

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1320

By: Wright

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 842.1, as last amended by
9 Section 1, Chapter 319, O.S.L. 2009 (21 O.S. Supp.
10 2010, Section 842.1), which relates to tattooing and
11 body piercing; adding definition; modifying
12 definition; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 842.1, as
15 last amended by Section 1, Chapter 319, O.S.L. 2009 (21 O.S. Supp.
16 2010, Section 842.1), is amended to read as follows:

17 Section 842.1 A. It shall be unlawful for any person to
18 perform or offer to perform body piercing or tattooing on a child
19 under eighteen (18) years of age. No person under eighteen (18)
20 years of age shall be allowed to receive a tattoo. No person under
21 eighteen (18) years of age shall be allowed to receive a body
22 piercing procedure unless the parent or legal guardian of such child
23 gives written consent for the procedure, and the parent or legal
24 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. "Henna/mehndi" means the leaves of a certain plant used to
17 make a reddish brown dye and/or the ingredients containing
18 phenylenediamine (ppd);

19 3. "Tattooing" means the practice of producing an indelible
20 mark or figure on the human body by scarring or inserting a pigment
21 under the skin using needles, scalpels, or other related equipment
22 or by applying henna/mehndi to the skin; provided, that medical
23 micropigmentation, performed pursuant to the provisions of the
24

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

3 ~~3-~~ 4. "Body piercing operator" means any person who owns,
4 controls, operates, conducts, or manages any permanent body piercing
5 establishment, whether actually performing the work of body piercing
6 or not. A mobile unit, including, but not limited to, a mobile
7 home, recreational vehicle, or any other nonpermanent facility,
8 shall not be used as a permanent body piercing establishment;

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

16 ~~5-~~ 6. "Artist" means the person who actually performs the body
17 piercing or tattooing procedure;

18 ~~6-~~ 7. "Apprentice" means any person who is training under the
19 supervision of a licensed tattoo artist. That person cannot
20 independently perform the work of tattooing. Apprentice also means
21 any person who is training under the supervision of a licensed body
22 artist. That person cannot independently perform the work of body
23 piercing; and

24

1 ~~7.~~ 8. "Scleral tattooing" means the practice of producing an
2 indelible mark or figure on the human eye by scarring or inserting a
3 pigment on, in, or under the fornix conjunctiva, bulbar conjunctiva,
4 ocular conjunctive, or other ocular surface using needles, scalpels
5 or other related equipment.

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

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

11 SECTION 2. This act shall become effective November 1, 2011.

12

13 53-1-5094 AM 01/17/11

14

15

16

17

18

19

20

21

22

23

24