

Senate Bill 697

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 and 690.992.

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

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

5 690.360. (1) A person may not:

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

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

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

11 (d) Operate a facility, display a sign or in any way advertise or purport to offer services in a
12 field of practice in a facility without a license to operate a facility or a temporary license to operate
13 a facility;

14 (e) Knowingly make a false statement on an application to obtain or renew a license;

15 (f) Allow an individual in the employ or under the supervision or control of the person to per-
16 form services in a field of practice without a license to perform services in that field of practice;

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

18 (h) Purchase or procure by barter a document evidencing a license with intent to use the doc-
19 ument as evidence of the person's qualification to provide services in a field of practice;

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

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

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

25 **(L) Possess equipment used for tattooing with the intent to use that equipment on an-**
26 **other person without being licensed under ORS 690.365 to perform tattooing.**

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

5 690.992. (1) Violation of ORS 690.015 is a Class B misdemeanor.

6 [2] (2)(a) Violation of ORS 690.360 is a Class A misdemeanor.

7 **(b) A person who violates ORS 690.360 (1)(a) by performing or attempting to perform**
8 **tattooing on a person under 18 years of age is subject to the following mandatory minimum**
9 **sentences:**

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

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

13 **(C) For a person's third or subsequent conviction, a term of incarceration of at least 10**
14 **days and a fine in the amount of \$5,000.**

15 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS 690.350 to
16 **690.415.**

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

22 **(2) For purposes of subsection (1) of this section, "damages" includes payment for re-**
23 **moval of tattoos from the person under 18 years of age that are the result of a violation for**
24 **which relief is sought.**

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

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