

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 844

By: Branam of the Senate

and

Armes of the House

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 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), which relates to tattooing; prohibiting scleral tattooing; defining term; referencing penalty provision; providing an effective date; and declaring an 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

1 piercing procedure unless the parent or legal guardian of such child
2 gives written consent for the procedure, and the parent or legal
3 guardian of the child is present during the procedure. No person
4 shall be allowed to purchase or possess tattoo equipment or supplies
5 without being licensed either as an Oklahoma medical
6 micropigmentologist or as an Oklahoma tattoo artist.

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

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

13 D. As used in this section and Sections 842.2 and 842.3 of this
14 title:

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

19 2. "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 provided, that medical micropigmentation, performed pursuant to the
23 provisions of the Oklahoma Medical Micropigmentation Regulation Act,
24 shall not be construed to be tattooing;

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

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

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

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

22 7. "Scleral tattooing" means the practice of producing an
23 indelible mark or figure on the human eye by scarring or inserting a
24 pigment on, in, or under the fornix conjunctiva, bulbar conjunctiva,

1 ocular conjunctive, or other ocular surface using needles, scalpels
2 or other related equipment.

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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