

1,000 ft/newspaper FAQs - Effective July 1, 2023

Why is this happening now? When did this go into effect?

Title 21 Chapter 30 Section 842.3 (C) and (E) went into effect November 1, 2006. The Department is complying with this statute because it is a requirement in law.

Who does this apply to?

- Any applicant for a licensed tattoo or body piercing establishment at a location where there is no existing license at the time of application must ensure the location is not within 1,000 feet to any school, church or playground. The 1000-foot prohibition does not apply to locations with a licensed tattoo or body piercing establishment at the time of application.
- For the publication requirement, all body piercing and tattoo establishment applicants must ensure compliance with the publication requirement.

Does the law apply to Events?

Yes, event licensees must comply with the 1,000-foot distance and publication requirements.

How will the 1,000-foot distance be measured?

The 1,000-foot distance will be measured, in person and the distance required to be met will begin at any entry or exit into or from the facility, or anyplace on the property of the facility where body piercing or tattooing may be observed, whichever is closer, and be measured to the nearest property line of the church, school, or playground

When will I find out if my establishment meets these requirements?

Applicants should be prepared to provide documentation for each requirement when applying for initial licensure or renewal. The Department reviews applications as they are received. The Department will provide information to the applicant once the application has been reviewed and processed. For applications to operate at a new or unlicensed location, it is imperative the applicant performs their own due diligence to determine if the location is within 1,000 feet of a church, school, or playground prior to submitting an application.

What if my licensed location was here before a church, school, or playground moved within 1,000 feet of my licensed establishment?

If your location was licensed prior to a church, school, or playground moving within 1,000 feet distance of your location, you would be able to continue operations in that licensed location.

Can I get a refund of my application fee if I do not meet all requirements?

Application fees are nonrefundable. The Department recommends applicants ensure they are in compliance with the 1,000-foot distance and newspaper publication requirements prior to applying for licensure.

If someone else was previously in the location for which I'm applying, can I get licensed for that location?

If the location is currently licensed by the Department at the time of application, it is eligible for a license at the location in question. If there is no current license for the location for which the applicant is

applying for a license, the applicant will need to meet the 1,000-foot requirements. All applicants must meet the newspaper publication requirements.

What if my proposed location is next to a former church building?

The definition of church in statute includes the language, “where religious services are usually conducted.” This means, if a church formerly operated within a location but no longer conducts services there, this would not count in the 1,000-foot distance determination process.

When and how often am I required to publish in the newspaper?

A body piercing or tattoo operator applying for a new license or renewing an existing license is required to meet the newspaper publication requirements. The publication requirement is for at least once a week for three consecutive weeks in a newspaper of general circulation nearest to the proposed location of the business and most likely to give notice to interested citizens of the county, city, and community in which the applicant proposes to engage in business. The publication must identify the exact location at which the proposed business is to be operated. This requirement is for publication at initial and renewal license application. Failure to have proof of publication may delay licensure.

What if my town does not have a local newspaper?

Publication must be made in a newspaper of general circulation nearest to the proposed location of the business and most likely to give notice to interested citizens of the county, city, and community in which the applicant proposes to engage in business.

In what section of the paper does the publication requirement need to be published?

The law does not require the publication to be in any specific section of the paper. The location within the newspaper is a decision between the applicant and the newspaper publisher. The applicant should keep records documenting the publication requirements were met.

Can I publish in an online newspaper?

No. Notice must be published in a newspaper of general circulation (paper copy).

Besides the health department, who else may regulate where I can set up my BP/Tattoo business?

Cities and counties have the authority in Title 21 Chapter 30 Section 842.3 (B) to require further business licenses or permits they deem appropriate. Compliance with state level requirements does not ensure compliance with city and/or county requirements. The Oklahoma State Department of Health only has enforcement authority over state requirements.

Am I allowed to sell my business to someone else?

The Health Department does not intervene in business decisions between current business owners and potential future business owners. If someone chooses to buy an existing business from a current business owner in a location where a current body piercing and/or tattoo establishment is licensed, the purchaser of the business would need to go through the initial licensure process to become a licensed body piercing and/or tattoo establishment. Locations which are currently licensed as a body piercing and/or tattooing establishment license are eligible to be licensed by the new owners if the existing license for the previous owner is current.