

CS for SB 1307

THE STATE SENATE
Wednesday, February 18, 2004

Committee Substitute for
Senate Bill No. 1307

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1307 - By: SHURDEN of the Senate and LINDLEY of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 842.1, 842.2 and 842.3, which relate to body piercing; prohibiting tattooing on certain persons; clarifying citations throughout act; modifying and adding definitions; clarifying what is not to be construed as tattooing; requiring State Board of Health to promulgate rules regulating tattooing; modifying penalties; repealing 21 O.S. 2001, Sections 841 and 842, which relate to prohibition against and penalty for tattooing; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 842.1, is amended to read as follows:

Section 842.1 A. It shall be unlawful for any person to perform or offer to perform body piercing or tattooing 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~~ Section 842.1 et seq. of this title:

1. "Body piercing" means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry

1 or other decoration; provided, however, the term does not include
2 ear piercing;

3 2. "Tattooing" means the practice of producing an indelible
4 mark or figure on the human body by scarring or inserting a pigment
5 under the skin using needles, scalpels or other related equipment,
6 provided that medical micropigmentation, performed pursuant to the
7 provisions of the Oklahoma Medical Micropigmentation Regulation Act,
8 shall not be construed to be tattooing;

9 ~~2. "Operator"~~ 3. "Body piercing operator" means any person who
10 owns, controls, operates, conducts, or manages any permanent body
11 piercing establishment, whether actually performing the work of body
12 piercing or not. A mobile unit, including, but not limited to, a
13 mobile home, recreational vehicle, or any other nonpermanent
14 facility, shall not be used as a permanent body piercing
15 establishment; ~~and~~

16 4. "Tattoo operator" means any person who owns, controls,
17 operates, conducts, or manages any permanent tattooing establishment
18 whether performing the work of tattooing or not, or a temporary
19 location that is a fixed location at which an individual tattoo
20 operator performs tattooing for a specified period of not more than
21 seven (7) days in conjunction with a single event or celebration,
22 where the primary function of the event or celebration is tattooing;
23 and

1 ~~3.~~ 5. "Artist" means the person who actually performs the body
2 piercing or tattooing procedure.

3 C. ~~The provisions of this act~~ Section 841.1 et seq. of this
4 title shall not apply to any act of a licensed practitioner of the
5 healing arts performed in the course of such practitioner's
6 practice.

7 SECTION 2. AMENDATORY 21 O.S. 2001, Section 842.2, is
8 amended to read as follows:

9 Section 842.2 Any person convicted of violating the provisions
10 of ~~Section 1 of this act~~ Section 842.1 et seq. of this title or
11 rules promulgated pursuant thereto shall be guilty of a misdemeanor
12 punishable by imprisonment in the county jail not to exceed ninety
13 (90) days, a fine of not more than ~~Five Hundred Dollars (\$500.00)~~
14 Five Thousand Dollars (\$5,000.00), or by both such fine and
15 imprisonment.

16 SECTION 3. AMENDATORY 21 O.S. 2001, Section 842.3, is
17 amended to read as follows:

18 Section 842.3 A. All body piercing operators, tattoo operators
19 and artists shall be prohibited from performing body piercing or
20 tattooing unless licensed in the appropriate category by the State
21 Board of Health. The State Board of Health shall promulgate rules
22 regulating body piercing and tattooing which shall include, but not
23 be limited to:

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

19 B. The Board may notify the district attorney of any violation
20 of ~~Section 1 of this act~~ Section 842.1 et seq. of this title or
21 rules promulgated pursuant thereto and, in addition to any criminal
22 penalty imposed, the Board may impose an administrative fine not to
23 exceed ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars

1 (\$5,000.00), may suspend the establishment's license, or may impose
2 both such administrative fine and suspension for any such violation.

3 SECTION 4. REPEALER 21 O.S. 2001, Sections 841 and 842,
4 are hereby repealed.

5 SECTION 5. This act shall become effective November 1, 2004.

6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-16-04 -
7 DO PASS, As Amended.