

# SB2398 SD1

Measure Title: RELATING TO TATTOO ARTISTS.

Report Title: Tattoo Artists; Regulation

Description: Restricts the sale of tattoo supplies. Requires blood borne pathogen test as a prerequisite for licensure beginning 1/1/2013 and every four years after initial test to continue to hold a license. Prohibits body piercing or body modifications at tattoo trade shows. Creates a tattoo artist task force. Reports to legislature. (SD1)

Companion:

Package: None

Current Referral: PGM/HTH, CPN

Introducer(s): ESPERO, Baker, Nishihara, Ryan, Slom, Wakai

<u>Sort by Date</u>		<b>Status Text</b>
1/20/2012	S	Introduced.
1/23/2012	S	Passed First Reading.
1/23/2012	S	Referred to HTH, CPN.
1/27/2012	S	Re-Referred to PGM/HTH, CPN.
2/8/2012	S	The committee(s) on PGM/HTH has scheduled a public hearing on 02-15-12 2:45PM in conference room 229.
2/15/2012	S	The committee(s) on PGM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PGM were as follows: 3 Aye(s): Senator(s) Espero, Kidani, Baker; Aye(s) with reservations: none ; 1 No(es): Senator(s) Slom; and 1 Excused: Senator(s) Ryan.
2/15/2012	S	The committee(s) on HTH recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HTH were as follows: 5 Aye(s): Senator(s) Green, Nishihara, Baker, Chun Oakland; Aye(s) with reservations: Senator(s) Wakai ; 1 No(es): Senator(s) Slom; and 1 Excused: Senator(s) Shimabukuro.
2/17/2012	S	Reported from PGM/HTH (Stand. Com. Rep. No. 2318) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
2/17/2012	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/21/2012	S	The committee(s) on CPN will hold a public decision making on 02-24-12 9:00AM in conference room 229.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

**Committee on Commerce and Consumer Protection**

**S.B. 2398 S.D. 1 , RELATING TO TATTOO ARTISTS**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Director of Health**

**February 24, 2012  
9:00 a.m.**

- 1 **Department's Position:** The department opposes this bill.
- 2 **Fiscal Implications:** This bill has substantial fiscal implications for the department. In addition  
3 to requiring new rules to be created and passed, an increase in staffing will be required to substantiate,  
4 through inspections, the sale of tattoo supplies to minors and unlicensed tattoo artists and shops; and the  
5 creation of a new licensing exam by a third party contractor.
- 6 **Purpose and Justification:** This bill would require resources and expertise currently unavailable to  
7 the department. This bill requests the department to regulate and control the sale of tattoo supplies to  
8 minors, unlicensed tattoo artists, and unlicensed tattoo shops. This would be very difficult to  
9 accomplish without substantial resources, as enforcement of these sales would require "under cover"  
10 purchases by the department along with tracking and enforcing internet sales of these items in Hawaii.  
11 The sale of tattoo supplies has no direct impact on communicable disease transmission, and the  
12 prohibition or regulating of such sales should belong with local law enforcement, and not with the  
13 Department of Health.

1           The creation, administration and grading of a blood borne pathogen exam would require  
2 additional resources. The department feels that this additional test is unnecessary, as the current State of  
3 Hawaii tattoo artist license exam is comprised mostly of questions related to preventing the spread of  
4 blood borne pathogens. The department does not have the expertise to create new professional licensing  
5 exams, and should not be in the business of professional and vocational licensing, as other departments  
6 already exist to handle this State function.

7           The department may require additional resources to support a new “task force” and does not see  
8 the need for any task force. The department believes any proposed changes in the regulation of a  
9 particular industry should be done through the rule-making process rather than the legislative process.  
10 Hawaii Revised Statutes, §321-10 and §321-13 gives the authority to the DOH to regulate tattoo artists.  
11 Hawaii Administrative Rules Chapter 17, Tattoo Artists regulates the shops and the profession of  
12 tattooing. HRS Part XXX, Tattoo Artists was created legislatively in 2009 to regulate certain aspects of  
13 tattoo artists and tattoo shops.

14           Thank you for the opportunity to testify.

I am speaking for the Coalition for Safe Tattooing Hawaii. We are in support of SB2398 SD.1 with one major exception. We would like to see one more revision made--We feel that a cap on the maximum number of participating tattooists is a necessity for safety. The tattoo community understood that there was a maximum of 40 artists to be allowed (as specified in [§321-373.5] d (1) , but it has been interpreted that this is may not be the case.

Tattoo conventions often include as many as two hundred participating tattooists or more which we believe presents a major health risk. Multiply 200 artists by an average of 6 clients per artist and you have the possibility of as many as 1200 people oozing and bleeding in a communal space.

Although the new tattoos are bandaged, most clients remove the bandage in order to show off their new tattoo. This is a tremendous health risk when you consider how easily Hepatitis B/C are transmitted. Also monitoring that many booths for safety measures is impossible, whereas a small number of booths can feasibly be monitored.

**Please consider a revision of SB2398 to clarify this.** We believe that not implementing a reasonable maximum number of participating tattooists is a MAJOR health concern. We urge you to realize the risks in having a very large number of participating tattooists. Tattooists within our coalition agree that a limit of 80 (double the original intended number) is appropriate as a maximum for safety and a reasonable compromise.

Please take our request under consideration for the health and safety of our attending public and the work load of our already stressed Department of Health.

Respectfully,  
Peggy Sucher  
Adam Siehr

Representatives for the Coalition for Safe Tattooing Hawaii

COMMENTS ONLY, SB2398, SD1 related to tattooing

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Honorable Chairs and Committee Members,

Thank you for the opportunity to testify. I am in support of SB2398 SD.1 with one exception; I would like to see one additional revision addressed. I have been a licensed tattooist in Hawaii since 1992.

I feel that a cap on the maximum number of participating tattooists is a necessity. I propose no more than 80 total participating artists as to insure the health and safety of the public. Honestly the tattoo community was under the impression that there was a maximum of 40 artists to be allowed (as specified in [§321-373.5] d (1) , but it has been determined that this is not the case. Please reconsider this.

Tattoo conventions often include as many as two hundred participating tattooists or more, which I believe presents a health risk. Multiply 200 artists by an average of 6 clients per artist and you have the possibility of as many as 1200 people bleeding in a communal space. Although the new tattoos are bandaged, most clients remove the bandage in order to show off their new tattoo. This is a tremendous health risk when you consider how easily Hepatitis B is transmitted. Also monitoring that many booths for safety measures is impossible, whereas a small number of booths can feasibly be monitored. Please consider a revision of SB2398 to clarify this. I believe that not implementing a reasonable maximum number of participating tattooists is a MAJOR health concern. I urge to you realize the risks in having a very large number of participating tattooists. Perhaps a limit of 80 (double the original intended number) is appropriate.

Sincerely,  
Tricia Allen  
Tattoo license #262

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Tricia Allen  
(808) 734-8677  
[www.ThePolynesianTattoo.com](http://www.ThePolynesianTattoo.com)

Testimony for CPN 2/24/2012 9:00: AM SB2398 SD1

Conference room:229

Testifier position: Oppose

Testifier will be present: Yes

Submitted by : Sean McCready

Organization: Individual

E-mail: [sean@tattoolicious.com](mailto:sean@tattoolicious.com)

submitted on : 2/22/12

Comments:

In regards to testing via a blood borne pathogen course. I was able to pay 14.99 for a course certificate online at [www.onlinecprcertification.net](http://www.onlinecprcertification.net) that gave me all the answers and let me print out a certification in less than 5 minutes. There are many companies that offer this convenience all over the internet. These certifications are too easy to forge on because the testing companies have no regulated authority in the first place.

Please be realistic when it comes to education on this matter. Any other industry dealing with open wounds or blood born issues have appropriate regulation and not to mention schooling that has to take place over the long haul.

Barbers, beauty operators, doctors, dentist's and nurses are required, so why wouldn't the Tattoo Artist's in Hawaii need appropriate regulation. If the Health Department is already too overwhelmed, your great contribution and solution to this is challenge is.....go ahead everyone...have a whack at it??

Sure, lets improve the regulation, but don't make up a primitive solution overnight just to yearn a couple extra State bucks.

Testimony for CPN 2/24/2012 9:00: AM SB2398 SD1

Conference room: 229

Testifier position: Oppose

Testifier will be present: Yes

Submitted by : Sean McCready

Organization: Individual

E-mail: [sean@tattoolicious.com](mailto:sean@tattoolicious.com)

submitted on : 2/22/12

Comments:

I believe tattoo conventions could have their place in Hawaii, however our State Representatives should have the People of Hawaii's best interest in mind. That interest must be safety over finances. It troubles me to find Senators promoting this bill in a completely backwards approach. Creating a task force should be first priority. Giving a very-risky green light for tattoo conventions prior to a task force being allowed appropriated time to collect its professional recommendation is absolutely ignorant and quite irresponsible. A task force being needed in the first place is a clear sign that safety regulations surrounding tattoo conventions should be included as well.

How could one possibly come up with the notion of passing an activity before regulation of that activity goes into place? It's also interesting how the Committee is ignoring the Department of Health's opposition to this bill. Looks like safety over finances isn't boding well on this trip.

This is especially troublesome with the reports around the high percentage of blood borne pathogens circulating in the community, including hepatitis C.

Does this committee realize that hepatitis is 100,000 times smaller than a regular drop of blood? The human eye cannot see the invisible plasma of hepatitis being spread around the room. Secondly, hepatitis can survive and be contagious up to two weeks even after exposed to air. Meaning surface-to-surface infection.

So when the little Keiki's are roaming around the tattoo conventions with Mom and Pop, these are the one's you will be responsible for. Let alone the 1000's of adults that can possibly bring home the hepatitis pathogen with them. Sounds like a very big lawsuit for the state of Hawaii. Think about the states finances now. You can easily avoid this irresponsible step by waiting for an appropriate task force to enable the best approach to these safety concerns.

Do you really think that there won't be any hepatitis carriers getting tattooed at a convention? Are you familiar with the statistics on hepatitis cases? Hepatitis in the United States affects 1 out of 20 people).

Please be responsible about your decision on this matter and place convention rules after task force insight.

Thank You

Sean McCready