

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1519

By: Lindley of the House

and

Shurden of the Senate

AS INTRODUCED

An Act relating to tattooing; amending 21 O.S. 2001, Sections 842.1, 842.2 and 842.3, which relate to body piercing; prohibiting tattooing on certain persons; modifying statutory references; defining terms; modifying definitions; modifying penalty; prohibiting certain acts unless licensed; requiring State Board of Health to promulgate rules regulating tattooing; modifying administrative fine; repealing 21 O.S. 2001, Section 841, which relates to prohibition against tattooing; repealing 21 O.S. 2001, Section 842, which relates to 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. No person under the age of eighteen (18) years shall be allowed to receive a tattoo. No person under the age of sixteen (16) years shall be allowed to receive a body piercing procedure.

B. As used in this section and ~~Section 3~~ Sections 842.2 and 842.3 of this ~~act~~ title:

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

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

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

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

24 ~~3.~~ 5. "Artist" means the person who actually performs the body
25 piercing or tattooing procedure; and

26 6. "Apprentice" shall mean any person who is training under the
27 supervision of a licensed tattoo artist. That person cannot
28 independently perform the work of tattooing. Apprentice shall also
29 mean any person who is training under the supervision of a licensed
30 body artist. That person cannot independently perform the work of
31 body piercing.

32

1 C. ~~The provisions~~ Sections 842.1 through 842.3 of this ~~act~~
2 title shall not apply to any act of a licensed practitioner of the
3 healing arts performed in the course of ~~such practitioner's~~ practice
4 of the practitioner.

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

7 Section 842.2. Any person convicted of violating the provisions
8 of Section ~~4~~ 842.1 of this ~~act~~ title or rules promulgated pursuant
9 thereto shall be guilty of a misdemeanor punishable by imprisonment
10 in the county jail not to exceed ninety (90) days, a fine of not
11 more than ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars
12 (\$5,000.00), or by both such fine and imprisonment.

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

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

- 21 1. Artist temporary and permanent licensure;
- 22 2. Facility operator temporary and permanent licensure;
- 23 3. Body piercing and tattoo facility requirements;
- 24 4. Equipment setup and requirements;
- 25 5. ~~Recommended procedures~~ Procedures for sanitary body piercing
26 and tattooing;
- 27 6. Forms to be completed prior to performing body piercing and
28 tattooing including, but not limited to, applications and parental
29 consent forms;
- 30 7. Hand washing and general health;
- 31 8. Body piercing and tattoo site preparation and application;
- 32 9. Procedure following body piercing and tattoo application;

1 10. Limits and prohibitions concerning body piercing and
2 tattooing;

3 11. Facility inspection documents including, but not limited
4 to, equipment inspection; ~~and~~

5 12. Administrative fines structure; and

6 13. Education and training.

7 B. The ~~Board~~ Department may notify the district attorney of any
8 violation of Section ~~4~~ 842.1 of this ~~act~~ title or rules promulgated
9 pursuant thereto and, in addition to any criminal penalty imposed,
10 the ~~Board~~ Department may impose an administrative fine not to exceed
11 ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00) per
12 violation per day, and may suspend the ~~establishment's~~ license of
13 the establishment, or may impose both such administrative fine and
14 suspension for any such violation.

15 SECTION 4. REPEALER 21 O.S. 2001, Section 841, is hereby
16 repealed.

17 SECTION 5. REPEALER 21 O.S. 2001, Section 842, is hereby
18 repealed.

19 SECTION 6. This act shall become effective November 1, 2005.

20

21 50-1-5072 GRS 01/13/05

22

23

24

25

26

27

28

29

30

31

32