HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2889 By: Pittman and Dorman

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 842.3, which relates to body piercing and tattooing regulations; directing the State Board of Health to promulgate rules for enforcement procedures; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2011, 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;

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

2. Facility operator temporary and permanent licensure;

3. Body piercing and tattoo facility requirements;

4. Equipment setup and requirements;

5. 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;

12. Administrative <u>enforcement procedures and</u> fines structure;

13. Education and training; and

14. A surety bond in the principal sum of One Hundred Thousand Dollars ($100,000.00) to be in a form approved by the Attorney General and filed in the Office of the Secretary of State for all body piercing and tattoo operators.

B. A city or county may adopt any regulations that do not conflict with, or are more comprehensive than, the provisions of this section or with the rules promulgated by the Department. This

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section does not limit the ability of a city or county to require an applicant to obtain any further business licenses or permits that the city or county deems appropriate.

C. 1. The State Department of Health shall not grant or issue a license to a body piercing or tattoo operator if the place of business of the body piercing or tattoo operator is within one thousand (1,000) feet of a church, school, or playground.

2. The provisions of this subsection shall not apply to the renewal of licenses or to new applications for locations where body piercing or tattoo operators are licensed at the time the application is filed with the Department.

3. As used in this subsection:

a. "church" means an establishment, other than a private dwelling, where religious services are usually conducted,

b. "school" means an establishment, other than a private dwelling, where the usual processes of education are usually conducted, and

c. "playground" means a place, other than grounds at a private dwelling, that is provided by the public or members of a community for recreation.

D. A body piercing or tattoo operator applying for license renewal or for a new license to perform at an existing body piercing

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or tattoo place of business shall pay a certification fee established by the Department by rule to determine if the exemptions provided for in paragraph 2 of subsection C of this section apply.

E. A body piercing or tattoo operator applying for license renewal or for a new license under subsection C of this section shall publish notice of the license application or renewal at least once a week for three (3) consecutive weeks in a newspaper of general circulation nearest to the proposed location of the business and most likely to give notice to interested citizens of the county, city, and community in which the applicant proposes to engage in business. The publication shall identify the exact location at which the proposed business is to be operated.

F. The State Department of Health may notify the district attorney of any violation of Section 842.1 of this title or rules promulgated pursuant thereto and, in addition to any criminal penalty imposed, the Department may impose an administrative fine not to exceed Five Thousand Dollars ($5,000.00) per violation per day, and may suspend, revoke or deny the license of the establishment, or may impose both such administrative fine and suspension, revocation or denial for any such violation.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

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declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/21/2012 - DO PASS.

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