

## SENATE BILL No. 38

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-19-3-4.2; IC 35-42-2-7.

**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 ear piercing. Exempts an act of a licensed practitioner of the healing arts when the act is performed in the course of the practitioner's practice.

**Effective:** July 1, 1999.

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**Kenley**

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

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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.

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## 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 ear 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



1 commits tattooing a minor, a Class A misdemeanor.

2 **(d) This subsection does not apply to an act of a licensed**  
3 **practitioner of the healing arts when the act is performed in the**  
4 **course of the practitioner's practice. Except as provided in**  
5 **subsection (e), a person who performs body piercing upon a person**  
6 **who is less than eighteen (18) years of age commits body piercing**  
7 **a minor, a Class A misdemeanor.**

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

13 (1) is present at the time the tattoo is provided **or the body**  
14 **piercing is performed;** and

15 (2) provides written permission for the person to receive the tattoo  
16 **or undergo the body piercing.**

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