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SUMMARY

Prohibits person not licensed to perform tattooing from possessing equipment used for tattooing with intent to use that equipment on another person.

Establishes mandatory minimum sentences for performing or attempting to perform tattooing on person under 18 years of age without being licensed.

Specifies that person under 18 years of age, or parent of legal guardian of person under 18 years of age, has cause of action for such violation. Specifies that damages include removal of tattoos.

A BILL FOR AN ACT

1
2 Relating to tattooing; creating new provisions; and amending ORS 690.360
3 and 690.992.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 690.360 is amended to read:

6 690.360. (1) A person may not:

7 (a) Perform or attempt to perform services in a field of practice without
8 a license to perform services in that field of practice;

9 (b) Perform or attempt to perform services in a field of practice outside
10 of a licensed facility;

11 (c) Display a sign or in any way advertise or purport to offer services in
12 a field of practice without [*a license*] **being licensed under ORS 690.365** to
13 perform services in that field of practice;

14 (d) Operate a facility, display a sign or in any way advertise or purport
15 to offer services in a field of practice in a facility without a license to op-
16 erate a facility or a temporary license to operate a facility;

17 (e) Knowingly make a false statement on an application to obtain or re-

1 new a license;

2 (f) Allow an individual in the employ or under the supervision or control
3 of the person to perform services in a field of practice without a license to
4 perform services in that field of practice;

5 (g) Sell, barter or offer to sell or barter a document evidencing a license;

6 (h) Purchase or procure by barter a document evidencing a license with
7 intent to use the document as evidence of the person's qualification to pro-
8 vide services in a field of practice;

9 (i) Materially alter with fraudulent intent a license or temporary license;

10 (j) Use or attempt to use as valid a fraudulently obtained, counterfeited
11 or materially altered license or temporary license; [or]

12 (k) Use or attempt to use as valid a fraudulently obtained, counterfeited
13 or materially altered license or temporary license[.]; **or**

14 **(L) Possess equipment used for tattooing with the intent to use that**
15 **equipment on another person without being licensed under ORS 690.365**
16 **to perform tattooing.**

17 (2) ORS 690.350 to 690.415 do not limit, preclude or otherwise interfere
18 with the practice of other persons or health care providers licensed in this
19 state.

20 (3) Subsection (1)(a), (b) or (d) of this section does not apply to:

21 (a) A student while engaged in training at the direction of and under the
22 direct supervision of the faculty of a school licensed under ORS 345.010 to
23 345.450 to teach a field of practice; or

24 (b) An individual self-administering body piercing.

25 **SECTION 2.** ORS 690.992 is amended to read:

26 690.992. (1) Violation of ORS 690.015 is a Class B misdemeanor.

27 [(2)] **(2)(a)** Violation of ORS 690.360 is a Class A misdemeanor.

28 **(b) A person who violates ORS 690.360 (1)(a) by performing or at-**
29 **tempting to perform tattooing on a person under 18 years of age is**
30 **subject to the following mandatory minimum sentences:**

31 **(A) For a person's first conviction, a fine in the amount of \$2,500.**

1 **(B) For a person’s second conviction, a term of incarceration of at**
2 **least four days and a fine in the amount of \$4,000.**

3 **(C) For a person’s third or subsequent conviction, a term of incar-**
4 **ceration of at least 10 days and a fine in the amount of \$5,000.**

5 **SECTION 3.** **Section 4 of this 2013 Act is added to and made a part**
6 **of ORS 690.350 to 690.415.**

7 **SECTION 4.** **(1) A person under 18 years of age, or the parent or**
8 **legal guardian of a person under 18 years of age, shall have a cause**
9 **of action for damages against a person who violates ORS 690.360 (1)(a)**
10 **by performing or attempting to perform tattooing on the person under**
11 **18 years of age. If the claimant prevails in an action brought under**
12 **this section, the claimant shall be awarded reasonable court costs and**
13 **attorney fees.**

14 **(2) For purposes of subsection (1) of this section, “damages” in-**
15 **cludes payment for removal of tattoos from the person under 18 years**
16 **of age that are the result of a violation for which relief is sought.**

17 **SECTION 5.** **Section 4 of this 2013 Act and the amendments to ORS**
18 **690.360 and 690.992 by sections 1 and 2 of this 2013 Act apply to conduct**
19 **occurring on or after the effective date of this 2013 Act.**

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