

1 ENGROSSED SENATE
2 BILL NO. 844

By: Branan of the Senate

3 and

4 Armes of the House

5
6 [crimes and punishments - tattooing - effective date -
7 emergency]
8

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

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

13 Section 842.1 A. It shall be unlawful for any person to
14 perform or offer to perform body piercing or tattooing on a child
15 under eighteen (18) years of age. No person under eighteen (18)
16 years of age shall be allowed to receive a tattoo. No person under
17 eighteen (18) years of age shall be allowed to receive a body
18 piercing procedure unless the parent or legal guardian of such child
19 gives written consent for the procedure, and the parent or legal
20 guardian of the child is present during the procedure. No person
21 shall be allowed to purchase or possess tattoo equipment or supplies
22 without being licensed either as an Oklahoma medical
23 micropigmentologist or as an Oklahoma tattoo artist.
24

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

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

7 D. As used in this section and Sections 842.2 and 842.3 of this
8 title:

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 10th day of March, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2009.

Presiding Officer of the House
of Representatives