

PROHIBITION ON TATTOOING OF MINORS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding the tattooing of minors.

Highlighted Provisions:

This bill:

- ▶ prohibits the tattooing of persons younger than 18 years of age; and
- ▶ establishes a civil cause of action for recovery of the costs of removal of a tattoo

performed on a person younger than 18 years of age.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-2201, as last amended by Laws of Utah 2013, Chapter 329

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

Section 1. Section **76-10-2201** is amended to read:

76-10-2201. Unlawful body piercing and tattooing of a minor -- Penalties.

(1) As used in this section:

(a) "Body piercing" means the creation of an opening in the body, excluding the ear,



28 for the purpose of inserting jewelry or other decoration.

29 (b) "Consent of a minor's parent or legal guardian" means the presence of a parent or
30 legal guardian during the performance of body piercing or tattooing upon the minor after the
31 parent or legal guardian has provided:

32 (i) reasonable proof of personal identity and familial relationship; and

33 (ii) written permission signed by the parent or legal guardian authorizing the
34 performance of body piercing or tattooing upon the minor.

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

36 (i) is not married; and

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

38 (d) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a
39 pigment under the skin or by producing scars.

40 (2) A person is guilty of unlawful body piercing of a minor if the person performs or
41 offers to perform a body piercing:

42 (a) upon a minor;

43 (b) without receiving the consent of the minor's parent or legal guardian; and

44 (c) for remuneration or in the course of a business or profession.

45 (3) A person is guilty of unlawful tattooing of a minor if the person performs or offers
46 to perform a tattooing[~~-(a)~~] upon a minor[~~-(b) without receiving the consent of the minor's~~
47 ~~parent or legal guardian; and (c) for remuneration or in the course of a business or profession~~].

48 (4) A person is not guilty of Subsection (2) or (3), if the person:

49 (a) has no actual knowledge of the minor's age; and

50 (b) reviews, photocopies, and retains the photocopy of an apparently valid driver
51 license or other government-issued picture identification for the minor that expressly purports
52 that the minor is 18 years of age or older before the person performs the body piercing or
53 tattooing.

54 (5) (a) A person who violates Subsection (2) or (3) is guilty of a class B misdemeanor.

55 (b) The owner or operator of a business in which a violation of Subsection (2) or (3)
56 occurs is subject to a civil penalty of [~~\$1,000~~] \$1,500 for each violation.

57 (6) (a) A person upon whom an actor performs a tattoo in violation of Subsection (3)
58 has a civil cause of action under Subsection (6)(b) against the actor and against the owner or

59 operator of the business in which the violation of Subsection (3) is committed.

60 (b) The person under Subsection (6)(a) may bring the civil cause of action within three
61 years after the person becomes 18 years of age for the costs of:

62 (i) removal of all tattoos performed under Subsection (6)(a); and

63 (ii) related attorney fees and court costs.

64 (c) Recovery of costs under this Subsection (6) is in addition to the civil penalty under
65 Subsection (5)(b).

66 (d) The civil cause of action under Subsection (6)(a) may not be waived or in any
67 manner invalidated by any contract or agreement with the actor performing the tattoo or the
68 owner or operator of the business in which the tattoo is performed.

69 (e) A criminal action need not be brought against an actor in order for the actor to be
70 civilly liable under this section.

Legislative Review Note

as of 12-4-14 1:16 PM

Office of Legislative Research and General Counsel