

STAND. COM. REP. NO.

766

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1263
S.D. 2

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1263, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit a person, partnership, firm, corporation, or other legal entity from operating a tattoo shop without registering the shop with the Department of Health and obtaining a permit.

This measure also:

- (1) Allows the Department of Health to issue temporary licenses for educational, trade show, or product demonstration purposes to tattoo artists not licensed in the State. A temporary license is valid for a maximum of fourteen consecutive calendar days in any given calendar year;
- (2) Sets forth additional requirements for non-temporary licenses; and
- (3) Clarifies and establishes violations and penalties relating to tattoo artists and tattoo shops.

Your Committee finds that this measure affords added protections for the public health and updates statutory provisions



relating to tattoo artists and tattoo shops that have not been updated since 1981.

Your Committee has amended this measure by:

- (1) Deleting reference to Occupational Safety and Health Administration regulations since the Department of Health does not enforce OSHA regulations;
- (2) Clarifying that a positive test result for tuberculosis, hepatitis B, HIV, or any communicable disease would not disqualify an applicant for a tattoo license if the applicant presents a medical certificate stating that the applicant is not a risk to customers or employees of the tattoo shop;
- (3) Deleting the prohibition on practicing tattooing while having a communicable disease, since it may conflict with the privacy requirements of The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule;
- (4) Changing the date of expiration of permits to December 31 of each year;
- (5) Authorizing the Department of Health to issue temporary permits for a maximum period of seven days to locations other than a permitted tattoo shop for the purpose of a trade show, product demonstration, or educational demonstration, in accordance with standards specified by the Director of Health and Chapter 321, Hawaii Revised Statutes;
- (6) Allowing on-site inspections of temporary permit premises;
- (7) Deleting reference to a \$50 participation fee and substituting a \$50 nonrefundable permit fee for any event featuring less than three participating tattoo artists demonstrating for educational purposes only; and
- (8) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached



to this report, your Committee is in accord with the intent and purpose of S.B. No. 1263, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1263, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

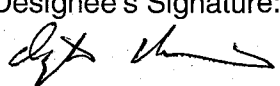


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1263, SDI	HTH/CPN, JGO	2/27/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
TOTAL	4	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes