

JAN 18 2013

A BILL FOR AN ACT

RELATING TO TATTOO ARTISTS.

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- Restrictions on sale of tattoo supplies; age
5 restrictions on applying tattoos. (a) No tattoo supplies shall
6 be sold to:

7 (1) Any person of age seventeen and under;

8 (2) Any person not licensed under this chapter as a tattoo
9 artist; or

10 (3) Any tattoo shop without a permit issued by the
11 department pursuant to section 321-373.5 and any rules
12 adopted pursuant to chapter 321.

13 (b) No tattoo artist shall create indelible marks or
14 decorative designs by introducing pigments beneath the surface
15 of the skin, resulting in permanent or semi-permanent markings,
16 with the aid of needles, electric machines, hand tools, or other
17 devices or means on any person age fifteen and under.



1 (c) As used in this section, "tattoo supplies" means
2 tattoo machines ("guns"), needles, tubes (steel and disposable),
3 pigment (ink), clip cords, foot switches, and power supplies."

4 SECTION 2. Section 321-373, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§321-373 Regulation of tattoo artists.** The department
7 shall adopt rules [~~under~~] pursuant to chapter 91 to implement
8 this part. The rules shall include but not be limited to:

9 (1) Prohibiting the use of injections, unless administered
10 by a physician or osteopathic physician licensed under
11 chapter 453, or by a registered nurse licensed under
12 chapter 457;

13 (2) Appropriate restrictions on topical anesthetics;

14 (3) Prescribing procedures and conditions for
15 sterilization, storage of sterilized equipment,
16 resterilization, and disposal of discarded needles and
17 other equipment;

18 (4) Creating examination standards; [~~and~~]

19 (5) Fixing penalties and fines for violations of this part
20 or any of the rules adopted by the department [~~-~~]; and

21 (6) Defining "trade show" and the licensing of trade shows
22 as they relate to tattoo artists."



SECTION 3. Section 321-373.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~321-373.5[~~§~~] **Permit; required for tattoo shop and temporary locations.** (a) No person, partnership, firm, corporation, or other legal entity shall operate a tattoo shop or temporary location without a permit pursuant to department rules.

(b) Each initial permit application under this section shall be accompanied by a fee of [~~\$125~~] \$150 for a permit valid for one year. For renewal of a permit, each applicant shall pay a fee of \$75 per year. Initial permit application and renewal fees may be increased by not more than \$10 per year.

(c) All permits shall expire on December 31 of each year. The application for a permit renewal shall be submitted to the department in writing on or before December 31 annually.

(d) The department may issue a temporary permit valid for a maximum of seven consecutive days per calendar year for locations other than a permitted tattoo shop for the purpose of a [~~trade show~~₇] product demonstration[₇] or educational demonstration; provided that the [~~show or~~] demonstration shall meet all safety and hygiene standards as specified by the director and in this chapter[₇]; provided further that no body



1 modifications or body piercing shall be conducted at the
2 demonstration. The temporary permit application shall be made
3 in writing to the department at least sixty days prior to the
4 scheduled event, shall include specific measures to meet
5 specified health and safety standards, and may be subject to a
6 site inspection. Temporary permit applicants shall pay a \$50
7 nonrefundable application fee in addition to[+]

8 ~~(1) A \$500 nonrefundable permit fee for an event featuring~~
9 ~~not more than forty participating tattoo artists; or~~

10 ~~(2) A] a \$50 nonrefundable permit fee for an event~~
11 ~~featuring less than three participating tattoo artists~~
12 ~~demonstrating for educational purposes only, without~~
13 ~~compensation, consideration, or donation by the public; provided~~
14 ~~that the department may annually increase the [fees specified in~~
15 ~~paragraphs (1) and (2)] \$50 nonrefundable permit fee by not more~~
16 ~~than [\$100 and] \$10 per year[, respectively].~~

17 (e) Tattoo trade shows in the State shall be permitted
18 upon written approval of the department."

19 SECTION 4. Section 321-374, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) The department may issue, to tattoo artists who are
2 not licensed in the State, temporary licenses that are valid for
3 a maximum of fourteen consecutive days per calendar year for:

4 (1) Educational[, ~~trade show~~,] or product demonstration
5 purposes; or

6 (2) The purpose of practicing the occupation of tattoo
7 artist at a permitted tattoo location.

8 Temporary licensees shall be subject to this part and applicable
9 rules."

10 SECTION 5. (a) There is established a tattoo artist task
11 force to review chapter 17, Hawaii Administrative Rules,
12 relating to tattoo artists, with the goal of enhancing the
13 regulation of tattoo artists. The governor, senate president,
14 and speaker of the house of representatives shall each select
15 three members to the tattoo artist task force; provided that one
16 of the members selected by the governor shall represent Hawaiian
17 cultural practices; provided further that two members selected
18 by each appointing authority shall be persons licensed under
19 chapter 321, Hawaii Revised Statutes, as tattoo artists. The
20 department of health shall appoint one non-voting member.



(b) No member shall be made subject to chapter 84, Hawaii Revised Statutes, solely because of that member's participation as a member of the task force.

(c) The tattoo artist task force shall, at minimum:

(1) Meet at least five times;

(2) Recommend requirements for a blood borne pathogen test for licensure;

(3) Recommend fees for initial license issuance and renewals; and

(4) Consider any other issues deemed necessary by the tattoo artist industry for purposes of administrative rulemaking.

(d) The tattoo artist task force shall hold public meetings for the purpose of receiving input from members of the general public.

(e) The tattoo artist task force shall report its findings and recommendations, including proposed legislation to enhance the regulation of tattoo artists, to the legislature no later than twenty days prior to the convening of the regular session of 2014. The legislative reference bureau shall assist the task force in preparing its report and any proposed legislation; provided that the task force submits a draft of the task force's



1 proposals to the legislative reference bureau no later than
2 December 15, 2014.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 206

Report Title:

Tattoo Artists; Regulation; Tattoo Artist Task Force

Description:

Restricts the sale of tattoo supplies. Places age restrictions on person receiving tattoo. Permits tattoo trade shows upon written approval of the department of health. Prohibits body piercing or body modifications at product demonstrations or educational demonstrations. Increases initial permit fee. Creates a tattoo artist task force.

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