

ENROLLED HOUSE
BILL NO. 1872

By: Lindley, Paulk, Coleman and
Sullivan (Leonard) of the
House

and

Weedn of the Senate

An Act relating to crimes and punishments; providing restrictions and certifications related to micropigmentation; defining term; restricting application of micropigmentation to certain persons; providing program for training; requiring availability of program and certification; specifying certain time limit for certification; providing penalties; authorizing disciplinary action by certain boards; providing for codification; and declaring an emergency.

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 841.5 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Medical micropigmentation is defined as a medical procedure in which any color or pigment is applied with a needle or electronic means to produce a permanent mark visible through the skin, (1) above the jawline and anterior to the ear and frontal hairline including but not limited to application of eyeliner, eye shadow, lips, eyebrows, cheeks, scars, or (2) to areas involving reconstructive surgery, trauma, or repigmentation of the areola; provided, however, medical micropigmentation shall not include placing on the body any pictures, images, numbers, signs or designs. In certain cases this medical procedure may require the administration of sedating agents by individuals licensed by the Oklahoma Board of Nursing, the Oklahoma State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners, or the Oklahoma Board of Dentistry. Medical micropigmentation is not included in the definition of tattooing.

B. Medical micropigmentation is restricted to application by:

1. A registered nurse licensed by the Oklahoma Board of Nursing while under the supervision of a Medical Doctor (MD) licensed by the Oklahoma State Board of Medical Licensure and Supervision or a Doctor of Osteopathy (DO) licensed by the State Board of Osteopathic Examiners or a Dentist (DDS) licensed by the Oklahoma Board of Dentistry;

2. A licensed or unlicensed technician trained and certified in an approved program by the Oklahoma Department of Vocational and Technical Education and while under the direct supervision of a Medical Doctor (MD) licensed by the Oklahoma State Board of Medical Licensure and Supervision or a Doctor of Osteopathy (DO) licensed by the State Board of Osteopathic Examiners or a Dentist (DDS) licensed by the Oklahoma Board of Dentistry.

- a. The program for training a technician in the field of medical micropigmentation shall be developed by the Oklahoma Department of Vocational and Technical Education with curriculum input from the Oklahoma Board of Nursing, the Oklahoma State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners, and the Oklahoma Board of Dentistry.
- b. The medical micropigmentation program shall be made available through the Oklahoma area vocational and technical schools and shall issue a certification in medical micropigmentation (CMM) to an individual upon meeting the standards and satisfactory completion of the program.
- c. All licensed or unlicensed technicians currently performing medical micropigmentation under the direct supervision of a Medical Doctor (MD) licensed by the Oklahoma State Board of Medical Licensure and Supervision or a Doctor of Osteopathy (DO) licensed by the State Board of Osteopathic Examiners or a Dentist (DDS) licensed by the Oklahoma Board of Dentistry shall become certified, as described above, within twelve (12) calendar months following implementation of the curriculum by the Oklahoma Department of Vocational and Technical Education; or

3. A Medical Doctor (MD) licensed by the Oklahoma State Board of Medical Licensure and Supervision, a Doctor of Osteopathy (DO) licensed by the State Board of Osteopathic Examiners, or a Dentist (DDS) licensed by the Oklahoma Board of Dentistry.

C. Any person convicted of violating the provisions of this section 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 One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Nothing in this section shall prevent any of the respective licensing boards specified in this section from taking disciplinary action against one of their licensees based on a violation of this law.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of April, 2000.

Speaker of the House of
Representatives

Passed the Senate the 13th day of April, 2000.

President of the Senate