
By: Senator Craig

Requested: October 23, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

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 under certain
4 circumstances; providing a certain defense; 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) PRICKING 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 IS PRESENT DURING AND 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 THE TATTOO RECIPIENT WAS AT LEAST 18 YEARS OLD AT THE TIME OF THE TATTOO.

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

2

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

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

6 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
7 AND SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$300.

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

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