

STAND. COM. REP. NO.

1249

Honolulu, Hawaii

March 27, 2009

RE: S.B. No. 1263
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred S.B. No. 1263, S.D. 2, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO TATTOO ARTISTS,"

beg leave to report as follows:

This purpose of this measure is to amend the statutory
provisions that regulate the tattoo industry.

More specifically, this measure:

- (1) Adds a new section that requires permits for all tattoo shops and temporary locations where tattooing is performed;
- (2) Adds a new section regarding the issuance of temporary licenses;
- (3) Amends the definition of a "tattoo artist";
- (4) Requires individuals applying for licenses as tattoo artists to pass a tuberculin skin test or chest x-ray examination and complete the hepatitis B vaccination series or antibody testing showing immunity;



- (5) Amends the listing of violations that result in the revocation, limitation, condition, or suspension of a permit or license to update the description of conduct constituting a violation, including reckless behavior or negligence; arrest or conviction for any violation of substance abuse or trafficking of illegal substances; and disability caused by a mental disorder, and to add, as violations, tattooing any person under the age of eighteen without written parental consent and tattooing any person under the age of sixteen; and
- (6) Imposes penalties for certain violations.

Your Committees received comments on this measure from the Department of Health, the Office of the Public Defender, and the Coalition for Safe Tattooing in Hawai'i.

Your Committees find that updated regulation of tattoo artists is necessary both to protect the health and safety of consumers who receive services from the tattooing industry and to keep abreast of developments in the industry.

Your Committees have amended this measure by:

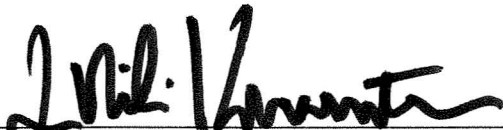
- (1) Clarifying the requirements for obtaining a permit to operate a tattoo shop or temporary location;
- (2) Repealing provisions regarding the regulation of facial tattoos;
- (3) Deleting the provision requiring that applicants pass a tuberculin skin test or chest x-ray examination and complete the hepatitis B vaccination series or antibody testing showing immunity;
- (4) Revising language allowing the Department of Health to issue temporary licenses to tattoo artists not licensed in the State for educational, trade show, or product demonstration purposes;
- (5) Clarifying that licensed tattoo artists may tattoo only in a shop or temporary location that has a valid permit issued by the Director of Health;
- (6) Repealing the Director's authority to deny the renewal of a license;



- (7) Amending the provision relating to discipline and complaints by deleting existing provisions and adding new provisions regarding enforcement and penalties; and
- (8) Making conforming amendments, including repealing sections 321-376 (facial tattoos), 321-378 (denial of licensure and hearings), 321-380 (penalties), and 321-383 (license without necessity of examination), Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1263, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 1263, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



JON RIKI KARAMATSU, Chair



ROBERT N. HERKES, Chair



