

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 844

By: Branan

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 842.1, as amended by Section 1,  
9 Chapter 141, O.S.L. 2006 (21 O.S. Supp. 2008, Section  
10 842.1), which relates to tattooing; prohibiting  
11 scleral tattooing; defining term; referencing penalty  
12 provision; providing an effective date; and declaring  
13 an emergency.

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

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

18 Section 842.1 A. It shall be unlawful for any person to  
19 perform or offer to perform body piercing or tattooing on a child  
20 under eighteen (18) years of age. No person under eighteen (18)  
21 years of age shall be allowed to receive a tattoo. No person under  
22 eighteen (18) years of age shall be allowed to receive a body  
23 piercing procedure unless the parent or legal guardian of such child  
24 gives written consent for the procedure, and the parent or legal  
guardian of the child is present during the procedure. No person

1 shall be allowed to purchase or possess tattoo equipment or supplies  
2 without being licensed either as an Oklahoma medical  
3 micropigmentologist or as an Oklahoma tattoo artist.

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

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

10 D. As used in this section and Sections 842.2 and 842.3 of this  
11 title:

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

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

22 3. "Body piercing operator" means any person who owns,  
23 controls, operates, conducts, or manages any permanent body piercing  
24 establishment, whether actually performing the work of body piercing

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

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

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

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

19 7. "Scleral tattooing" means the practice of producing an  
20 indelible mark or figure on the human eye by scarring or inserting a  
21 pigment on, in, or under the fornix conjunctiva, bulbar conjunctiva,  
22 ocular conjunctive, or other ocular surface using needles, scalpels  
23 or other related equipment; provided, that medical  
24 micropigmentation, performed pursuant to the provisions of the

1 Oklahoma Medical Micropigmentation Regulation Act, shall not be  
2 construed to be tattooing.

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

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

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

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

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