

An Act

ENROLLED HOUSE
BILL NO. 3428

By: Archer, McEntire, and Deck
of the House

and

Kirt of the Senate

An Act relating to tattoo and body piercing; amending 21 O.S. 2021, Section 842.3, which relates to license requirements, rules, regulations, and penalties; modifying mandatory rules; removing license requirements; prescribing notice requirements; providing certain exception; adding enforcement authority to the State Department of Health; providing enforcement authority to Attorney General and district attorneys; providing venue; and providing an effective date.

SUBJECT: Tattoo and body piercing

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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;
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 fines structure; and

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 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 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.~~

D. A body piercing or tattoo operator applying for a new license shall publish notice of the license application one time in a newspaper of general circulation nearest to the proposed location of the body piercing or tattoo business most likely to give notice to interested citizens of the county, city, and community in which the application proposes to engage in business. The publication shall identify the exact location at which the proposed business is to be operated. The required notice shall not apply to license renewals unless the application for license renewal lists a different location than the original or current license location.

F. E. The State Department of Health may notify has authority to enforce the provisions of this section and regulations promulgated pursuant hereto. The Department may enforce by one or both of the following means:

1. Notifying the district attorney, of any relevant county, of a 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;

2. Whenever it shall appear that any person is engaged or about to engage in any acts or practices which constitutes or will constitute a violation of the provisions of Section 842.1 of this title, or of any rule, or order thereunder, the Department, the Attorney General, or the district attorney of any relevant county may bring an action in the relevant district court or in Oklahoma County to enjoin such acts or practices and to enforce compliance with this act or any rule, order, or temporary or permanent injunction shall be granted without bond. The Department, the Attorney General, and the district attorney shall transmit such evidence as may be available concerning such acts or practices or concerning apparent violations of this act to the district attorney for Oklahoma County, who, in their discretion, may institute appropriate criminal proceedings.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 30th day of April, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____