



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

In reply, please refer to:
File:

Committee on Legislative Management

S.B. 2398, S.D. 2, H.D. 1, RELATING TO TATTOO ARTISTS

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**March 30, 2012
2:00 p.m.**

- 1 **Department's Position:** The department opposes this bill.
- 2 **Fiscal Implications:** This bill will require substantial resources that the department currently
- 3 does not have.
- 4 **Purpose and Justification:** This bill would require resources and expertise currently unavailable to the
- 5 department. This bill requests the department to regulate and control the sale of tattoo supplies to
- 6 minors, unlicensed tattoo artists, and unlicensed tattoo shops. This would be very difficult to
- 7 accomplish without substantial resources, as enforcement of these sales would require "under cover"
- 8 purchases by the department along with tracking and enforcing internet sales of these items in Hawaii.
- 9 The sale of tattoo supplies has no direct impact on communicable disease transmission, and the
- 10 prohibition or regulating of such sales should belong with local law enforcement, and not with the
- 11 Department of Health.

12 This bill is also confusing and may conflict with the current interpretation of Hawaii

13 Administrative Rules (HAR) Chapter 17, Tattoo Artists, and Hawaii Revised Statutes (HRS) Part XXX.

14 Tattoo Artists, which allows for tattoo conventions and trade shows. This bill does not contain a

1 definition of “trade show”, which would make the bill difficult if not impossible to enforce.

2 The creation, administration and grading of a blood borne pathogen exam would require
3 additional resources. The department feels that this additional test is unnecessary, as the current State of
4 Hawaii tattoo artist license exam is comprised mostly of questions related to preventing the spread of
5 blood borne pathogens. The department does not have the expertise to create new professional licensing
6 exams, and should not be in the business of professional and vocational licensing, as other departments
7 already exist to handle this State function.

8 Monitoring of a tattoo trade show may cost the Department of Health over \$1,000 a day over a
9 period of up to 14 days to pay enough Sanitarians to monitor a large event. This may cost the
10 department up to \$14,000 for each event, not including the time and effort to conduct special tattoo
11 license exams prior to any such event. The deletion of the \$500 non-refundable permit fee for a
12 temporary tattoo event presently allowed in statutes would further burden the department financially.

13 The department may require additional resources to support a new “task force” and does not see
14 the need for any task force. The department believes any proposed changes in the regulation of a
15 particular industry should be done through the rule-making process rather than the legislative process to
16 avoid legal conflicts. Hawaii Revised Statutes, §321-10 and §321-13 gives the authority to the DOH to
17 regulate tattoo artists. Hawaii Administrative Rules Chapter 17, Tattoo Artists regulates the shops and
18 the profession of tattooing. HRS Part XXX, Tattoo Artists was created legislatively in 2009 to regulate
19 certain aspects of tattoo artists and tattoo shops.

20 Thank you for the opportunity to testify.

Amy Luke

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 30, 2012 1:25 AM
To: LMGtestimony
Cc: tama6489@yahoo.com
Subject: Testimony for SB2398 on 3/30/2012 2:00:00 PM
Attachments: 415928_335621169823759_100001276351835_995710_1671752842_o.jpg

Testimony for LMG 3/30/2012 2:00:00 PM SB2398

Conference room: 423
Testifier position: Comments Only
Testifier will be present: No
Submitted by: antone hall
Organization: PACIFIC INK AND ART EXPO GROUP
E-mail: tama6489@yahoo.com
Submitted on: 3/30/2012

Comments:

i INVITE ALL OF YOU TO JOIN US AND SEE HOW SAFE AND INSTRUMENTAL A EXPO OF THIS MAGNITUDE CAN BE TO EDUCATE,BRING AWARENESS AND ATTRACT THOSE WHOM TRADITIONAL RESOURCES WOULD NOT BE ABLE TO ATTRACT. PLEASE CONSIDER AND ALLOW TATTOO TRADE SHOWS IN HAWAII. MAHALO!

THE PACIFIC INK & ART EXPO



TATTOO CONVENTION
AUGUST 3, 4, & 5

10:00 AM - 10:00 PM / 10:00 AM - 10:00 PM
WWW.PACIFICINKANDARTEXPO.COM

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Amy Luke

From: tricia allen [tattoo@hawaiiantel.net]
Sent: Thursday, March 29, 2012 6:19 PM
To: LMGtestimony
Subject: Testimony SB2398 HD1 - Support with suggested revisions

Importance: High

Dear honorable committee members and chairs,

I appreciate this opportunity to comment on SB2398. In many regards I am very satisfied with the bill, but I have some concern with the language on 3 points:

First "Trade Shows" must be defined. Something like "a temporary market established for the intent of tattoo artists and customers to conduct business, including tattooing, product demonstrations, and sales to licensed tattoo artists, and educational seminars"..

Page 1, line 15 uses the phrase "Blood Test" which is misleading as a blood test is NOT being required. What is being specified here is a **Bloodborne Pathogens Safety Course and exam.**

-- Many such courses are offered as they are required by OSHA and HIOSH for many positions in the health field, but the wording on line 15 is quite misleading, indicating that the individual must have their blood tested which is not the case.

Page 4, Line 5 should specify "no body modifications or body piercing other than tattooing shall take place..."

--The intent here is to eliminate the chance of modifications such as piercing, branding and activities such as suspensions, but tattooing IS a form of body modification, thus this language requires minor modification or it is nullifying exactly what it is intended to allow.

Please take these points into consideration if at all possible.

My sincere thanks,
Tricia Allen
Licensed tattooist since 1992

Thank you for this opportunity to testify.

Tricia Allen
CA recording: [REDACTED]
Cell/text: [REDACTED]
<http://www.ThePolynesianTattoo.com>

PETER GELLATLY
PO Box 88377
HONOLULU, HI 96830

March 29, 2012

Rep. Kyle T. Yamashita, Chair
Rep. James Kunane Tokioka, Vice Chair
Committee on Legislative Management
House of Representatives
State of Hawaii

Re: SB2398 SD2 HD1 STRONG SUPPORT

Dear Chair Yamashita, Vice Chair Tokioka and Committee Members,

I have lived in Hawaii since the early 1970s, and in the ensuing decades the tattooing industry has matured from a late, late night Chinatown adventure tour to a mainstream business form affecting thousands of local residents. Once upon a time, the Mike Malone-applied tattoo on my forearm raised eyes in the business community. Now the tattoos on my wife and daughters are matched by those sported by their friends.

The bill before you today promotes the common-sense regulation of this industry. By state statute, local tattoo artists adhere to rigid standards of health and safety. However, the same cannot be guaranteed of tattoo artists traveling here for trade shows. This presents a health hazard. The solution is the application of the same standards to all tattoo artists, whether they are here for a four-day convention or a lifetime.

In its opposition to SB2398, the Department of Health cites an existing statute that is not being applied and an AG statement that merely begs the question. This is quite disingenuous. It also notes that it does not know how to do what is being requested of it, which I would suggest is a dangerous position for the Department to take.

I am requesting that this bill be passed and would further urge that the inadequacies of the Department of Health be addressed via a task force comprising experts in the field.

Thank you very much.

aloha,

Peter Gellatly

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