

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 844

By: Branam of the Senate

3 and

4 Armes of the House

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8 (crimes and punishments - tattooing - effective date -
9 emergency)

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12 AUTHORS: Add the following House Coauthors: Derby and Duncan

13 AMENDMENT NO. 1. Strike the stricken title, the enacting clause and
14 the entire bill and insert

15 "An Act relating to crimes and punishments; amending
16 21 O.S. 2001, Section 842.1, as amended by Section
17 1, Chapter 141, O.S.L. 2006 (21 O.S. Supp. 2008,
18 Section 842.1), which relates to tattooing;
19 prohibiting scleral tattooing; defining term;
20 referencing penalty provision; providing an
effective date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 21 O.S. 2001, Section 842.1, as
23 amended by Section 1, Chapter 141, O.S.L. 2006 (21 O.S. Supp. 2008,
24 Section 842.1), is amended to read as follows:

1 Section 842.1 A. It shall be unlawful for any person to
2 perform or offer to perform body piercing or tattooing on a child
3 under eighteen (18) years of age. No person under eighteen (18)
4 years of age shall be allowed to receive a tattoo. No person under
5 eighteen (18) years of age shall be allowed to receive a body
6 piercing procedure unless the parent or legal guardian of such child
7 gives written consent for the procedure, and the parent or legal
8 guardian of the child is present during the procedure. No person
9 shall be allowed to purchase or possess tattoo equipment or supplies
10 without being licensed either as an Oklahoma medical
11 micropigmentologist or as an Oklahoma tattoo artist.

12 B. Tattooing shall not be performed upon a person impaired by
13 drugs or alcohol. A person impaired by drugs or alcohol is
14 considered incapable of consenting to tattooing and incapable of
15 understanding tattooing procedures and aftercare suggestions.

16 C. It shall be unlawful for any person to perform or offer to
17 perform scleral tattooing upon a person.

18 D. As used in this section and Sections 842.2 and 842.3 of this
19 title:

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

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

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

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

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

22 6. "Apprentice" means any person who is training under the
23 supervision of a licensed tattoo artist. That person cannot
24 independently perform the work of tattooing. Apprentice also means

1 any person who is training under the supervision of a licensed body
2 artist. That person cannot independently perform the work of body
3 piercing; and

4 7. "Scleral tattooing" means the practice of producing an
5 indelible mark or figure on the human eye by scarring or inserting a
6 pigment on, in, or under the fornix conjunctiva, bulbar conjunctiva,
7 ocular conjunctive, or other ocular surface using needles, scalpels
8 or other related equipment.

9 ~~D.~~ E. Sections 842.1 through 842.3 of this title shall not
10 apply to any act of a licensed practitioner of the healing arts
11 performed in the course of practice of the practitioner.

12 F. Any person violating the provisions of this section shall be
13 punished as provided in Section 842.2 of this title.

14 SECTION 2. This act shall become effective July 1, 2009.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval."
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1 Passed the House of Representatives the 21st day of April, 2009.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate
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