

**PARENTAL CONSENT TO BODY PIERCING  
AND TATTOOING**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: David Ure**

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

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

ENACTS:

**76-10-2201**, Utah Code Annotated 1953

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

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

**Part 22. Public Health Offenses**

**76-10-2201. Unlawful body piercing and tattooing 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 the presence of a parent or legal guardian during the performance of body piercing or tattooing upon the minor after the parent or legal guardian has provided reasonable proof of personal identity and familial relationship.

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

(i) is not married; and

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

(d) "Personal identification number" means the number of an apparently valid driver's license or other picture identification card that expressly states that the person is 18 years of age or older.

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

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

- (a) upon a minor;
- (b) without receiving the consent of the minor's parent or legal guardian; and
- (c) for remuneration or in the course of a business or profession.

(3) A person is guilty of unlawful tattooing of a minor if he performs or offers to perform a tattooing:

- (a) upon a minor;
- (b) without receiving the consent of the minor's parent or legal guardian;
- (c) for remuneration or in the course of a business or profession.

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

- (a) had no actual knowledge of the minor's age; and
- (b) reviewed, recorded, and has maintained a personal identification number for the minor prior to performing an unlawful body piercing or unlawful tattooing.

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

(b) The owner or operator of a business in which a violation of Subsection (2) or (3) occurs is subject to a civil penalty of \$750 for each violation.