

**morikawa2 - Grant**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 12, 2012 7:22 PM  
**To:** HLTtestimony  
**Cc:** jessekreger@gmail.com  
**Subject:** Testimony for SB2398 on 3/13/2012 9:00:00 AM

L A T F

**Categories:** Green Category

Testimony for HLT 3/13/2012 9:00:00 AM SB2398

Conference room: 329  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jesse Kreger  
Organization: Individual  
E-mail: [jessekreger@gmail.com](mailto:jessekreger@gmail.com)  
Submitted on: 3/12/2012

**Comments:**

I'm very sadden to hear about the proposal of this bill. While the ancient tradition of kakau was the least regimented out of all the Polynesian people it still served a great purpose. I'm all about responsibility but outright banning of tattoo conventions is silly and postposterous. Please vote against the section regarding the banning of tattoo trade shows.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 12, 2012 7:27 PM  
**To:** HLTtestimony  
**Cc:** dannycasler@gmail.com  
**Subject:** Testimony for SB2398 on 3/13/2012 9:00:00 AM

L A T F

**Categories:** Green Category

Testimony for HLT 3/13/2012 9:00:00 AM SB2398

Conference room: 329  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Danny Jacob Casler  
Organization: Individual  
E-mail: [dannycasler@gmail.com](mailto:dannycasler@gmail.com)  
Submitted on: 3/12/2012

**Comments:**

I wanted to submit a testimony that I am for the bill regarding stronger rules and regulations but I am 100% AGAINST the proposed ban of tattoo trade shows.

I have assisted and consulted on tradeshows/conventions/expos all over the world from Sydney, the entire United States, Costa Rica, Canada and the same rules and regs applied in a shop are applicable at an expo. Hawaii is no different from any other state that follows the same rules and regulations and our people, our economy which would GREATLY benefit from this in the tourism sectors (hotel, air, food and beverage) and the state/ dept of health who could use the revenue and should be creating a tattoo task force will also benefit. I feel its almost as if we are being punished when the reality is, all we need to do, is update old rules and regulations and let Hawaii who is a well educated and beautifully cultured people, enjoy, experience and showcase the same thing the other states are and have been doing for years. Its only fair. Thank you for hearing my testimony.

- Danny

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 12, 2012 10:51 PM  
**To:** HLTtestimony  
**Cc:** jeanrus@hotmail.com  
**Subject:** Testimony for SB2398 on 3/13/2012 9:00:00 AM

**LATE**

**Categories:** Green Category

Testimony for HLT 3/13/2012 9:00:00 AM SB2398

Conference room: 329  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Tara  
Organization: Individual  
E-mail: [jeanrus@hotmail.com](mailto:jeanrus@hotmail.com)  
Submitted on: 3/12/2012

**Comments:**  
Shouldn't ban expos show for tattoos. Hawaii allows Comic-an to Hawaii why cant we bring in Tattoo expos. Safety comes first and Artist knows what their doing; and it will bring in alot of people who have interest in tattoo artistry . Please don't ban!!!!!!!!!!!!

**morikawa2 - Grant**

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**From:** antone hall [tama6489@yahoo.com]  
**Sent:** Monday, March 12, 2012 11:27 PM  
**To:** HLTtestimony  
**Cc:** Danny Casler  
**Subject:** BILL 2398

L A T E

**Categories:** Green Category

ALOHA! SENATORS, Please allow me to say that i am in favor of Bill 2398. but, I AM IN FAVOR FOR AND SUPPORT TRADE SHOWS.

Please take a serious look at the message you are sending on the Ban of trade shows here in Hawaii. Our state is noted for tourism and our economy is struggling presently! Trade shows are about Education,Information and Economic Progress. We need to Realize that Tatoo trade shows are being done at hundreds of Locations around the world each week.Attended my Millions of people,

Safety,education and Financial resources have placed Hawaii behind the Times. We are losing out on The New Tatoo Industry! a multi billion dollar industry around the world.All you need to do is ask the younger generation maybe even your own kids or children. At least one of them will know something or knows someone who has a tattoo.What message or Safety Information Do you want them to have or know?

The opposition Is minimal here in Hawaii, Mostly ole timers afraid of losing what they are claiming to be "Our Industry", "here on our "Island". This is basically personal Greed coming from Artists that They themselves once ventured and stumbled upon New Land!

I am a Hawaiian Born and Raised Tatoo Enthusiast and In Favor of Bill 2398, More in Favor for Allowing Trade shows!

MAHALO NUI FOR HEARING MY VOICE!

ANTONE TAMA HALL

PACIFIC INK AND ART EXPO 2012

P.I.A.E. GROUP LLP

808 220-6595

HONOLULU,HAWAIIAN ISLANDS

**morikawa2 - Grant**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 12:48 AM  
**To:** HLTtestimony  
**Cc:** pirategirlz3@Yahoo.com  
**Subject:** Testimony for SB2398 on 3/13/2012 9:00:00 AM

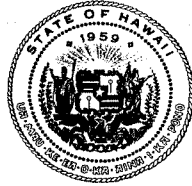
**Categories:** Green Category

L A T E

Testimony for HLT 3/13/2012 9:00:00 AM SB2398

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Megan jones  
Organization: Individual  
E-mail: [pirategirlz3@Yahoo.com](mailto:pirategirlz3@Yahoo.com)  
Submitted on: 3/13/2012

Comments:



L A T F

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

In reply, please refer to:  
File:

**Committee on Health**

**S.B. 2398, S.D. 2, RELATING TO TATTOO ARTISTS**

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

**March 13, 2012  
9:00 a.m.**

- 1 **Department's Position:** The department opposes this bill.
- 2 **Fiscal Implications:** This bill will require substantial resources that the department currently  
3 does not have.
- 4 **Purpose and Justification:** This bill would require resources and expertise currently unavailable to the  
5 department. This bill requests the department to regulate and control the sale of tattoo supplies to  
6 minors, unlicensed tattoo artists, and unlicensed tattoo shops. This would be very difficult to  
7 accomplish without substantial resources, as enforcement of these sales would require "under cover"  
8 purchases by the department along with tracking and enforcing internet sales of these items in Hawaii.  
9 The sale of tattoo supplies has no direct impact on communicable disease transmission, and the  
10 prohibition or regulating of such sales should belong with local law enforcement, and not with the  
11 Department of Health.
- 12 This bill is also confusing and may conflict with the current interpretation of Hawaii  
13 Administrative Rules (HAR) Chapter 17, Tattoo Artists, and Hawaii Revised Statutes (HRS) Part XXX.  
14 Tattoo Artists, which allows for tattoo conventions and trade shows. This bill does not contain a

1 definition of “trade show”, which would make the bill difficult if not impossible to enforce.

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

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

15           Thank you for the opportunity to testify.

Testimony for SB2398  
Submitted by: Jeff Groom, Licensed tattooer

**LATE**

Email: [ancientinktattoo@sbcglobal.net](mailto:ancientinktattoo@sbcglobal.net)

Dear Distinguished Chairs and Legislators:

I am very concerned with the current wording of SB 2398 as it leaves open language which would allow for a variety of interpretations.

There are real health concerns which have been addressed by Chair Baker and her committee from the Senate when they struck out the TRADE SHOW of section 2 d. The next to be struck out would be article 1 under section 2 which gives a fee structure. No trade shows/conventions....no need for a fee.

Make it clear. No room for 'interpretation' of any kind. That is how laws should be written. Period.

It's great that a task force is called for but why is it under the proposed committee of PGM and NOT under the Health committee and/or Commerce committees? Would they not be the more appropriate committees to oversee this group? Since the original bill written by Sen Espero of the PGM committee and was gutted and replaced with current wording I question that chair to oversee the task force.

Tattoo equipment needs to be formally defined. Machines (not 'guns'), needles, tubes, power supplies to NOT belong in the hands of the untrained. Don't you have to have a cosmetologist license to purchase from salon suppliers in Hawaii? Why should a kid or an unlicensed person be able to buy tattoo gear over the counter?

Thank you for your time,

Jeff Groom



**LATE**

Testimony for SB2398  
Submitted by: Cindy Groom, Licensed tattooer

Email: [ancientinktattoo@sbcglobal.net](mailto:ancientinktattoo@sbcglobal.net)

Dear Distinguished Chairs and Legislators:

I am very concerned with the current wording of SB 2398 as it leaves open language which would allow for a variety of interpretations.

There are real health concerns which have been addressed by Chair Baker and her committee from the Senate when they struck out the TRADE SHOW of section 2 d. The next to be struck out would be article 1 under section 2 which gives a fee structure. No trade shows/conventions....no need for a fee.

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Tattoo equipment needs to be formally defined. Machines (not 'guns'), needles, tubes, power supplies to NOT belong in the hands of the untrained. Don't you have to have a cosmetologist license to purchase from salon suppliers in Hawaii? Why should a kid or an unlicensed person be able to buy tattoo gear over the counter?

Thank you for your time,

Cindy Groom

Testimony for HLT 3/13/2012 9:00: AM  
SB2398 SD2 (SSCR2677)  
Conference room: 229  
Testifier position: Comment  
Testifier will be present: Yes  
Submitted by: Sean McCready  
Organization: Individual  
Submitted on : 3/13/2012

**L A T E**

Dear House Committee on Health,

Aloha, my name is Sean McCready. What we have here is a wonderful selection of passionate and caring representative health lawmakers and I am grateful to be able to testify before you. The perfect committee to present a well needed solution to the health concerns around a rapidly growing industry, that we need to keep up with.

Unfortunately, disease, that can cause death to the people of Hawaii is on the table here today. It goes by the name of invisible miserable. You can't see it, nobody likes to talk about it, its very sneaky and does not like to die. Its street name is hepatitis! B or C. Most of my associates are sufficiently untrained to this bugger, so it goes silently by. Our department of health hadn't updated regulations or education for tattooing in over 27 years. Somehow A.I.D.S, necrotizing fasciitis, hepatitis A--through whatever, etc. , wasn't on their minds until the tattoo community spoke out in 2008 and 2009. Ohh what a scrimmage that was, to convince the department on which it is supposed to convince us. My O my. I will step out here to say that most of you on this committee has had an experience or two with wonderful tenacious ways of the previous department head.

Anywho, the reality is, the really wonderful faculty at the health department is extremely under staffed and under-funded as we all know. The director has been replaced with a much more understanding and convergent dedicated official. Moving forward, how are we going to keep up with the needs of our ever rapidly growing industry and assist our Health Department. Wouldn't it be folly not to seek wisdom from the professionals on the inside.

Did you know that in summer of 2000 there were only 16 tattoo shops on this Island? 10 months later in spring of 2001 the numbers doubled to 35 shops. To catch us up to speed, there are now 86 shops on Oahu. 146 Island wide. With reality shows on the scene, can you imagine where those numbers will be in 5 years. Well how bout we plan ahead, never-mind that, lets at least plan for what we already are quite behind in. That's why I strongly oppose any more watering down of our current regulations and joyfully support a volunteer task force made up of well educated and experienced individuals in the field.

That means, for the Health departments concern, no cost to them at all. The amendments we have suggested and provided to this committee, are simple, straight forward and to the point. Clean up the language in section 2 (d)-(1). that Senator Baker stated about trade shows, so there is no misinterpretation of the law. In section 4 (a).remove the oversight of the PBM and PGM committee chair for the task force...and replace it with the appropriate one, such as the House and Senate Health Committee chair. It's not a bake sale, it's a health issue dealing with blood. Lets also give the task force a realistic time period to gather its findings and recommendations. Realistically, by the time the bill passes and however long it takes to pull names out a hat, it could be June, July or August before they can have their first meeting together.

Given appropriate time the task force has the opportunity to give this industry what it really needs from the inside. The task force could help create a foundation that focus's on safety, appropriate fees that would enable the department to fiscally justify staffing, and thoroughly prepare safety guidelines for the future of trade shows in Hawaii. Let's not allow impatient regulation decay be an attack on consumer protection.

Please amend this bill, pass it and especially educate others to support an appropriate cause.

Thank you very much.

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-~~    **Restrictions on sale of tattoo supplies.**   (a)

5           No tattoo supplies shall be sold to any person under the  
6           age of eighteen years.

7           ~~(b) No tattoo supplies shall be sold to:~~

8           ~~(1) Any person not licensed under this chapter as a~~  
9           ~~tattoo artist; or~~

10          ~~(2) Any tattoo shop without a permit issued by the~~  
11          ~~department pursuant to section 321-373.5 and~~  
12          ~~any rules adopted pursuant to chapter 321.~~

13          **§321-Blood test required for licensure.** In addition to  
14          other requirements as may be imposed by the department for  
15          licensure as a tattoo artist, beginning on January 1, 2013,  
16          every applicant for a license shall pass a blood borne pathogen  
17          test developed specifically for the tattoo industry and  
18          approved by the director as a prerequisite for licensure.

1 A person who holds a license under this part shall pass the  
2 blood borne pathogen test every four years after the  
3 initial test for licensure in order to continue to hold a  
4 license under this chapter."

5 SECTION 2. Section 321-373.5, Hawaii Revised  
6 Statutes, is amended by amending subsection (d) to read as  
7 follows:

8 "(d) The department may issue a temporary permit  
9 valid for a maximum of seven consecutive days per calendar  
10 year for locations other than a permitted tattoo shop for  
11 the purpose of a [~~trade show,~~] product demonstration[~~;~~] or  
12 educational demonstration; provided that the [~~show or~~]  
13 demonstration shall meet all safety and hygiene standards  
14 as specified by the director and in this chapter[~~;~~], no  
15 body modifications or body piercing shall be conducted at  
16 the demonstration, and tattoo trade shows in the State  
17 shall be prohibited. The temporary permit application  
18 shall be made in writing to the department at least sixty  
19 days prior to the scheduled event, shall include specific  
20 measures to meet specified health and safety standards, and  
21 may be subject to a site inspection. Temporary permit  
22 applicants shall pay a \$50 nonrefundable application fee in

1 addition to:

2 ~~[(1) A \$500 nonrefundable permit fee for an event~~  
3 ~~featuring not more than forty participating~~  
4 ~~tattoo artists; or]~~

5 (2) A \$50 nonrefundable permit fee for an event  
6 featuring less than three participating tattoo  
7 artists demonstrating for educational purposes  
8 only, without compensation, consideration, or  
9 donation by the public;

10 provided that the department may annually increase the fees  
11 specified in paragraphs (1) and (2) by not more than \$100  
12 and \$10 per year, respectively."

13 SECTION 3. Section 321-374, Hawaii Revised Statutes,  
14 is amended by amending subsection (c) to read as follows:

15 "(c) The department may issue, to tattoo artists who  
16 are not licensed in the State, temporary licenses that are  
17 valid for a maximum of fourteen consecutive days per  
18 calendar year for:

19 (1) Educational [~~trade show,~~] or product  
20 demonstration purposes; or

21 (2) The purpose of practicing the occupation of  
22 tattoo artist at a permitted tattoo location.

1 Temporary licensees shall be subject to this part and  
2 applicable rules."

3 SECTION 4. (a) There is established a tattoo artist  
4 task force to review chapter 17, Hawaii Administrative  
5 Rules, relating to tattoo artists, with the goal of  
6 enhancing the regulation of tattoo artists. The tattoo  
7 artist task force shall be co-chaired by the chair of the  
8 senate committee on health [~~public safety, government~~  
9 ~~operations, and military affairs~~] and the chair of the house  
10 committee on health. [~~public safety and military affairs.~~]  
11 In addition to the chairs, the governor, senate president,  
12 and speaker of the house of representatives shall each  
13 select three members to the tattoo artist task force;  
14 provided that one member selected by each appointing  
15 authority shall be a person licensed under chapter 321,  
16 Hawaii Revised Statutes, as a tattoo artist.

17 (b) Members of the task force who are not members of  
18 the Legislative Assembly are not entitled to compensation  
19 or reimbursement for expenses and serve as volunteers on  
20 the task force.

21 (c) [~~(b)~~] Members of the tattoo artist task force shall  
22 be exempt from chapter 84, Hawaii Revised Statutes, and task

1 force members shall not be considered state employees  
2 because of their service on the task force.

3 (d) ~~[(c)]~~ The tattoo artist task force shall hold a  
4 public meeting not less than four times for the purpose of  
5 receiving input from members of the general public.

6 (e) ~~[(d)]~~ The tattoo artist task force shall give a  
7 preliminary report to the legislature no later than twenty  
8 days prior to the convening of the regular session of 2013  
9 of its findings and recommendations. ~~[, including proposed~~  
10 ~~legislation]~~ to enhance the regulation of tattoo artists.  
11 The legislative reference bureau shall assist the task  
12 force in preparing its report and any proposed legislation;  
13 provided that the task force submits a draft of the task  
14 force's proposals to the legislative reference bureau no  
15 later than November 1, 2013 ~~[2012]~~.

16 SECTION 5. Every person licensed as a tattoo artist  
17 under chapter 321, Hawaii Revised Statutes, as of the  
18 effective date of this Act shall be required to pass a  
19 blood borne pathogen test developed specifically for the  
20 tattoo industry and approved by the director of health, no  
21 later than December 31 2013 , as a requirement to continue  
22 to be licensed as a tattoo artist.

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

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



**Report Title:**

Tattoo Artists; Regulation; Tattoo Artist Task Force

**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 tattoo trade shows. Prohibits body piercing or body modifications at product demonstrations or educational demonstrations. Creates a tattoo artist task force. Reports to legislature. Effective 07/01/2050. (SD2)