
A BILL FOR AN ACT

RELATING TO TATTOOS.

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 section to part XXX to be appropriately
3 designated and to read as follows:

4 "§321- Tattoo of minor; consent of parent or guardian
5 required. (a) No tattoo artist shall apply any permanent
6 tattoo without first:

7 (1) Informing the prospective client that consent of a
8 parent or guardian is required prior to application of
9 a permanent tattoo to a minor;

10 (2) Ascertaining, by reasonable request for
11 identification, the prospective client's status as a
12 minor or adult; and

13 (3) If the prospective client is a minor, obtaining
14 written consent from the minor's parent or guardian in
15 person or obtaining written notarized consent from the
16 minor's parent or guardian; provided that the written
17 consent or written notarized consent shall identify



1 the tattoo design to be used and the part of the body
2 to which the tattoo is to be applied.

3 (b) Tattoo licensees shall maintain written consents and
4 written notarized consents in a confidential manner for not less
5 than two years.

6 (c) In addition to any other penalties, any person who
7 violates subsection (a)(3) shall be guilty of a petty
8 misdemeanor."

9 SECTION 2. Chapter 577, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§577- Tattoo of minor; consent of parent or guardian
13 required. No minor shall have any permanent tattoo applied to
14 the minor's body unless:

15 (1) The minor first informs a tattoo artist, as defined in
16 section 321-372, of the minor's status as required
17 pursuant to section 321- ; and

18 (2) The minor's parent or guardian is present and consents
19 to the tattoo in writing or the minor provides written
20 notarized consent from the minor's parent or guardian;
21 provided that the written consent or written notarized
22 consent shall identify the tattoo design to be used



1 and the part of the body to which the tattoo is to be
2 applied."

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

5 "(b) Violations of this part include but are not limited
6 to:

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

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

18 (3) Violating the conditions or limitations of a permit or
19 a license or assisting another party in violating
20 those conditions;



1 (4) Engaging in conduct resulting in physical injury to an
2 individual or the public in the course of professional
3 services or activities;

4 (5) Aiding or abetting an unlicensed person, knowingly
5 combining or conspiring with an unlicensed person,
6 allowing one's license to be used by an unlicensed
7 person, or acting as agent or associate of an
8 unlicensed person to evade the use of title
9 restrictions of this part;

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

15 (7) Making a false or misleading statement to the
16 department relating to any matter under this part.

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



H.B. NO. 2109

1 SECTION 6. This Act shall take effect on January 1, 2013.

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INTRODUCED BY:

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JAN 19 2012



H.B. NO. 2109

Report Title:

Tattoos; Minors; Parent or Guardian Consent

Description:

Requires minors to inform tattoo artists of their minority status. Requires written consent of parent or guardian before applying a tattoo to a minor. Makes it a petty misdemeanor to apply a tattoo to a minor without written consent of parent or guardian.

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