

**Scarification Amendments**  
**2026 GENERAL SESSION**  
**STATE OF UTAH**  
**Chief Sponsor: Ashlee Matthews**  
**Senate Sponsor:**

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**LONG TITLE**

**General Description:**

This bill addresses scarification.

**Highlighted Provisions:**

This bill:

- requires the Department of Health and Human Services to create rules related to scarification to ensure client safety;
- requires a body art facility that offers scarification to comply with certain requirements;
- establishes the criminal offense of unlawful scarification of a minor; and
- defines terms.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-7-402**, as last amended by Laws of Utah 2024, Chapter 282

**76-9-2001**, as enacted by Laws of Utah 2025, Chapter 173

ENACTS:

**26B-7-417**, Utah Code Annotated 1953

**76-9-2004**, Utah Code Annotated 1953

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

Section 1. Section **26B-7-402** is amended to read:

**26B-7-402 . Minimum rules of sanitation established by department.**

- (1) The department shall establish and enforce, or provide for the enforcement of minimum rules of sanitation necessary to protect the public health, including rules necessary for the design, construction, operation, maintenance, or expansion of:

- 31           ~~[(1)]~~ (a) a restaurant or a place where food or drink is handled, sold, or served to the  
 32           public;
- 33           ~~[(2)]~~ (b) a public swimming pool;
- 34           ~~[(3)]~~ (c) a public bath, including a sauna, spa, or massage facility;
- 35           ~~[(4)]~~ (d) a public bathing beach;
- 36           ~~[(5)]~~ (e) a public or private school;
- 37           ~~[(6)]~~ (f) a recreational resort, camp, or other vehicle park;
- 38           ~~[(7)]~~ (g) an amusement park or other center or place used for public gatherings;
- 39           ~~[(8)]~~ (h) a mobile home park and highway rest stop;
- 40           ~~[(9)]~~ (i) a construction or labor camp;
- 41           ~~[(10)]~~ (j) a jail, prison, or other place of incarceration or confinement;
- 42           ~~[(11)]~~ (k) a hotel or motel;
- 43           ~~[(12)]~~ (l) a lodging house or boarding house;
- 44           ~~[(13)]~~ (m) a service station;
- 45           ~~[(14)]~~ (n) a barber shop or beauty shop, including a facility in which one or more  
 46           individuals are engaged in:
- 47           ~~[(a)]~~ (i) any of the practices licensed under Title 58, Chapter 11a, Cosmetology and  
 48           Associated Professions Licensing Act; or
- 49           ~~[(b)]~~ (ii) styling hair in accordance with the exemption from licensure described in  
 50           Subsection 58-11a-304(13);
- 51           ~~[(15)]~~ (o) an office of a physician, physician assistant, or dentist;
- 52           ~~[(16)]~~ (p) a public building or ground;
- 53           ~~[(17)]~~ (q) a public conveyance or terminal;
- 54           ~~[(18)]~~ (r) a commercial tanning facility; and
- 55           ~~[(19)]~~ (s) a body art facility.

56   (2) Rules established by the department for a body art facility shall include a requirement  
 57   for a body art facility to obtain a permit from the local health department.

58       Section 2. Section **26B-7-417** is enacted to read:

59       **26B-7-417 . Scarification safety requirements.**

- 60   (1) A body art facility that practices or instructs scarification shall:
- 61       (a) practice scarification procedures in a dedicated enclosed room that is not used for  
 62       any other purpose;
- 63       (b) obtain proof of age before performing a scarification procedure; and
- 64       (c) provide a client, in writing, with:

- 65           (i) instructions regarding proper care for the skin during the healing process after a  
 66           scarification procedure, including warning signs of infection; and  
 67           (ii) information about how to report an injury to the department.
- 68 (2) The department shall establish rules to ensure that a body art facility that practices or  
 69       instructs scarification has adequate policies and procedures in place for client safety,  
 70       including rules that address:
- 71       (a) clothing;  
 72       (b) personal protective equipment;  
 73       (c) use of single-use instruments;  
 74       (d) sanitization and disposal of tools; and  
 75       (e) cleaning and bandaging a client's skin.

76       Section 3. Section **76-9-2001** is amended to read:

77       **76-9-2001 . Definitions.**

78       As used in this part:

- 79 (1) "Body piercing" means the creation of an opening in the body, excluding the ear, for the  
 80       purpose of inserting jewelry or other decoration.
- 81 (2) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal  
 82       guardian during the performance of tattooing or body piercing upon the minor after the  
 83       parent or legal guardian has provided:
- 84       (a) reasonable proof of personal identity and familial relationship; and  
 85       (b) written permission signed by the parent or legal guardian authorizing the  
 86       performance of tattooing or body piercing upon the minor.
- 87 (3) "Minor" means a person younger than 18 years old who:
- 88       (a) is not married; and  
 89       (b) has not been declared emancipated by a court of law.
- 90 (4) "Scarification" means the process in which a mark is cut into human skin tissue with the  
 91       intent of leaving a permanent mark.
- 92 [~~4~~] (5) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a  
 93       pigment under the skin or by producing scars.

94       Section 4. Section **76-9-2004** is enacted to read:

95       **76-9-2004 . Unlawful scarification of a minor.**

- 96 (1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.
- 97 (2) Except as provided in Subsection (5), an actor commits unlawful scarification of a  
 98       minor if the actor performs or offers to perform scarification:

- 99           (a) upon a minor;
- 100           (b) without receiving the consent of the minor's parent or legal guardian; and
- 101           (c) for remuneration or in the course of a business or profession.
- 102       (3) A violation of Subsection (2) is a class B misdemeanor.
- 103       (4) The owner or operator of a business in which a violation of Subsection (2) occurs is  
104           subject to a civil penalty of \$1,000 for each violation.
- 105       (5) An actor is not guilty of violating Subsection (2) if the actor:
  - 106           (a) has no actual knowledge of the minor's age; and
  - 107           (b) reviews, photocopies, and retains the photocopy of an apparently valid driver license  
108               or other government-issued picture identification for the minor that expressly  
109               purports that the minor is 18 years old or older before the actor performs the  
110               scarification.

111           Section 5. **Effective Date.**

112       This bill takes effect on May 6, 2026.