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# 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 two new sections to part XXX to be  
3 appropriately designated and to read as follows:

4           "§321-       Restrictions on sale of tattoo supplies. (a)

5 No tattoo supplies shall be sold to any person under the age of  
6 eighteen years.

7           (b) No tattoo supplies shall be sold to:

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

10           (2) 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           §321-       Blood test required for licensure. In addition to

14 other requirements as may be imposed by the department for

15 licensure as a tattoo artist, beginning on January 1, 2013,

16 every applicant for a license shall pass a blood borne pathogen

17 test developed specifically for the tattoo industry and approved

18 by the director as a prerequisite for licensure. A person who



1 holds a license under this part shall pass the blood borne  
2 pathogen test every four years after the initial test for  
3 licensure in order to continue to hold a license under this  
4 chapter."

5 SECTION 2. Section 321-373.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (d) to read as follows:

7 "(d) The department may issue a temporary permit valid for  
8 a maximum of seven consecutive days per calendar year for  
9 locations other than a permitted tattoo shop for the purpose of  
10 a [~~trade show~~] product demonstration[~~]~~ or educational  
11 demonstration; provided that the [~~show or~~] demonstration shall  
12 meet all safety and hygiene standards as specified by the  
13 director and in this chapter[~~]~~, no body modifications or body  
14 piercing shall be conducted at the demonstration, and tattoo  
15 trade shows in the State shall be prohibited. The temporary  
16 permit application shall be made in writing to the department at  
17 least sixty days prior to the scheduled event, shall include  
18 specific measures to meet specified health and safety standards,  
19 and may be subject to a site inspection. Temporary permit  
20 applicants shall pay a \$50 nonrefundable application fee in  
21 addition to:



1 (1) A \$500 nonrefundable permit fee for an event featuring  
2 not more than forty participating tattoo artists; or  
3 (2) A \$50 nonrefundable permit fee for an event featuring  
4 less than three participating tattoo artists  
5 demonstrating for educational purposes only, without  
6 compensation, consideration, or donation by the  
7 public;  
8 provided that the department may annually increase the fees  
9 specified in paragraphs (1) and (2) by not more than \$100 and  
10 \$10 per year, respectively."

11 SECTION 3. Section 321-374, Hawaii Revised Statutes, is  
12 amended by amending subsection (c) to read as follows:

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

16 (1) Educational [~~, trade show,~~] or product demonstration  
17 purposes; or

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

20 Temporary licensees shall be subject to this part and applicable  
21 rules."



1 SECTION 4. (a) There is established a tattoo artist task  
2 force to review chapter 17, Hawaii Administrative Rules,  
3 relating to tattoo artists, with the goal of enhancing the  
4 regulation of tattoo artists. The tattoo artist task force  
5 shall be co-chaired by the chair of the senate committee on  
6 public safety, government operations, and military affairs and  
7 the chair of the house committee on public safety and military  
8 affairs. In addition to the chairs, the governor, senate  
9 president, and speaker of the house of representatives shall  
10 each select three members to the tattoo artist task force;  
11 provided that one member selected by each appointing authority  
12 shall be a person licensed under chapter 321, Hawaii Revised  
13 Statutes, as a tattoo artist.

14 (b) Members of the tattoo artist task force shall be  
15 exempt from chapter 84, Hawaii Revised Statutes, and task force  
16 members shall not be considered state employees because of their  
17 service on the task force.

18 (c) The tattoo artist task force shall hold a public  
19 meeting not less than four times for the purpose of receiving  
20 input from members of the general public.

21 (d) The tattoo artist task force shall report to the  
22 legislature no later than twenty days prior to the convening of



1 the regular session of 2013 its findings and recommendations,  
2 including proposed legislation to enhance the regulation of  
3 tattoo artists. The legislative reference bureau shall assist  
4 the task force in preparing its report and any proposed  
5 legislation; provided that the task force submits a draft of the  
6 task force's proposals to the legislative reference bureau no  
7 later than November 1, 2012.

8 SECTION 5. Every person licensed as a tattoo artist under  
9 chapter 321, Hawaii Revised Statutes, as of the effective date  
10 of this Act shall be required to pass a blood borne pathogen  
11 test developed specifically for the tattoo industry and approved  
12 by the director of health, no later than , as a  
13 requirement to continue to be licensed as a tattoo artist.

14 SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Tattoo Artists; Regulation; Tattoo Artist Task Force

**Description:**

Restricts the sale of tattoo supplies. Requires blood borne pathogen test as a prerequisite for licensure beginning 1/1/2013 and every four years after initial test to continue to hold a license. Prohibits tattoo trade shows. Prohibits body piercing or body modifications at product demonstrations or educational demonstrations. Creates a tattoo artist task force. Reports to legislature. Effective 07/01/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

