

STAND. COM. REP. NO.

2677

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2398  
S.D. 2

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2398, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TATTOO ARTISTS,"

begs leave to report as follows:

The purpose and intent of this measure is to restrict the sale of tattoo supplies; require a blood borne pathogen test prior to licensure as a tattoo artist; prohibit body piercing or body modifications at tattoo trade shows, product demonstrations, or educational demonstrations; and create a tattoo artist task force.

Your Committee received testimony in support of this measure from the Coalition for Safe Tattooing Hawaii. Your Committee received testimony in opposition to this measure from the Department of Health and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that this measure is intended to address pressing concerns about tattoo artists and the tattoo industry in the State. Your Committee has heard the concerns that the Department of Health may lack the resources to appropriately enforce the requirements of this measure. Your Committee acknowledges these concerns but notes that the Department of Health must provide more scrutiny over this growing industry.

Your Committee also notes that the fees and renewal fees for the original permit application for tattoo shops and tattoo artists are exceedingly low and need to be increased

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significantly. The permit fees could be a source of revenue for better enforcement of the industry. Your Committee also heard concerns regarding the issuance of temporary licenses to non-residents that enable temporary licensees to participate in tattoo trade shows in Hawaii. Your Committee notes significant health concerns were raised regarding unsafe or unhygienic conduct at trade shows in other venues and believes that without stricter scrutiny, educational awareness about tattooing in a tropical climate, and communication of other safety measures, allowing tattoo conventions in Hawaii is ill-advised.

Your Committee has amended this measure by:

- (1) Prohibiting tattoo trade shows in the State;
- (2) Clarifying that members of the tattoo artist task force shall be exempt from chapter 84, Hawaii Revised Statutes, and shall not be considered state employees because of their service on the task force;
- (3) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee acknowledges that further discussion on this measure is desirable as it progresses through the legislative process, and encourages the Department of Health and interested stakeholders to work together to make improvements in this industry.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2398, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2398, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

  
ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2398 SD1	PGM/HTH, CPN	2/29/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)				✓
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh				✓
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			✓
SLOM, Sam				✓
<b>TOTAL</b>	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes