

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3428

By: Archer

AS INTRODUCED

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; 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.

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;

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

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

14 1. Notifying the district attorney, of any relevant county, of
15 a violation of Section 842.1 of this title or rules promulgated
16 pursuant thereto and, in addition to any criminal penalty imposed,
17 the Department may impose an administrative fine not to exceed Five
18 Thousand Dollars (\$5,000.00) per violation per day, and may suspend,
19 revoke, or deny the license of the establishment, or may impose both
20 such administrative fine and suspension, revocation, or denial for
21 any such violation;

22 2. Whenever it shall appear that any person is engaged or about
23 to engage in any acts or practices which constitutes or will
24 constitute a violation of the provisions of Section 842.1 of this
--

1 title, or of any rule, or order thereunder, the Department, the
2 Attorney General, or the district attorney of any relevant county
3 may bring action in the relevant district court or in Oklahoma
4 County, an action to enjoin such acts or practices and to enforce
5 compliance with this act or any rule, order, or temporary or
6 permanent injunction shall be granted without bond. The Department,
7 the Attorney General, and the district attorney shall transmit such
8 evidence as may be available concerning such acts or practices or
9 concerning apparent violations of this act to the district attorney
10 for Oklahoma County, who, in their discretion, may institute
11 appropriate criminal proceedings.

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

14 59-2-8835 TJ 01/05/24

--