

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1519

By: Lindley

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 fourteen (14) 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. "Body piercing" means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry

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

2. ~~"Operator"~~ "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, provided that medical micropigmentation, performed pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act, shall not be construed to be tattooing;

3. "Body piercing 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. A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other nonpermanent facility, shall not be used as a permanent body piercing establishment; and

4. "Tattoo operator" means any person who owns, controls, operates, conducts, or manages any permanent tattooing establishment whether performing the work of tattooing or not, or a temporary location that is a fixed location at which an individual tattoo 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;

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

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

C. ~~The provisions~~ Sections 842.1 through 842.3 of this act ~~title~~ shall not apply to any act of a licensed practitioner of the

healing arts performed in the course of ~~such practitioner's~~ practice of the practitioner.

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

Section 842.2. Any person convicted of violating the provisions of Section ~~4~~ 842.1 of this ~~act~~ title or rules promulgated pursuant thereto 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 ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

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

1. Artist temporary and permanent licensure;
2. Facility operator temporary and permanent licensure;
3. Body piercing and tattoo facility requirements;
4. Equipment setup and requirements;
5. ~~Recommended procedures~~ Procedures for sanitary body piercing and tattooing;
6. Forms to be completed prior to performing body piercing and tattooing including, but not limited to, applications and parental consent forms;
7. Hand washing and general health;
8. Body piercing and tattoo site preparation and application;
9. Procedure following body piercing and tattoo application;
10. Limits and prohibitions concerning body piercing and tattooing;

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

12. Administrative fines structure; and

13. Education and training.

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

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

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

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

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