



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

In reply, please refer to:  
File:

**Committee on Health**

**Committee on Commerce and Consumer Protection**

**SB 2317, RELATING TO TATTOOS**

**Testimony of Gary Gill  
Deputy Director, Environmental Health Administration**

**February 12, 2014  
1:15 p.m.**

1 **Department's Position:** The department respectfully opposes this measure.

2 **Fiscal Implications:** Passage of this bill will require substantial manpower resources and potentially  
3 additional staffing to effectively enforce this measure; which is not included in the Executive Biennium  
4 Budget and therefore may adversely affect other spending priorities.

5 **Purpose and Justification:** This bill requests the department to regulate and control the sale of tattoo  
6 supplies to minors, unlicensed tattoo artists and unlicensed tattoo shops. This would be extremely  
7 difficult to accomplish without substantial resources, as enforcement of these sales would require "under  
8 cover" purchases by the department, or extensive investigations of sales receipts and purchasing records  
9 by individuals. The sale of tattoo supplies has no direct impact on communicable disease transmission,  
10 and the prohibition of regulating such sales should be with local law enforcement, and not with the  
11 Department of Health.

12 The bill's requirement that no person under the age of eighteen may be tattooed or wear a tattoo  
13 would be nearly impossible to enforce. It is in direct conflict with existing Administrative Rules that  
14 allow minors to be tattooed with the consent of their parents or guardians.

1           The department prefers that any attempts to modify or to create additional legal requirements  
2 regarding tattooing be done through the Administrative rules process.

3           Thank you for the opportunity to testify.



**SB2317**  
**RELATING TO TATTOOS**  
Senate Committee on Health and  
Senate Committee on Commerce and Consumer Protection

February 12, 2014

1:15 p.m.

Room 229

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS** on SB2317, which would impose restrictions on tattooing and the sale of tattoo supplies with respect to individuals under eighteen.

This legislature has previously recognized the important spiritual and cultural significance of traditional Hawaiian tattooing. Tattoos can recognize an individual's genealogy and geographic heritage, preserving and perpetuating Native Hawaiians' cultural and ancestral connections. They can also be used to memorialize events of significance, such as the death or loss of an important individual in one's life. Traditional tattoo practitioners undergo many years of training to develop the skills to practice this custom using traditional tools and methods. Accordingly, recognition as a Native Hawaiian tattoo artist can only be bestowed upon an individual by a master artist.

OHA notes that the definitions contained in this measure may regulate both traditional and non-traditional tools commonly used by Native Hawaiian cultural tattoo practitioners. Additionally, traditional tattoo practices include protocols where young men and women under the age of eighteen may be tattooed. OHA is concerned that this bill does not include exemptions for Native Hawaiian cultural practitioners who engage in traditional tattooing, or individuals under the age of eighteen who may engage in such protocols. Without such exemptions, this measure would significantly hinder the ability of Native Hawaiians to perpetuate their culture, and exercise their constitutionally-protected traditional and customary rights.

We understand the importance of ensuring that tattoo artists have some degree of training and credentials. However, we do not believe that the regulation of traditional and customary practices relating to traditional tattooing falls under the responsibility of the State of Hawai'i. This is more appropriately the kuleana of the Native Hawaiian community.

Mahalo nui loa for the opportunity to testify.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [tattoohawaii@hotmail.com](mailto:tattoohawaii@hotmail.com)  
**Subject:** Submitted testimony for SB2317 on Feb 12, 2014 13:15PM  
**Date:** Monday, February 10, 2014 4:28:28 PM

---

**SB2317**

Submitted on: 2/10/2014

Testimony for HTH/CPN on Feb 12, 2014 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peggy Sucher	Individual	Support	No

Comments: As a licensed tattooer and shop owner, tattoo health educator and lecturer, I stand in agreement with this bill with one exception, the age limit for tattooing. This will crash this bill with those of cultural practices. The over the counter sale of tattoo equipment to unlicensed, uneducated individuals here in Hawaii has created a dire health issue. Unfortunately Hawaii has one of the highest rates of hepatitis IN THE NATION (as per many sources, CDC for one, and various Hep groups here and mainland) and the act of tattooing outside of a controlled atmosphere by untrained people exacerbates this statistic. It's almost a daily event to have someone come in to our shops and show us their 'home' tattoo done by a buddy who bought his equipment at the mall. It is not just the damage done to the skin but the potential of pathogens introduced not only to the person doing it, the person receiving it BUT ALSO to the entire family/friends present that day and the next few (hep can live for over a week on a dry surface) Why is it that to buy professional hair dye I must show a cosmetic license but to perform a body invasive procedure dealing with potentially deadly pathogens a 10 yr old can go to the mall and get the tools? As a concerned voting business owner I ask that with the one change....this bill passes. Protect Hawaii. It CAN be done.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [tattoo@lava.net](mailto:tattoo@lava.net)  
**Subject:** Submitted testimony for SB2317 on Feb 12, 2014 13:15PM  
**Date:** Monday, February 10, 2014 3:35:33 PM

---

**SB2317**

Submitted on: 2/10/2014

Testimony for HTH/CPN on Feb 12, 2014 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tricia Allen	Individual	Support	No

Comments: This is to testify in support of SB2317 with a revision. I am in strong support of restricting sales of tattoo related supplies to anyone I'm licensed in the State of Hawaii. Tattooing is a procedure that does necessitated exposure to blood products and is therefore a health risk and should be limited to those that are licensed to practice. Also, because of the permanence of the procedure I strongly feel that unlicensed individuals, including youth, should not be allowed to purchase tattoo equipment as it is likely that they will be tattooing themselves and their friends. Section 1 (b) however, is problematic as there are MANY individuals under the age of 18 currently wearing tattoos. This cannot possibly be implemented. I urge you to recommend striking out this line as it is not at all feasible. Please support this bill with the specified revision.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [jordan@kultureinktattoo.com](mailto:jordan@kultureinktattoo.com)  
**Subject:** Submitted testimony for SB2317 on Feb 12, 2014 13:15PM  
**Date:** Monday, February 10, 2014 4:56:08 PM

---

**SB2317**

Submitted on: 2/10/2014

Testimony for HTH/CPN on Feb 12, 2014 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jordan Wolfe	Individual	Comments Only	No

Comments: I would like to see a revision made or line "b" removed, which states,"no person under the age of 18 years old may be tattooed or wear a tattoo."

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)