
A BILL FOR AN ACT

RELATING TO THE REGULATION OF TATTOOS, PIERCINGS, BRANDS,
MUTILATION, IMPLANTS, AND SCARIFICATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 321-373, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§321-373 Regulation of [~~tattoo artists~~] providers of**
4 **tattooing, piercing, branding, mutilation, implanting, and**
5 **scarification services.** (a) The department shall adopt rules
6 under chapter 91 to implement this part. The rules shall
7 include but not be limited to:

- 8 (1) Prohibiting the use of injections, unless administered
9 by a physician licensed under chapter 453 or 460, or
10 by a registered nurse licensed under chapter 457;
- 11 (2) Appropriate restrictions on topical anesthetics;
- 12 (3) Prescribing procedures and conditions for
13 sterilization, storage of sterilized equipment,
14 resterilization, and disposal of discarded needles and
15 other equipment;
- 16 (4) Creating examination standards; and



1 (5) Fixing penalties and fines for violations of this part
2 or any of the rules adopted by the department.

3 (b) The rules may provide for separate standards for
4 facial tattoos[-], piercing, brands, mutilation, implants, and
5 scarification of the body of a person.

6 (c) For the purposes of this section, unless the context
7 clearly requires otherwise:

8 "Piercing", "brand", "mutilation", "implant", or
9 "scarification" means a mark on or under the skin or other body
10 part with an indelible design, letter, scroll, figure, symbol,
11 or other mark that cannot be removed without a surgical
12 procedure; provided that an "implant" shall not include a
13 cosmetic implant.

14 "Tattoo" means a mark upon or under the skin with an
15 indelible design, letter, scroll, figure, symbol, or any other
16 mark that is placed with the aid of needles or other instruments
17 with a substance that will leave color under the skin and cannot
18 be removed, repaired, or reconstructed without a surgical
19 procedure."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Body Art; Regulatory Authority

Description:

Assigns regulatory authority of piercing, branding, mutilation, implanting, and scarification to the department of health.

