

ENROLLED SENATE  
BILL NO. 844

By: Branan of the Senate

and

Armes, Derby and Duncan of  
the House

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

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 842.1, as amended by Section 1, Chapter 141, O.S.L. 2006 (21 O.S. Supp. 2008, 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. No person under eighteen (18) years of age shall be allowed to receive a tattoo. No person under eighteen (18) years of age shall be allowed to receive a body piercing procedure 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 shall be allowed to purchase or possess tattoo equipment or supplies without being licensed either as an Oklahoma medical micropigmentologist or as an Oklahoma tattoo artist.

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

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

D. As used in this section and Sections 842.2 and 842.3 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 or other decoration; provided, however, the term does not include ear piercing;

2. "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;

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;

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

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

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

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

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

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

SECTION 3. 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 Senate the 19th day of May, 2009.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2009.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives