



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Consumer Protection & Commerce

H.B. 2887, HD1, RELATING TO TATTOOING

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 20, 2008
2:00 p.m.**

1 **Department's Position:** The Department of Health supports this bill with reservations.

2 **Fiscal Implications:** Funding for research on traditional Hawaiian tattooing will be needed if this bill is
3 passed requiring the department to determine the efficacy of the "Kahuna Ka Kakau" and their experts.

4 **Purpose and Justification:** The bill would amend HRS 321-374 to exempt tattoo artists deemed to be
5 "Kahuna Ka Kakau" from licensing requirements as a tattoo artist. "Kahuna Ka Kakau" is defined as an
6 expert in the cultural practice and application of traditional Hawaiian tattooing. The exemption would
7 allow the "Kahuna Ka Kakau" to utilize procedures, equipment and dyes that are inconsistent with
8 current health standards.

9 The Department of Health respectfully acknowledges the Hawaiian culture and arts and would
10 support this bill provided that the qualification for "Kahuna Ka Kakau" is not in any way determined by
11 the Department of Health as the bill now requires, but by an organization or agency that has a better
12 understanding regarding the qualifications for this title. The department suggests that this organization
13 or agency be established prior to the effective date of this bill to prevent any misunderstanding or
14 confusion that would jeopardize its success.

1 In addition to the licensing of the practice, the issue of permitting of the tattoo shop must also be
2 addressed. The department suggests that an exemption from all regulations and statutes be considered
3 for the “Kahuna Ka Kakau” to practice traditional Hawaiian tattooing. This would allow unrestrictive
4 ability for the “Kahuna Ka Kakau” to practice their form of traditional Hawaiian tattooing. In addition,
5 this would release the State from the responsibility and liability of regulating traditional Hawaiian
6 tattooing and its use of procedures, equipment and dyes that are inconsistent to current regulations.

7 The rationale is based on current Center for Disease Control and Infection (CDC) and DOH
8 Disease Investigation Branch statistical information that does not indicate persons with exposures to
9 tattooing are at an increased risk for Hepatitis C (HCV), Hepatitis B (HBV), HIV or other significant
10 numbers of infections. In light of this information and given the maturity of the industry and its ability
11 to practice in a sanitary fashion, we also recommend that the regulatory system be changed from
12 licensing tattoo artists to a simpler registration system so that there is a means to keep track of
13 practitioners. This would effectively insure all tattoo artists are treated equally and fairly.

14 Thank you for the opportunity to testify.