

JAN 25 2006

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) "Pierce", "brand", "mutilate", "implant", or "scarify"
7 means to mark the skin or other body part with any indelible
8 design, letter, scroll, figure, symbol or other mark that is
9 placed on or under the skin or body part and that cannot be
10 removed without a surgical procedure.

11 (d) "Piercing", "brand", "mutilation", "implant", or
12 "scarification" means any such mark so made, except that
13 "implant" does not a cosmetic implant.

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

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

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

5

INTRODUCED BY: *Shianne Chun Oakland*



SB. NO. 2677

Report Title:

Body Art; Regulatory Authority

Description:

Assigns regulatory authority of piercing, branding, mutilation, implanting, and scarification to the Department of Health.

