

SB 844

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 844
As Amended

SENATE BILL NO. 844 - By: Branan of the Senate and Armes of the House.

[crimes and punishments - tattooing - effective date - 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.

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

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

7 D. As used in this section and Sections 842.2 and 842.3 of this
8 title:

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

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

19 3. "Body piercing operator" means any person who owns,
20 controls, operates, conducts, or manages any permanent body piercing
21 establishment, whether actually performing the work of body piercing
22 or not. A mobile unit, including, but not limited to, a mobile

1 home, recreational vehicle, or any other nonpermanent facility,
2 shall not be used as a permanent body piercing establishment;

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

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

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

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

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

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

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

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
12 2-19-09 - DO PASS, As Amended and Coauthored.