

1 **UNDERAGE TATTOOING PENALTY**

2 **AMENDMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David Ure**

6 Senate Sponsor: Mark B. Madsen

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8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Criminal Code regarding the penalty for performing body  
11 piercing or tattooing on a minor.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ changes the penalty from a class C misdemeanor to a class B misdemeanor for  
15 performing or offering to perform unlawful body piercing or tattooing on a minor.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **76-10-2201**, as enacted by Chapter 296, Laws of Utah 1998

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

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

26 **76-10-2201. Unlawful body piercing and tattooing of a minor -- Penalties.**

27 (1) As used in this section:



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

30 (b) "Consent of a minor's parent or legal guardian" means the presence of a parent or  
31 legal guardian during the performance of body piercing or tattooing upon the minor after the  
32 parent or legal guardian has provided reasonable proof of personal identity and familial  
33 relationship.

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

35 (i) is not married; and

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

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

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

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

44 (a) upon a minor;

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

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

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

49 (a) upon a minor;

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

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

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

53 (a) had no actual knowledge of the minor's age; and

54 (b) reviewed, recorded, and has maintained a personal identification number for the  
55 minor prior to performing an unlawful body piercing or unlawful tattooing.

56 (5) (a) A person who violates Subsection (2) or (3) is guilty of a class [€] B  
57 misdemeanor.

58 (b) The owner or operator of a business in which a violation of Subsection (2) or (3)

59 occurs is subject to a civil penalty of \$750 for each violation.

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**Legislative Review Note**  
**as of 12-20-05 10:01 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**