

HB2887

HD2

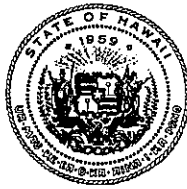
Measure Title:
RELATING TO TATTOOING.

Report Title:
Traditional Hawaiian Tattooing

Description:
Exempts experts in the practice of Kakau, traditional Hawaiian tattooing, from current tattoo licensure laws. Effective January 1, 2050. (HB2887 HD2)

Introducer(s):
AWANA, CARROLL, GREEN, HANOHANO, MANAHAN, MCKELVEY, MIZUNO, SHIMABUKURO, TOKIOKA, Brower, Karamatsu, Magaoay, Marumoto, Rhoads, Tsuji

Current Referral:
AHW/HTH, CPH



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

In reply, please refer to:
File:

Committee on Agriculture and Hawaiian Affairs

Committee on Health

H.B. 2887, HD2, RELATING TO TATTOOING

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

**March 19, 2008
1:15 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.



HB 2887, HD 2, RELATING TO TATTOOING
Senate Committees on Health; Agriculture and Hawaiian
Affairs;
and Energy and Environment

March 19, 2008

1:15 p.m.

Room: 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS**, with **amendments**, H.B. 2887, H.D. 2, which would exempt traditional Hawaiian tattoo experts from current tattoo licensure laws.

Traditional Hawaiian tattooing is a sacred cultural practice that connects individuals to their ancestors. Individuals who wish to receive tattoos in the traditional manner must often conduct in-depth genealogical and spiritual research before they are tattooed. The practice is rising in popularity as more Native Hawaiians seek out ways to reconnect to their rich cultural heritage.

However, exempting the practice from state licensure laws raises health concerns that will affect our beneficiaries, the Native Hawaiian community. Therefore, we ask that the bill be amended to include language that states that guidelines or best management practices for traditional Hawaiian tattooing be developed by traditional Hawaiian tattoo experts in consultation with at least one Native Hawaiian health organization, such as Papa Ola Lōkahi, ŷAhahui o nā Kauka, the University of Hawaiŷi at Mānoa's John A. Burns School of Medicine's Native Hawaiian Center of Excellence or the UH's Department of Native Hawaiian Health. These guidelines or best management practices should be developed to protect the health and well being of the Native Hawaiian community and the public at large.

OHA urges the Committee to PASS H.B. 2887, H.D. 2, taking the above-mentioned request into account. Thank you for the opportunity to testify.

HPACH

919 4th Street
Pearl City, Hawaii 96782

February 2008

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
And Committee Members, Committee On Water, Land
And Ocean Resources And Hawaiian Affairs
House of Representatives, The Twenty-Fourth Legislature
Regular Session of 2008, State of Hawaii

Subject: HB 2887, Relating To Tattooing, "SUPPORT"

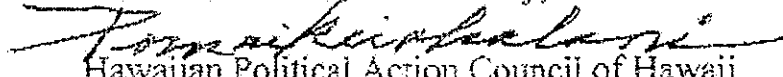
ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. As Sovereign of the Hawaiian Political Action Council of Hawaii, I SUPPORT the passage of HB 2887.

Kakau, the practice of traditional Hawaiian tattooing is one of the parts of the Hawaiian Culture that has been dormant for far too many years in the past. As with the Hula, the Hawaiian Language, celebration of Makahiki and other parts of Hawaii's culture, Kakau is also becoming an important cultural role in today's Hawaii.

Once more, HPACH Supports the passage of HB 2887. Mahalo Nui for the opportunity to present testimony of this Bill.

Richard Pomaikaiokalani Kinney, SOVEREIGN



Hawaiian Political Action Council of Hawaii

Email: HIAHAWAII@aol.com

Ken Ito, Chair
Jon Karamatsu, Vice Chair
Committee on Water, Land, Ocean and Hawaiian Affairs (WLH)

Kanani Kaaiawahia Bulawan
Kanaka Maoli, Private Citizen

LATE TESTIMONY

February 11, 2008, 9:30am. Rm 312

STRONG SUPPORT OF HB 2887: Relating to Traditional Tattooing

Aloha Chair, Vice Chair and members of the committee:

My name is Kanani Kaaiawahia Bulawan, a Kanaka Maoli or what you would call a private citizen. I'm here testifying in Full Support of HB:2887 relating to Traditional Tattooing and the exemption from licensing requirement by your Department or Board of Health.

It has been my experience with both non-tradition or commercial tattooing and that of traditional tattooing. In these experiences there are very distinct differences. With the commercial process one goes into a shop, pick a design, sign a waiver and statement of understanding, pay the fee and get the work done. With the traditional process one gets to kuka kuka with Ka Kakau, the kuka kuka involves knowing your genealogy, understand your ancestry, and have a general idea of what your kuleana is towards life. This process is more than just putting a design picked out from a group of art graphic. It is a process of which you learn tradition and protocol. Based on your family status and kuleana in the ahu'pua'a. This allow you to know who you are, where you come from, what you are called and responsible to do in this life time for both the past (your kupuna) and your future (keiki).

Our community has many needs and challenges. The bill identifies the concerns and solutions in addressing the barriers to assuring we have a healthier community and thereby reducing the need for continued government interventions. Allowing and recognizing a traditional practice and cultural believes respects all cultures that Hawaii is known and sensitive for.

Thank you for allowing me this time to submit my testimony and request your favor to support this measure. For more information I can be contacted at 783-9302.