

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 1263

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Health and Commerce and Consumer Protection, to which was referred S.B. No. 1263 entitled:

"A BILL FOR AN ACT RELATING TO TATTOO ARTISTS,"

beg leave to report as follows:

The purpose of this measure is to protect public health and safety by updating the current statutes regarding permanent and temporary licensure for tattoo artists and permits for tattoo shops.

Specifically, this measure:

- (1) Requires all tattoo shops to register with the Department of Health and establishes fees for initial permit application and annual renewal;
- (2) Authorizes temporary permits for trade shows or educational purposes and establishes fees and requirements therefor;
- (3) Authorizes temporary licenses for fourteen calendar days for tattoo artists not licensed in the State;
- (4) Sets forth additional requirements for non-temporary licenses; and



- (5) Establishes violations, including violations of consent requirements for tattooing persons under the age of eighteen as well as penalties and fines.

Testimony in support of this measure was submitted by the Hawaii Medical Association. Testimony in opposition of this measure was submitted by the Department of Health. Copies of written testimony are available for review on the Legislature's website.

Your Committees find that tattooing has become increasingly popular in the past several years, particularly with the younger population. The statutes regulating tattoo artists and tattoo shops operating in the State have not been updated since 1981.

Your Committees further find that the Department of Health should coordinate the administrative rules regarding permits and licensure with the updated statutes.

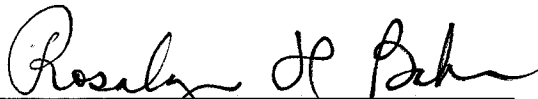
Your Committees have amended this measure by adopting the recommendations of the Coalition for Safe Tattooing in Hawaii by:

- (1) Changing the permit renewal deadline from "January 10" to "on or before the first day of January";
- (2) Clarifying with respect to temporary licenses that:
 - (A) The licenses are valid for a maximum of fourteen consecutive days per calendar year; and
 - (B) The temporary licensing provisions apply to "professional tattooists" in jurisdictions outside Hawaii to ensure application to tattoo artists who meet Hawaii licensing requirements but come from states that do not require licensure;
- (3) Requiring non-temporary licensure applicants to pass an approved blood borne pathogen course or a state tattoo artist written examination within two years of applying;
- (4) Changing the effective date to July 1, 2050 to encourage further discussion on this matter; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and style.

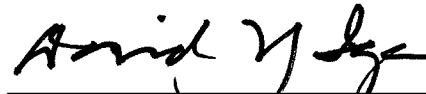


As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1263, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1263, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Health and
Commerce and Consumer
Protection,



ROSALYN H. BAKER, Chair



DAVID Y. ISE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 1268	Committee Referral: HHA/CPN, J90	Date: 2-12-09
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The committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman				✓
HEMMINGS, Fred	✓			
TOTAL	6	-	-	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Rosalyn H. Baker

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*Only one measure per Record of Votes