
A BILL FOR AN ACT

RELATING TO TATTOOING.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . HAWAIIAN TATTOO ARTISTS**

5 **§321-A Definitions.** For the purposes of this chapter,
6 unless the context otherwise requires:

7 "Board" means the board of Hawaiian tattoo artists created
8 under this chapter.

9 "Ancient art of Hawaiian tattoo" means a procedure by which
10 an indelible mark or figure is fixed upon the body by insertion
11 of pigment under the skin or by production of scars, where the
12 basic procedures and equipment used are derived from ancient
13 Hawaiian tradition and practice.

14 "Hawaiian tattoo artist" means a person who practices the
15 ancient art of Hawaiian tattoo.

16 **§321-B Board of Hawaiian tattoo artists; qualifications.**

17 (a) There is established within the department of health for
18 administrative purposes a state board of Hawaiian tattoo artists



1 consisting of nine members. Five members of the board shall be
2 masters in the ancient art of Hawaiian tattoo as defined by
3 rule, and shall be appointed by the governor according to
4 criteria established by rule. Two members of the board shall be
5 public members appointed by the governor. The director of
6 health or the director's representative and the chairperson of
7 the school of Hawaiian studies of the University of Hawaii or
8 the chairperson's representative shall serve as ex officio non-
9 voting members.

10 (b) Except for members of the board first appointed and
11 the public and ex officio members of the board, no one shall be
12 eligible for appointment who does not at the time of the
13 member's appointment hold a valid and unexpired license to
14 practice as a Hawaiian tattoo artist.

15 **§321-C Powers and duties of the board.** (a) The board
16 shall adopt rules pursuant to chapter 91 for the purposes of
17 this chapter.

18 (b) In addition to any other powers and duties authorized
19 by law, the board shall grant, or upon proof of violation of
20 this chapter or the rules adopted by the board governing the
21 practice under this chapter, revoke, suspend, or refuse to renew



1 a license as provided in this chapter or in rules adopted by the
2 board.

3 (c) The board shall establish by rule:

4 (1) Hawaiian tattoo artist training requirements and other
5 qualifications for licensure;

6 (2) Equipment, sanitation, and other operating standards
7 for the practice of the ancient art of Hawaiian tattoo
8 to protect the public health, which shall be adopted
9 in consultation with the department of health; and

10 (3) Prohibited acts or practices of Hawaiian tattoo
11 artists deemed by the board to be detrimental to the
12 general public.

13 (d) The board shall enforce this chapter and the rules
14 adopted under this chapter.

15 **§321-D License required; application; physical**

16 **examination.** (a) No person shall practice the ancient art of
17 Hawaiian tattoo without a current license issued pursuant to
18 this chapter.

19 (b) Any person who desires to practice the ancient art of
20 Hawaiian tattoo shall apply in writing to the board in the form
21 prescribed by the board.



1 (c) No license shall be issued unless the applicant has
2 undergone a physical examination using report forms provided by
3 the board. The examination shall include a chest x-ray or
4 tuberculin skin test, and a blood test for syphilis, and any
5 other test required by the board by rule. The physical
6 examination record shall be kept by the licensee as required by
7 the board by rule.

8 **§321-E Fees.** Any fees for application, licensing, and
9 other registrations shall be as provided in rules adopted by the
10 director of health pursuant to chapter 91.

11 **§321-F Restrictions.** (a) No Hawaiian tattoo artist shall
12 use the same bone needle to tattoo different persons.

13 (b) No person with any disease or condition in a
14 communicable form or suspected of having such disease or
15 condition shall engage in the ancient art of Hawaiian tattoo.
16 Such disease or condition may include but shall not be limited
17 to:

- 18 (1) The common cold;
- 19 (2) Influenza;
- 20 (3) Tuberculosis;
- 21 (4) Scabies;
- 22 (5) Impetigo;



- 1 (6) Syphilis;
- 2 (7) Chickenpox;
- 3 (8) Rubella;
- 4 (9) Mumps;
- 5 (10) Whooping cough;
- 6 (11) Hepatitis;
- 7 (12) Infection on hands or arms; and
- 8 (13) Sore throat or jaundice.

9 The board may require that a Hawaiian tattoo artist before
10 returning to work obtain a certificate signed by a duly licensed
11 physician stating that the person is free from communicable
12 disease.

13 (c) No Hawaiian tattoo artist shall practice the ancient
14 art of Hawaiian tattoo on any person under the age of eighteen
15 years without the written consent of the person's parents or
16 legal guardian.

17 **§321-G Penalties.** (a) Any person who knowingly or
18 willfully makes a false statement to the board relative to any
19 matter under this chapter or who violates any provision of this
20 chapter or rules adopted under this chapter shall be guilty of a
21 misdemeanor and upon conviction, shall be punished by a fine of



1 not more than \$1000 or imprisonment for not more than one year
2 or both.

3 (b) The license of any person convicted under this section
4 shall be suspended for a minimum of one year."

5 SECTION 2. Section 321-13, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "(a) The department of health, with the approval of the
8 governor, may adopt rules as it deems necessary for the public
9 health or safety respecting:

10 (1) The occupations or practices of clinical laboratory
11 directors, medical technologists (clinical laboratory
12 scientists), clinical laboratory specialists,
13 cytotechnologists, medical laboratory technicians
14 (clinical laboratory technicians), tattoo artists[7]
15 other than those licensed under part , and
16 environmental health professionals;

17 (2) The health, education, training, experience, habits,
18 qualifications, or character of persons to whom
19 certificates of registration or permits for these
20 occupations or practices may be issued;



1 (3) The health, habits, character, practices, standards,
2 or conduct of persons holding these certificates or
3 permits; and

4 (4) The grounds or causes for revoking or suspending these
5 certificates or permits.

6 The rules shall have the force and effect of law."

7 SECTION 3. The department of health shall adopt rules
8 further defining the term "ancient art of Hawaiian tattoo" and
9 establishing criteria for the selection of masters in the
10 ancient art of Hawaiian tattoo. The rules adopted shall apply
11 only to the initial selection of the board of Hawaiian tattoo
12 artists under this Act. The board of Hawaiian tattoo artists
13 may by rule adopt, or amend and adopt the rules adopted by the
14 department of health under this section.

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun, before its effective date.

18 SECTION 5. In codifying the new sections added by section
19 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 18 2007



Report Title:

Ancient Hawaiian Art of Tattooing; License

Description:

Exempts tattoo artists licensed to practice the ancient art of Hawaiian tattooing from Department of Health (DOH) rules and provides for licensing and regulation of Hawaiian tattoo artists by a Board of Hawaiian Tattoo Artists within DOH.

