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**By: Delegate Kelly**

Requested: September 30, 1996

Introduced and read first time: January 8, 1997

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Tattooing - Minors - Prohibitions**

3 FOR the purpose of prohibiting the making of a tattoo on a minor except under certain  
4 circumstances; providing certain defenses; specifying a penalty; defining a certain  
5 term; and generally relating to the tattooing of minors.

6 BY adding to

7 Article 27 - Crimes and Punishments  
8 Section 405B to be under the new subheading "Minors - Tattoos"  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 27 - Crimes and Punishments**

14 **MINORS - TATTOOS**

15 405B.

16 (A) IN THIS SECTION, "TATTOO" MEANS A DESIGN OR MARK MADE ON THE  
17 SKIN BY:

18 (1) PIERCING THE SKIN AND INGRAINING IN IT AN INDELIBLE PIGMENT;  
19 OR

20 (2) RAISING SCARS ON THE SKIN.

21 (B) A PERSON MAY NOT MAKE A TATTOO ON A MINOR UNLESS A PARENT OR  
22 GUARDIAN OF THE MINOR CONSENTS TO THE TATTOO.

23 (C) (1) IN THE PROSECUTION FOR A VIOLATION OF THIS SECTION, IT SHALL  
24 BE A DEFENSE THAT THE DEFENDANT USED DUE CAUTION TO DETERMINE THAT:

25 (I) THE TATTOO RECIPIENT WAS AT LEAST 18 YEARS OLD AT THE  
26 TIME OF THE TATTOO; OR

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1 (II) A PARENT OR GUARDIAN CONSENTED TO THE TATTOO.

2 (2) THERE IS A PRESUMPTION OF DUE CAUTION IF:

3 (I) THE DEFENDANT EXAMINED THE TATTOO RECIPIENT'S  
4 DRIVER'S LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN EMPLOYER, A  
5 GOVERNMENTAL ENTITY, OR INSTITUTION OF HIGHER EDUCATION; AND

6 (II) THE IDENTIFICATION POSITIVELY IDENTIFIED THE TATTOO  
7 RECIPIENT AS AT LEAST 18 YEARS OLD.

8 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
9 AND SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$5,000.

10 (E) FOR PURPOSES OF THIS SECTION, EACH SEPARATE AND DISTINCT  
11 INCIDENT AT A DIFFERENT TIME AND OCCASION IS A SEPARATE VIOLATION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 1997.