
A BILL FOR AN ACT

RELATING TO TATTOO ARTISTS.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding two new sections to part XXX to be
3 appropriately designated and to read as follows:

4 "§321-A Permit; required for tattoo shop and temporary
5 locations. (a) No person, partnership, firm, corporation, or
6 other legal entity shall operate a tattoo shop without a permit
7 obtained pursuant to department rules.

8 (b) Each initial permit application under this section
9 shall be accompanied by a fee of \$125 for a permit valid for one
10 year. For renewal of a permit, each applicant shall pay a fee
11 of \$75 per year. The department may increase initial permit
12 application and renewal fees by not more than \$10 per year.

13 (c) All permits shall expire on December 31 of each year.
14 The application for a permit renewal shall be submitted to the
15 department in writing on or before December 31 each year.

16 (d) The department may issue a temporary permit valid for
17 a maximum period of seven consecutive days per calendar year for
18 locations other than a permitted tattoo shop for the purpose of

1 a trade show, product demonstration, or educational
2 demonstration; provided that the show or demonstration shall
3 meet all standards as specified by the director and this
4 chapter. The temporary permit application shall be made in
5 writing to the department at least sixty days prior to the
6 scheduled event and shall include specific measures to meet
7 specified health and safety standards, including the possibility
8 of on-site inspections. Temporary permit applicants shall pay a
9 \$50 nonrefundable application fee in addition to:

- 10 (1) A \$500 participation fee, if an event features at
11 least three but not more than forty tattoo artists; or
12 (2) A \$50 nonrefundable permit fee for an event featuring
13 less than three participating tattoo artists
14 demonstrating for educational purposes only;
15 provided that the department may annually increase the
16 participation fee by not more than \$100 per year and the non-
17 refundable permit fee by not more than \$10 per year.

18 **§321-B Temporary licenses.** (a) The department may issue
19 temporary licenses for educational, trade show, or product
20 demonstration purposes to tattoo artists not licensed in the
21 State; provided that the temporary license shall be valid for a
22 maximum of fourteen consecutive calendar days in any given

1 calendar year. Temporary licensees shall be subject to all
2 applicable rules established by the department.

3 (b) Applications for temporary licenses shall be made in
4 writing to the department at least sixty days prior to the
5 proposed events and accompanied by a non-refundable application
6 fee of \$25 and written proof satisfying the requirements under
7 subsection (c). An applicant shall be notified by mail of the
8 disposition of the application in a timely manner. If an
9 application is approved, the applicant shall submit the
10 notification of approval, a photo identification, and a
11 temporary license fee of \$100 to the department in order to be
12 issued the temporary license.

13 (c) An applicant for a temporary license shall comply with
14 section 321-374(c) and shall have:

15 (1) Passed a blood borne pathogen course developed
16 specifically for the tattoo industry, and approved by
17 the director, within two years of the filing of the
18 application; or

19 (2) Passed the state tattoo artist written examination
20 within two years of the filing of the application.

21 (d) This section shall apply to tattoo artists who:

1 (1) Are professional tattooists in jurisdictions outside
2 the State; and

3 (2) Intend to participate in educational, trade, or
4 product shows demonstrating tattoo artistry in the
5 State.

6 (e) The department may increase temporary license fees
7 annually by not more than \$10."

8 SECTION 2. Section 321-372, Hawaii Revised Statutes, is
9 amended by amending the definition of "tattoo artist" to read as
10 follows:

11 "'Tattoo artist" means any person who creates indelible
12 marks or decorative designs by introducing pigments beneath the
13 surface of the skin, resulting in permanent or semi-permanent
14 markings with the aid of needles, electric machines, hand tools,
15 or other devices[-] or means."

16 SECTION 3. Section 321-374, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§321-374 License required; exemptions.** (a) Except as
19 otherwise provided by law, no person shall practice the
20 occupation of tattoo artist in this State either gratuitously or
21 for pay, or shall announce oneself either publicly or privately

1 as prepared or qualified to practice that occupation without
2 having a valid unrevoked license to do so.

3 (b) Any applicant for licensure shall be in compliance
4 with the requirements of section 321-B(c) (1) or 321-B(c) (2).

5 (c) For purposes of applying for a license, an applicant
6 shall:

7 (1) Have taken and passed a tuberculin skin test or chest
8 x-ray examination within six months of the
9 application, using reporting forms prescribed and
10 provided by the department; and

11 (2) Have completed the hepatitis B vaccination series or
12 antibody testing showing immunity, unless the vaccine
13 is contraindicated for medical reason, as specified in
14 Occupational Safety Bloodborne Pathogens Standard and
15 Exposure Control (29 Code of Federal Regulations
16 1910.1030(f)) and has signed the appropriate waiver.

17 A positive test result for tuberculosis, hepatitis B, HIV, or
18 any communicable disease shall not disqualify an applicant from
19 being issued a license, provided that the applicant obtains and
20 submits to the director a certificate signed by a physician
21 licensed in the State which certifies that the applicant is not

1 a risk to customers or other employees of the tattoo shop due to
2 the disease.

3 ~~[(b)]~~ (d) Physicians holding a valid unrevoked license
4 under chapter 453 ~~[or 460]~~ are exempt from the requirements of
5 this part."

6 SECTION 4. Section 321-379, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~[(f)]§321-379[]—Discipline;~~ **Violations; discipline;**
9 **complaints; grounds; proceedings; hearings.** (a) The director
10 shall have the power to revoke, limit, condition, or suspend a
11 permit or license ~~[as a tattoo artist]~~ issued under this part
12 and to fine or otherwise discipline an owner of a tattoo shop or
13 a licensed tattoo artist for any violation of ~~[subsection (b)].~~
14 this part.

15 ~~[(b)]~~ The department shall have the power to accept,
16 investigate, prosecute, and hear complaints regarding any
17 ~~[person, who is a licensed]~~ owner of a tattoo shop or tattoo
18 artist regarding ~~[the following]~~ allegations ~~[+]~~ of any violation
19 of this part.

20 (b) The following are violations of this part:

- 1 (1) Unfitness or incompetence by reason of negligence,
2 habits, or other causes regardless of whether actual
3 damage or damage to the public is established;
- 4 (2) Habitual intemperance, addiction, or dependency on
5 alcohol or other habit-forming substances;
- 6 (3) Mental incompetence resulting in an inability to
7 practice as a tattoo artist;
- 8 (4) Submitting to or filing with the department any
9 application, notice, statement, or other document in
10 procuring or attempting to procure licensure as a
11 tattoo artist[~~, which~~] that is false or untrue or
12 contains any material misstatement of fact;
- 13 (5) Using the title, licensed tattoo artist, or any
14 designation tending to imply that the person is a
15 licensed tattoo artist when the person is not in fact
16 licensed or the person's license has been suspended or
17 revoked;
- 18 (6) Violating conditions or limitations upon which
19 licensure occurs;
- 20 (7) Engaging in dishonorable, unethical, or unprofessional
21 conduct of a character likely to deceive, defraud, or

- 1 harm an individual or the public in the course of
2 professional services or activities;
- 3 (8) Having disciplinary action taken against the tattoo
4 artist in another state;
- 5 (9) Aiding or abetting an unlicensed person, knowingly
6 combining or conspiring with an unlicensed person,
7 allowing one's license to be used by an unlicensed
8 person, or acting as agent or associate of an
9 unlicensed person to evade the use of title
10 restrictions of this part;
- 11 (10) Engaging in false or misleading advertising; [~~or~~]
- 12 (11) Engaging in sexual conduct in connection with
13 professional services or activities[~~or~~];
- 14 (12) Tattooing any person under the age of eighteen without
15 the written consent of the person's parent or legal
16 guardian, or failing to maintain consent forms at the
17 tattoo shop for a minimum of two years in a
18 confidential manner; or
- 19 (13) Tattooing anyone under the age of sixteen regardless
20 of parental or legal consent.

1 (c) In any proceeding under this section the person
2 subject to the proceeding shall be given notice and the
3 opportunity for a hearing in conformity with chapter 91."

4 SECTION 5. Section 321-380, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~f~~]**S321-380**[~~f~~] **Penalties.** (a) Any person against whom
7 proceedings have been brought pursuant to section 321-379 which
8 resulted in findings of any of the causes listed in subsection
9 321-379(b) may be assessed a fine of not less than \$100 [~~nor~~]
10 and not more than \$5,000 for each offense. Any action taken to
11 impose or collect the penalty provided for in this subsection
12 shall be considered a civil action.

13 (b) Any person in violation of section 321-374, 321-A(a),
14 or 321-B shall be fined not less than \$500 and not more than
15 \$5,000.

16 (c) In addition to any other penalties prescribed by law,
17 any person who knowingly or wilfully makes a false statement to
18 the department relating to any requirement of this part shall be
19 guilty of a misdemeanor and fined not less than \$500 and not
20 more than \$5,000 for each offense.

21 [~~b~~] (d) The director may bring a civil action to enjoin
22 any person for violation of section 321-379(b)."

1 SECTION 6. In codifying the new sections added by
2 section 1 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 7. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect on July 1, 2050.

Report Title:

Tattoo Artists; Regulation; Licensure; Permits; Temporary
License

Description:

Updates the regulation of tattoo artists and tattoo shops in the
State. (SD2)