

# SENATE BILL 1016

E1  
HB 45/09 – JUD

0lr3392  
CF HB 262

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By: **Senator Robey**  
Introduced and read first time: February 24, 2010  
Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **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 subject to  
7 certain civil penalties under certain circumstances; providing for the  
8 construction of certain provisions of this Act; and generally relating to the  
9 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 2009 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.**

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

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

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

8                   **(II) BY THE PRODUCTION OF SCARS OTHER THAN BY**  
9 **BRANDING.**

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

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

17                   **(I) THE INDIVIDUAL INTENDING TO TATTOO, BRAND, OR**  
18 **PERFORM BODY PIERCING ON THE MINOR; OR**

19                   **(II) AN EMPLOYEE OR AGENT OF THAT INDIVIDUAL.**

20           **(C) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS SUBJECT TO A**  
21 **CIVIL PENALTY NOT EXCEEDING:**

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

23                   **(2) FOR A SECOND VIOLATION WITHIN 2 YEARS AFTER THE FIRST**  
24 **VIOLATION, \$1,000; AND**

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

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

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2010.