

REGULATION OF TATTOO INDUSTRY

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon E. Stanard

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill modifies Title 76, Chapter 10, Part 22, Public Health Offenses.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that consent of a minor's parent or legal guardian to receive a body piercing or a tattoo shall include a parent or guardian's written and signed permission in addition to the parent or guardian's presence;
- ▶ provides that a person is not guilty of unlawful body piercing or tattooing of a minor, if the person makes and retains a photocopy of an apparently valid driver license or other government-issued picture identification that expressly purports that the minor is 18 years or older before the person performs the body piercing or tattooing; and
- ▶ makes technical changes.

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 2006, Chapter 99

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

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

32 **76-10-2201. Unlawful body piercing and tattooing of a minor -- Penalties.**

33 (1) As used in this section:

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

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

39 (i) reasonable proof of personal identity and familial relationship[-]; and

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

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

43 (i) is not married; and

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

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

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

50 (2) A person is guilty of unlawful body piercing of a minor if [~~he~~] the person performs
51 or offers to perform a body piercing:

52 (a) upon a minor;

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

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

55 (3) A person is guilty of unlawful tattooing of a minor if [~~he~~] the person performs or
56 offers to perform a tattooing:

57 (a) upon a minor;

- 58 (b) without receiving the consent of the minor's parent or legal guardian; and
- 59 (c) for remuneration or in the course of a business or profession.
- 60 (4) A person is not guilty of Subsection (2) or (3), if the person:
- 61 (a) ~~had~~ has no actual knowledge of the minor's age; and
- 62 (b) ~~[reviewed, recorded, and has maintained a personal identification number for the~~
- 63 ~~minor prior to performing an unlawful]~~ reviews, photocopies, and retains the photocopy of an
- 64 apparently valid driver license or other government-issued picture identification for the minor
- 65 that expressly purports that the minor is 18 years of age or older before the person performs the
- 66 body piercing or ~~[unlawful]~~ tattooing.
- 67 (5) (a) A person who violates Subsection (2) or (3) is guilty of a class B misdemeanor.
- 68 (b) The owner or operator of a business in which a violation of Subsection (2) or (3)
- 69 occurs is subject to a civil penalty of \$1,000 for each violation.