
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) No
5 tattoo supplies shall be sold to:

6 (1) Any person under the age of eighteen years;

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

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

12 (b) As used in this section, "tattoo supplies" means
13 tattoo machines ("guns"), needles, tubes (steel and disposable),
14 pigment (ink), clip cords, foot switches, and power supplies.

15 §321- Blood test required for licensure. In addition to
16 other requirements as may be imposed by the department for
17 licensure as a tattoo artist, beginning on January 1, 2013,
18 every applicant for a license shall pass a blood borne pathogen



1 test developed specifically for the tattoo industry and approved
 2 by the director as a prerequisite for licensure. A person who
 3 holds a license under this part shall pass the blood borne
 4 pathogen test every two years after the initial test for
 5 licensure in order to continue to hold a license under this
 6 chapter."

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

9 "**§321-373 Regulation of tattoo artists.** The department
 10 shall adopt rules [~~under~~] pursuant to chapter 91 to implement
 11 this part. The rules shall include but not be limited to:

- 12 (1) Prohibiting the use of injections, unless administered
 13 by a physician or osteopathic physician licensed under
 14 chapter 453, or by a registered nurse licensed under
 15 chapter 457;
- 16 (2) Appropriate restrictions on topical anesthetics;
- 17 (3) Prescribing procedures and conditions for
 18 sterilization, storage of sterilized equipment,
 19 resterilization, and disposal of discarded needles and
 20 other equipment;
- 21 (4) Creating examination standards; [and]



- 1 (5) Fixing penalties and fines for violations of this part
2 or any of the rules adopted by the department[-]; and
3 (6) Defining "trade show" and the licensing of trade shows
4 as they relate to tattoo artists."

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

- 7 "**[+]§321-373.5[+]** **Permit; required for tattoo shop and**
8 **temporary locations.** (a) No person, partnership, firm,
9 corporation, or other legal entity shall operate a tattoo shop
10 or temporary location without a permit pursuant to department
11 rules.
- 12 (b) Each initial permit application under this section
13 shall be accompanied by a fee of \$125 for a permit valid for one
14 year. For renewal of a permit, each applicant shall pay a fee
15 of \$75 per year. Initial permit application and renewal fees
16 may be increased by not more than \$10 per year.
- 17 (c) All permits shall expire on December 31 of each year.
18 The application for a permit renewal shall be submitted to the
19 department in writing on or before December 31 annually.
- 20 (d) The department may issue a temporary permit valid for
21 a maximum of seven consecutive days per calendar year for
22 locations other than a permitted tattoo shop for the purpose of



1 a [~~trade show,~~] product demonstration[~~;~~] or educational
2 demonstration; provided that the [~~show or~~] demonstration shall
3 meet all safety and hygiene standards as specified by the
4 director and in this chapter[~~;~~]; and provided further that no
5 body modifications or body piercing shall be conducted at the
6 demonstration. The temporary permit application shall be made
7 in writing to the department at least sixty days prior to the
8 scheduled event, shall include specific measures to meet
9 specified health and safety standards, and may be subject to a
10 site inspection. Temporary permit applicants shall pay a \$50
11 nonrefundable application fee in addition to[~~;~~]

12 ~~(1) A \$500 nonrefundable permit fee for an event featuring~~
13 ~~not more than forty participating tattoo artists; or~~
14 ~~(2) A] a \$50 nonrefundable permit fee for an event~~
15 featuring less than three participating tattoo artists
16 demonstrating for educational purposes only, without
17 compensation, consideration, or donation by the public; provided
18 that the department may annually increase the [~~fees specified in~~
19 ~~paragraphs (1) and (2)] \$50 nonrefundable permit fee by not more
20 than [~~\$100 and~~] \$10 per year[~~, respectively~~].~~



1 (e) Tattoo trade shows in the State shall be prohibited
2 until the adoption of rules by the department as required under
3 section 321-373."

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

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

9 (1) Educational [~~trade show~~] or product demonstration
10 purposes; or

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

13 Temporary licensees shall be subject to this part and applicable
14 rules."

15 SECTION 5. (a) There is established a tattoo artist task
16 force to review chapter 17, Hawaii Administrative Rules,
17 relating to tattoo artists, with the goal of enhancing the
18 regulation of tattoo artists. The tattoo artist task force
19 shall be co-chaired by the chair of the senate committee on
20 health and the chair of the house committee on health. In
21 addition to the chairs, the governor, senate president, and
22 speaker of the house of representatives shall each select three



1 members to the tattoo artist task force; provided that one
2 member selected by each appointing authority shall be a person
3 licensed under chapter 321, Hawaii Revised Statutes, as a tattoo
4 artist. An individual representing Hawaiian cultural practices
5 shall also serve on the task force.

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

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

12 (d) The tattoo artist task force shall report its findings
13 and recommendations, including proposed legislation to enhance
14 the regulation of tattoo artists, to the legislature no later
15 than twenty days prior to the convening of the regular session
16 of 2013. The legislative reference bureau shall assist the task
17 force in preparing its report and any proposed legislation;
18 provided that the task force submits a draft of the task force's
19 proposals to the legislative reference bureau no later than
20 November 1, 2012.

21 SECTION 6. Every person licensed as a tattoo artist under
22 chapter 321, Hawaii Revised Statutes, as of the effective date



1 of this Act shall be required to pass a blood borne pathogen
2 test developed specifically for the tattoo industry and approved
3 by the director of health, no later than , as a
4 requirement to continue to be licensed as a tattoo artist.

5 SECTION 7. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 8. 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 tattoo licensure beginning January 1, 2013, and every two years after initial test to continue to hold a license. Prohibits tattoo trade shows under the adoption of rules by the Department of Health. Prohibits body piercing or body modifications at product demonstrations or educational demonstrations. Creates a tattoo artist task force. Effective July 1, 2050. (SB2398 HD1)

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