



April 6, 1999

**ENGROSSED
SENATE BILL No. 38**

DIGEST OF SB 38 (Updated March 30, 1999 5:25 pm - DI 77)

Citations Affected: IC 16-19; IC 35-42.

Synopsis: Body piercing. Requires the executive board of the state department of health to adopt rules to regulate the sanitary operation of body piercing facilities. Makes it a Class A misdemeanor to perform body piercing on a minor unless the minor's parent or legal guardian is present and provides written permission. Exempts earlobe piercing. Exempts an act of a licensed health care professional when the act is performed in the course of the professional's practice. Allows a local governmental unit to adopt an ordinance that is at least as restrictive as the body piercing and tattooing law.

Effective: July 1, 1999.

Kenley

(HOUSE SPONSORS — BROWN C, BECKER)

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 21, 1999, amended, reported favorably — Do Pass.

January 25, 1999, read second time, amended, ordered engrossed.

January 26, 1999, engrossed. Read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Public Health.

April 5, 1999, amended, reported — Do Pass.

ES 38—LS 6425/DI 101+



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April 6, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 38

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-19-3-4.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 4.2. The executive board shall adopt reasonable rules
4 to regulate the sanitary operation of body piercing facilities.**
5 SECTION 2. IC 35-42-2-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) As used in this
7 section, "tattoo" means:
8 (1) any indelible design, letter, scroll, figure, symbol, or other
9 mark placed with the aid of needles or other instruments; or
10 (2) any design, letter, scroll, figure, or symbol done by scarring;
11 upon or under the skin.
12 (b) **As used in this section, "body piercing" means the**
13 **perforation of any human body part other than an earlobe for the**
14 **purpose of inserting jewelry or other decoration or for some other**
15 **nonmedical purpose.**
16 (c) Except as provided in subsection (c) (e), a person who
17 provides a tattoo to a person who is less than eighteen (18) years of age

ES 38—LS 6425/DI 101+



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commits tattooing a minor, a Class A misdemeanor.

(d) This subsection does not apply to an act of a health care professional (as defined in IC 16-27-2-1) licensed under IC 25 when the act is performed in the course of the health care professional's practice. Except as provided in subsection (e), a person who performs body piercing upon a person who is less than eighteen (18) years of age commits body piercing a minor, a Class A misdemeanor.

~~(e)~~ **(e)** A person may provide a tattoo to a person who is less than eighteen (18) years of age **or perform body piercing upon a person who is less than eighteen (18) years of age** if a parent or legal guardian of the person receiving the tattoo **or undergoing the body piercing:**

- (1) is present at the time the tattoo is provided **or the body piercing is performed;** and
- (2) provides written permission for the person to receive the tattoo **or undergo the body piercing.**

(f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under IC 16-19-2-4.1 or IC 16-19-2-4.2.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 38, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "ear" and insert "**earlobe**".

and when so amended that said bill do pass.

(Reference is to SB 38 as introduced.)

MEEKS R, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 38 be amended to read as follows:

Page 2, line 2, delete "licensed".

Page 2, line 3, delete "practitioner of the healing arts" and insert "**health care professional (as defined in IC 16-27-2-1) licensed under IC 25**".

Page 2, line 4, delete "practioner's" and insert "**health care professional's**".

(Reference is to SB 38 as printed January 22, 1999.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 38, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 17, begin a new paragraph and insert:

"(f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under IC 16-19-2-4.1 or IC 16-19-2-4.2."

and when so amended that said bill do pass.

(Reference is to SB 38 as reprinted January 26, 1999.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

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