

HOUSE BILL 45

E1

9lr0894

(PRE-FILED)

By: **Delegate Kullen**

Requested: October 30, 2008

Introduced and read first time: January 14, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Crimes~~ **Tattooing, Branding, and Body Piercing - Parental Consent**

3 FOR the purpose of prohibiting the tattooing, branding, or body piercing of a minor
4 without the prior written informed consent of the minor's parent or legal
5 guardian; requiring the consent of a parent or legal guardian to be executed in a
6 certain manner; providing that an individual who violates this Act is ~~guilty of a~~
7 ~~misdemeanor and is~~ subject to certain ~~fin~~ civil penalties under certain
8 circumstances; providing for the construction of certain provisions of this Act;
9 and generally relating to the tattooing, branding, or body piercing of a minor.

10 BY adding to

11 Article - Criminal Law

12 Section 10-112.1

13 Annotated Code of Maryland

14 (2002 Volume and 2008 Supplement)

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

17 **Article - Criminal Law**

18 **10-112.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “BRAND” MEANS TO MAKE A PERMANENT MARK ON HUMAN
4 SKIN OR TISSUE BY BURNING WITH A HOT IRON OR OTHER INSTRUMENT.

5 (3) “PERFORM BODY PIERCING” MEANS TO PERFORATE THE
6 SKIN, MUCOUS MEMBRANE, OR HUMAN TISSUE, OTHER THAN THE EAR OF AN
7 INDIVIDUAL FOR THE PURPOSE OF INSERTING JEWELRY OR OTHER FORMS OF
8 BODY ADORNMENT.

9 (4) “TATTOO” MEANS TO MAKE AN INDELIBLE MARK OR DESIGN
10 ON THE SKIN OF AN INDIVIDUAL:

11 (I) BY THE INSERTION OF A PIGMENT UNDER THE SKIN; OR

12 (II) BY THE PRODUCTION OF SCARS OTHER THAN BY
13 BRANDING.

14 (B) (1) AN INDIVIDUAL MAY NOT TATTOO, BRAND, OR PERFORM BODY
15 PIERCING ON A MINOR UNLESS THE INDIVIDUAL OBTAINS, IN ACCORDANCE
16 WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PRIOR WRITTEN INFORMED
17 CONSENT OF THE MINOR’S PARENT OR LEGAL GUARDIAN.

18 (2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, THE
19 WRITTEN INFORMED CONSENT SHALL BE EXECUTED BY THE MINOR’S PARENT
20 OR LEGAL GUARDIAN IN THE PRESENCE OF:

21 (I) THE INDIVIDUAL INTENDING TO TATTOO, BRAND, OR
22 PERFORM BODY PIERCING ON THE MINOR; OR

23 (II) AN EMPLOYEE OR AGENT OF THAT INDIVIDUAL.

24 (C) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS ~~GUilty OF A~~
25 ~~MISDEMEANOR AND ON CONVICTION IS~~ SUBJECT TO A FINE CIVIL PENALTY NOT
26 EXCEEDING:

27 (1) FOR A FIRST VIOLATION, \$300;

28 (2) FOR A SECOND VIOLATION WITHIN 2 YEARS AFTER THE FIRST
29 VIOLATION, \$1,000; AND

30 (3) FOR A THIRD OR SUBSEQUENT VIOLATION, \$3,000.

1 (D) FOR PURPOSES OF SUBSECTION (C) OF THIS SECTION, EACH
2 SEPARATE INCIDENT AT A DIFFERENT TIME AND OCCASION IS A VIOLATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.