

PARENTAL CONSENT TO BODY PIERCING

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

AN ACT RELATING TO CRIMINAL CODE; PROHIBITING THE BODY PIERCING OF A MINOR WITHOUT THE CONSENT OF A PARENT OR LEGAL GUARDIAN;

~~h [PERMITTING THE DENIAL OF HEALTH INSURANCE COVERAGE FOR INFECTIONS AND SECONDARY ILLNESSES THAT ARISE AS A RESULT OF AN UNLAWFUL BODY PIERCING;] h~~ AND PROVIDING PENALTIES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

h [31A-22-623, Utah Code Annotated 1953] h

76-10-2201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

h [Section 1. Section 31A-22-623 is enacted to read:

~~31A-22-623. Denial of coverage for unlawful body piercing.~~

~~An insurer may refuse to provide coverage for infections and other secondary illnesses~~

~~which arise as a direct result from a body piercing obtained in violation of Section 76-10-2201.] h~~

Section 2. Section **76-10-2201** is enacted to read:

Part 22. Public Health Offenses

76-10-2201. Unlawful body piercing of a minor.

(1) As used in this section:

(a) "Body piercing" means the creation of an opening in the body, excluding the ear, for the purpose of inserting jewelry or other decoration.

(b) "Consent of a minor's parent or legal guardian" means h [;

~~(i)] h the presence of a parent or legal guardian during the performance of body piercing upon the minor h [;or] . h~~

1 ~~h [(ii) a notarized writing of a parent or legal guardian expressly consenting to the~~
2 ~~performance of body piercing upon the minor.] h~~

3 (c) "Minor" means a person younger than 18 years of age who:

4 (i) is not married; and

5 (ii) has not been declared emancipated by a court of law.

6 (d) " ~~h [Proper] PERSONAL h~~ identification number" means the number of an apparently
6a ~~valid driver's~~
7 ~~license or other picture identification card that expressly states that the person is 18 years of age~~
8 ~~or older.~~

9 (2) (a) ~~A person is guilty of unlawful body piercing of a minor if he performs or offers to~~
10 ~~perform a body piercing:~~

11 (i) ~~upon a minor;~~

12 (ii) ~~without receiving the consent of the minor's parent or legal guardian; and~~

13 (iii) ~~for remuneration or in the course of a business or profession.~~

14 (b) ~~A person is not guilty of Subsection (2)(a) if the person:~~

15 (i) ~~had no actual knowledge of the minor's age; and~~

16 (ii) ~~reviewed, recorded, and has maintained a personal identification number for the minor~~
17 ~~prior to performing an unlawful body piercing.~~

18 (3) (a) ~~A person who violates Subsection (2) is guilty of a class C misdemeanor.~~

19 (b) ~~The owner or operator of a business in which a violation of Subsection (2) occurs is~~
20 ~~subject to a civil penalty of \$750 for each violation.~~

Legislative Review Note
as of 2-4-98 7:13 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

lilac-February 18, 1998