

HOUSE BILL 328

J1

2lr2014

By: **Delegate Malone**

Introduced and read first time: January 30, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Tattoo Facilities – Protection of Minors**

3 FOR the purpose of prohibiting an owner, employee, or operator of a tattoo facility
4 from allowing a minor to receive a tattoo unless a certain individual provides
5 written consent in a certain manner; requiring an owner, employee, or operator
6 of a tattoo facility to require certain documentation before allowing an
7 individual to receive a tattoo; authorizing the Secretary of Health and Mental
8 Hygiene to impose certain penalties and adopt certain regulations; providing for
9 the construction of this Act; defining certain terms; and generally relating to
10 tattoo facilities.

11 BY adding to

12 Article – Health – General

13 Section 20–106.1

14 Annotated Code of Maryland

15 (2009 Replacement Volume and 2011 Supplement)

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

18 **Article – Health – General**

19 **20–106.1.**

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

22 (2) “TATTOO” MEANS AN INDELIBLE MARK MADE ON THE BODY
23 OF AN INDIVIDUAL BY THE INSERTION OF A PIGMENT IN OR UNDER THE SKIN.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "TATTOO FACILITY" MEANS ANY PLACE WHERE AN**
2 **INDIVIDUAL RECEIVES A TATTOO.**

3 **(B) AN OWNER, EMPLOYEE, OR OPERATOR OF A TATTOO FACILITY MAY**
4 **NOT ALLOW A MINOR TO RECEIVE A TATTOO UNLESS THE MINOR'S PARENT OR**
5 **LEGAL GUARDIAN PROVIDES WRITTEN CONSENT ON THE PREMISES OF THE**
6 **TATTOO FACILITY AND IN THE PRESENCE OF AN OWNER, EMPLOYEE, OR**
7 **OPERATOR OF THE TATTOO FACILITY.**

8 **(C) THE OWNER, EMPLOYEE, OR OPERATOR OF A TATTOO FACILITY**
9 **SHALL REQUIRE AN INDIVIDUAL TO PROVIDE APPROPRIATE DOCUMENTATION**
10 **TO VERIFY THE AGE OF AN INDIVIDUAL BEFORE ALLOWING THE INDIVIDUAL TO**
11 **RECEIVE A TATTOO.**

12 **(D) (1) THE SECRETARY MAY IMPOSE ON A PERSON WHO VIOLATES**
13 **THIS SECTION:**

14 **(I) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT TO**
15 **EXCEED \$250;**

16 **(II) FOR A SECOND VIOLATION, A CIVIL PENALTY NOT TO**
17 **EXCEED \$500; AND**

18 **(III) FOR EACH SUBSEQUENT VIOLATION, A CIVIL PENALTY**
19 **NOT TO EXCEED \$1,000.**

20 **(2) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT**
21 **THIS SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
23 construed to preempt a county or municipal government from enacting and enforcing
24 more stringent measures to regulate the receipt of tattoos by minors.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.