

# H.B. 143

## PROHIBITION ON TATTOOING OF MINORS

Representative LaVar Christensen proposes the following amendments:

1. Page 1, Line 12:

12           ▶ prohibits the tattooing of persons younger than 18 years of age , except under specified circumstances, and with written parental consent, for minors 16 years of age and older ;  
              ▶ provides an exception for minors for medical procedures; and

2. Page 1, Line 14:

14 performed on a person younger than 18 years of age if the required consent is not provided or there is not a medical exception .

3. Page 2, Line 45:

45           (3) (a) A person is guilty of unlawful tattooing of a minor if the person performs or offers

4. Page 2, Lines 47 through 48:

47 parent or legal guardian; and (c) for remuneration or in the course of a business or profession] . except as provided under Subsections (3)(b) or (c) .

(b) Subsection (3)(a) does not apply to medical tattoos performed:

(i) for the purpose of reconstructive surgery or for medical procedures; and

(ii) at the direction of a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(c) Subsection (3)(a) does not apply to tattoos that are performed on a minor who is 16 years of age or older if the minor's parents, the minor's parents or parent with joint or sole legal custody, or the minor's legal guardian:

(i) give written consent for the tattoo by signing a document that:

(A) states the legal name of the minor;

(B) states that the person has legal authority to give consent;

(C) states that by signing the document the person gives consent for the tattoo to be performed on the minor;

(D) is notarized; and

(E) has been provided to the person who is to perform the tattoo on the minor; and

(ii) a parent or legal guardian who signed the document giving consent, or who had authority to give the consent under this Subsection (3), is present when the tattoo is performed on the minor.

48           {~~(4)~~} (5) A person is not guilty of an offense under Subsection (2) {~~or (3)~~} , if the

person:

5. Page 3, Lines 52 through 55:

52 that the minor is 18 years of age or older before the person performs the body piercing ~~{or~~  
53 ~~tattooing}~~ .

54 ~~{(5)}~~ (6) (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}~~ where a violation of Subsection (2) or (3)

6. Page 3, Lines 57 through 60:

57 ~~{(6)}~~ (7) (a) A person upon whom ~~{an actor}~~ a person performs a tattoo in violation  
of Subsection (3)

58 has a civil cause of action ~~{under Subsection (6)(b)}~~ against the ~~{actor}~~ person performing the  
tattoo and against the owner or

59 operator of the business ~~{in which}~~ where the tattoo was performed ~~{violation of~~  
Subsection (3)} - ~~{is committed}~~ .

60 (b) The person on whom the tattoo is performed in violation of ~~{under}~~ Subsection  
~~{(6)(a)}~~ (3) may bring the civil cause of action within three

7. Page 3, Lines 65 through 66:

65 Subsection ~~{(5)}~~ (6) (b).

66 (d) The civil cause of action under this Subsection ~~{(6)}~~ ~~{(a)}~~ (7) may not be waived  
or in any