



1 years of age. No person under eighteen (18) years of age shall be  
2 ~~allowed to receive a tattoo. No~~ present in any place where tattoos  
3 or body piercing is being practiced, except a person under eighteen  
4 (18) years of age shall be allowed to receive a body piercing  
5 procedure ~~unless~~ and be present in a place licensed to perform body  
6 piercing when the parent or legal guardian of such ~~child~~ person  
7 gives written consent for the procedure, and the parent or legal  
8 guardian ~~of the child is~~ remains present during the procedure. No  
9 person shall be allowed to purchase or possess tattoo equipment or  
10 supplies without being licensed either as an Oklahoma medical  
11 micropigmentologist or as an Oklahoma tattoo artist.

12 B. Any person consenting to body piercing or tattooing shall  
13 sign a consent statement acknowledging that the person is over the  
14 age of eighteen (18) years and understands and accepts the risks and  
15 dangers of injury, illness and permanent mistakes in receiving the  
16 body piercings or tattoos. The consent form shall be maintained by  
17 the person licensed to perform body piercing and tattooing and shall  
18 be subject to inspection by the State Department of Health or any  
19 law enforcement officer. Tattooing shall not be performed upon a  
20 person impaired by drugs or alcohol. A person impaired by drugs or  
21 alcohol is considered incapable of consenting to tattooing and  
22 incapable of understanding tattooing procedures and aftercare  
23 ~~suggestions~~ recommendations.

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

3 D. As used in this section and Sections 842.2 and 842.3 of this  
4 title:

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

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

15 3. "Body piercing operator" means any person who owns,  
16 controls, operates, conducts, or manages any permanent body piercing  
17 establishment, whether actually performing the work of body piercing  
18 or not. A mobile unit, including, but not limited to, a mobile  
19 home, recreational vehicle, or any other nonpermanent facility,  
20 shall not be used as a ~~permanent~~ body piercing establishment;

21 4. "Tattoo operator" means any person who owns, controls,  
22 operates, conducts, or manages any permanent tattooing establishment  
23 whether performing the work of tattooing or not, or a temporary  
24 location that is a fixed location at which an individual tattoo

1 operator performs tattooing for a specified period of not more than  
2 seven (7) days in conjunction with a single event or celebration,  
3 where the primary function of the event or celebration is tattooing;

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

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

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

17 E. Sections 842.1 ~~through~~ and 842.3 of this title shall not  
18 apply to any act ~~of~~ performed by a licensed practitioner of the  
19 healing arts if performed in the course of such practice ~~of the~~  
20 ~~practitioner~~ and recognized by this state as a part of the licensed  
21 profession.

22 F. Any person violating the provisions of this section or any  
23 rules established for licensure shall be punished as provided in  
24 Section 842.2 of this title.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 842.2, is  
2 amended to read as follows:

3 Section 842.2. Any person convicted of violating the provisions  
4 of Section 842.1 of this title or of any rules promulgated pursuant  
5 ~~thereto~~ to Section 842.1 or 842.3 of this title shall be guilty of a  
6 misdemeanor punishable by imprisonment in the county jail for a term  
7 ~~not to exceed~~ more than ninety (90) days, by a fine ~~of not more than~~  
8 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine  
9 and imprisonment. Any criminal penalty imposed pursuant to this  
10 section shall be in addition to the administrative fines imposed for  
11 a license violation.

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 842.3, is  
13 amended to read as follows:

14 Section 842.3. A. All body piercing operators, tattoo  
15 operators and artists shall be prohibited from performing body  
16 piercing or tattooing unless ~~licensed~~ such person has been issued a  
17 valid license in the appropriate category by the State Department of  
18 Health. The State Board of Health shall promulgate rules regulating  
19 body piercing and tattooing which shall include, but not be limited  
20 to:

- 21 1. Artist temporary and permanent licensure;
- 22 2. Facility operator temporary and permanent licensure;
- 23 3. Body piercing and tattoo facility requirements;
- 24 4. Equipment setup and requirements;

- 1 5. Procedures for sanitary body piercing and tattooing;
- 2 6. Forms to be completed prior to performing body piercing and
- 3 tattooing including, but not limited to, applications and parental
- 4 consent forms;
- 5 7. Hand washing and general health;
- 6 8. Body piercing and tattoo site preparation and application;
- 7 9. Procedure following body piercing and tattoo application;
- 8 10. Limits and prohibitions concerning body piercing and
- 9 tattooing;
- 10 11. Facility inspection documents including, but not limited
- 11 to, equipment inspection;
- 12 12. Administrative fines structure;
- 13 13. Education and training; and
- 14 14. A surety bond in the principal sum of One Hundred Thousand
- 15 Dollars (\$100,000.00) to be in a form approved by the Attorney
- 16 General and filed in the Office of the Secretary of State for all
- 17 body piercing and tattoo operators.

18 B. A In addition to a state license required by subsection A of  
19 this section, a city or county may adopt ~~any~~ regulations that do not  
20 conflict with, or are more comprehensive than, the provisions of  
21 this section or with the rules promulgated by the Department. This  
22 section does not limit the ability of a city or county to require an  
23 applicant to obtain any further business licenses or permits that  
24 the city or county deems appropriate.

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

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

9 3. As used in this subsection:

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

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

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

19 D. A body piercing or tattoo operator applying for license  
20 renewal or for a new license to perform at an existing body piercing  
21 or tattoo place of business shall pay a certification fee  
22 established by the Department by rule to determine if the exemptions  
23 provided for in paragraph 2 of subsection C of this section apply.

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

10 F. The State Department of Health ~~may~~ shall notify the district  
11 attorney of any violation of Section 842.1 of this title ~~or rules~~  
12 ~~promulgated pursuant thereto~~ and, in addition to any criminal  
13 penalty imposed, the Department ~~may~~ shall impose an administrative  
14 fine for all violations of rule or law in an amount not to exceed  
15 Five Thousand Dollars (\$5,000.00) per violation per day, ~~and may.~~  
16 The State Department of Health shall deny a license for violation of  
17 law and may suspend, or revoke or deny the a license of the  
18 establishment, or may for violation of law or rule. The Department  
19 may impose both ~~such~~ an administrative fine and suspension,  
20 revocation or denial for any ~~such~~ violation.

21 SECTION 4. This act shall become effective July 1, 2013.

22 SECTION 5. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL  
5 SERVICES, dated 03/28/2013 - DO PASS, As Amended.

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