

JAN 18 2013

S.B. NO. 342

A BILL FOR AN ACT

RELATING TO TATTOO ARTISTS.

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

1 SECTION 1. The legislature finds that there are pressing
2 concerns about tattoo artists and the tattoo industry in the
3 State. The legislature further finds that the department of
4 health must provide more scrutiny over this growing industry.

5 The purpose of this Act is to:

- 6 (1) Restrict the sale of tattoo supplies;
7 (2) Require a blood borne pathogen test prior to licensure
8 as a tattoo artist;
9 (3) Specify that persons who violate the restrictions on
10 sales of tattoo supplies may be subject to penalties;
11 and
12 (4) Create a tattoo artist task force to enhance the
13 regulation of tattoo artists.

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

17 "§321- Restrictions on sale of tattoo supplies. (a) No
18 tattoo supplies shall be sold to:



- 1 (1) Any person under the age of eighteen years;
- 2 (2) Any person not licensed under this chapter as a tattoo
- 3 artist; or
- 4 (3) Any tattoo shop without a permit issued by the
- 5 department pursuant to section 321-373.5 and any rules
- 6 adopted pursuant to chapters 91 and 321.

7 (b) As used in this section, "tattoo supplies" means
8 tattoo machines ("guns"), needles, tubes (steel and disposable),
9 pigment (ink), clip cords, foot switches, and power supplies.

10 **§321- Blood borne pathogen test required for licensure.**

11 In addition to other requirements as may be imposed by the
12 department for licensure as a tattoo artist, beginning on
13 January 1, 2014, every applicant for a license shall pass a
14 blood borne pathogen test developed specifically for the tattoo
15 industry and approved by the director as a prerequisite for
16 licensure. A person who holds a license under this part shall
17 pass the blood borne pathogen test every two years after the
18 initial test for licensure in order to continue to hold a
19 license under this chapter."

20 SECTION 3. Section 321-379, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Violations of this part include but are not limited
2 to:

3 (1) Submitting to or filing with the department any
4 application, notice, statement, or other document in
5 procuring or attempting to procure licensure as a
6 tattoo artist that is false or untrue or contains any
7 material misstatement of fact, or assisting another
8 party in doing so;

9 (2) Using the title licensed tattoo artist or any other
10 designation tending to imply that the person is a
11 licensed tattoo artist when the person is not in fact
12 licensed or the person's license has been suspended or
13 revoked;

14 (3) Violating the conditions or limitations of a permit or
15 a license or assisting another party in violating
16 those conditions;

17 (4) Engaging in conduct resulting in physical injury to an
18 individual or the public in the course of professional
19 services or activities;

20 (5) Aiding or abetting an unlicensed person, knowingly
21 combining or conspiring with an unlicensed person,
22 allowing one's license to be used by an unlicensed



1 person, or acting as agent or associate of an
2 unlicensed person to evade the use of title
3 restrictions of this part;

4 (6) Tattooing any person under the age of eighteen without
5 the written consent of the person's parent or legal
6 guardian or not maintaining the consent forms in a
7 confidential manner at the tattoo shop for not less
8 than two years; [~~or~~]

9 (7) Engaging in the sale of tattoo supplies to persons
10 under the age of eighteen, persons not licensed as a
11 tattoo artist, or tattoo shops without a permit; or

12 [~~(7)~~] (8) Making a false or misleading statement to the
13 department relating to any matter under this part."

14 SECTION 4. (a) There is established a tattoo artist task
15 force to review chapter 17, Hawaii Administrative Rules,
16 relating to tattoo artists, with the goal of enhancing the
17 regulation of tattoo artists. The tattoo artist task force
18 shall be co-chaired by the chair of the senate committee on
19 health and the chair of the house committee on health. In
20 addition to the chairs, the governor, senate president, and
21 speaker of the house of representatives shall each select two
22 members to the tattoo artist task force. The director of



1 health, or the director's designee, shall serve as an ex officio
2 member of the task force. One member selected by each
3 appointing authority shall be a person licensed under chapter
4 321, Hawaii Revised Statutes, as a tattoo artist; provided that
5 each tattoo artist serving on the task force shall have at least
6 five years' experience tattooing in a shop with a valid
7 unrevoked permit issued by the director of health. An
8 individual representing Hawaiian cultural practices shall also
9 serve on the task force.

10 (b) Members of the tattoo artist task force selected by
11 the governor, senate president, and speaker of the house of
12 representatives shall not be considered employees of the State
13 based solely upon their participation on the task force.

14 (c) The tattoo artist task force shall hold public
15 meetings for the purpose of receiving input from members of the
16 general public.

17 (d) The tattoo artist task force shall report its findings
18 and recommendations, including proposed legislation to enhance
19 the regulation of tattoo artists, to the legislature no later
20 than twenty days prior to the convening of the regular session
21 of 2014. The legislative reference bureau shall assist the task
22 force in preparing its report and any proposed legislation;



1 provided that the task force submits a draft of the task force's
2 proposals to the legislative reference bureau no later than
3 November 1, 2013.

4 SECTION 5. Every person licensed as a tattoo artist under
5 chapter 321, Hawaii Revised Statutes, as of the effective date
6 of this Act shall be required to pass a blood borne pathogen
7 test developed specifically for the tattoo industry and approved
8 by the director of health no later than January 1, 2014, as a
9 requirement to continue to be licensed as a tattoo artist.

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

12 SECTION 7. This Act shall take effect upon its approval.

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S.B. NO. 342

Report Title:

Tattoo Artists; Regulations; Tattoo Artist Task Force .

Description:

Restricts the sale of tattoo supplies. Requires a blood borne pathogen test as a prerequisite for tattoo licensure and as a requirement to continue to be licensed as a tattoo artist, beginning January 1, 2014. Specifies that persons who violate the restrictions on sales of tattoo supplies may be subject to penalties. Creates a tattoo artist task force.

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