location license is valid for a specified period not to exceed seven (7) days.

B. Except as provided in Section 13 of this act, a tattoo studio license may be renewed annually on payment of the required renewal fee.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3106 of Title 59, unless there is created a duplication in numbering, reads as follows:

Pursuant to the provisions of Section 1-106.1 of Title 63 of the Oklahoma Statutes, the State Board of Health shall set application fees, license fees, and license renewal fees in amounts necessary to administer this act which shall be deposited in the Public Health Special Fund.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3107 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person holding a tattoo studio license under this act who intends to change the location of the tattoo studio shall notify the State Department of Health in writing of that intent not less than thirty (30) days before the change is to occur. The notice shall

include the street address of the new location and the name and residence address of the individual in charge of the business at the new location.

B. Not later than ten (10) days after the change of location is complete, a person holding a license under this act shall notify the Department in writing and shall verify the information submitted under subsection A of this section.

C. Notice under this section must be sent to the Department's Oklahoma City office by certified mail, return receipt requested.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3108 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person who owns, operates, or maintains a tattoo studio and each tattooist who works in the studio or at a temporary location shall take precautions to prevent the spread of infection, including, but not limited to:

1. Using germicidal soap to clean the hands of the tattooist and the skin area of the client to be tattooed;
2. Wearing clean apparel and rubber gloves;
3. Using sterile tools and equipment; and
4. Keeping the tattoo studio or temporary location in a sanitary condition.

B. 1. A tattooist shall use tools and equipment for tattooing that have been properly sterilized and kept in a sterile condition.

2. A tattooist shall sterilize tools and equipment used on one client before using them on another client.

3. Tools and equipment shall be sterilized by:

- a. dry heating in an oven at three hundred twenty (320) degrees Fahrenheit for at least one (1) hour; or
- b. steam pressure treatment in an autoclave.

4. All needles and instruments shall be kept in a clean, dust-tight container when not in use.

C. The State Board of Health by rule shall establish sanitation requirements for tattoo studios and temporary locations and other necessary requirements relating to the building or part of the building in which is located a tattoo studio or temporary location.

D. A person who owns, operates, or maintains a tattoo studio or practices at a temporary location shall report to the State Department of Health any infection resulting from tattooing as soon as it becomes known.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3109 of Title 59, unless there is created a duplication in numbering, reads as follows:

A tattooist may not tattoo:

1. The face, head, or neck of any person;

2. A person younger than eighteen (18) years of age without written and notarized consent from his or her parent or guardian who determines it to be in the best interest to cover a tattoo which contains:

a. obscene or offensive language or symbols,

b. gang-related names, symbols, or markings,

c. drug-related names, symbols, or pictures, or

d. some other type of words, symbols, or markings that the court considers would be in the best interest of the minor to cover; or

3. A person whom the tattooist suspects is under the influence of alcohol or drugs.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3110 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A tattooist shall maintain a permanent record of each person tattooed by the tattooist for a period established by rule of the State Board of Health.

B. The record shall be available for inspection on the request of the State Department of Health.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3111 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall inspect a tattoo studio to determine if the studio complies with the provisions of this act and the rules promulgated pursuant thereto.

B. A person who owns, operates, or maintains a tattoo studio or practices tattooing at a temporary location shall allow inspection of the studio or temporary location by the Department at any time the studio or temporary location is in operation.

C. The Department shall inform the person who owns, operates, or maintains a tattoo studio or practices tattooing at a temporary location of any violation discovered by the Department under this section and shall give the person a reasonable period in which to take necessary corrective action.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3112 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health shall promulgate rules to implement the provisions of this act.

B. The State Department of Health shall enforce the provisions of this act and the rules promulgated pursuant thereto.

C. Beginning January 1, 2000, a person who owns, operates, or maintains a tattoo studio or practices tattooing at a temporary location shall comply with the provisions of this act and the rules promulgated pursuant thereto.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3113 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of Section 1-106 of Title 63 of the Oklahoma Statutes, the State Commissioner of Health may refuse to issue or renew a license or suspend or revoke a license issued under this act if an applicant or license holder does not comply with the provisions of this act, any rule promulgated pursuant thereto, or order issued under this act.

B. Beginning January 1, 2000, any person who willfully violates any provision of this act, or rule promulgated or order issued pursuant thereto, shall be subject to the penalties set forth in Sections 1-1701, 1-1701.1A, and 1-1702 of Title 63 of the Oklahoma Statutes.

SECTION 14. REPEALER 21 O.S. 1991, Sections 841 and 842, are hereby repealed.

SECTION 15. Sections 1 through 13 of this act shall become effective November 1, 1999.

SECTION 16. Section 14 of this act shall become effective January 1, 2000.

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