

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 177

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MINORS; AMENDING SECTION 18-1523, IDAHO CODE, TO PROHIBIT THE
USE OF TANNING DEVICES ON MINORS EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1523, Idaho Code, be, and the same is hereby
amended to read as follows:

18-1523. MINORS -- TATTOOING, BRANDING, TANNING DEVICES AND BODY
PIERCING OF MINORS. (1) As used in this section:

(a) "Body piercing" means the perforation of any human body part other
than an earlobe for the purpose of inserting jewelry or other decoration
or for some other nonmedical purpose.

(b) "Branding" means a permanent mark made on human tissue by burning
with a hot iron or other instrument for the purpose of decoration or for
some other nonmedical purpose.

(c) "Minor" means a person under the age of eighteen (18) years but does
not include a person who is an emancipated minor.

(d) "Physician" means any person who holds a license to practice
medicine and surgery, osteopathic medicine and surgery or osteopathic
medicine as defined by section 54-1803, Idaho Code.

(e) "Tanning device" means equipment that emits electromagnetic radia-
tion with wavelengths in the air between two hundred (200) and four hun-
dred (400) nanometers used for tanning of the skin including, but not
limited to, sunlamps, tanning booths or tanning beds, but not includ-
ing:

(i) Devices for personal use in a private residence;

(ii) Phototherapy devices providing therapeutic benefits to pa-
tients receiving medically supervised treatment prescribed by and
under the direct supervision of a physician; or

(iii) Devices used to apply chemicals to the skin to create an ar-
tificial tan, commonly referred to as spray, spray-on, mist-on or
sunless tans.

(f) "Tattoo" means one (1) or more of the following but does not include
any mark or design done for a medical purpose:

(i) An indelible mark made on the body of another person by the
insertion of a pigment under the skin; or

(ii) An indelible design made on the body of another person by pro-
duction of scars other than by branding.

(2) No person shall knowingly tattoo, brand, facilitate use of a tan-
ning device or perform body piercing on any minor under the age of fourteen
(14) years.

(3) No person shall knowingly tattoo, brand, facilitate use of a tan-
ning device or perform body piercing on a minor between the ages of fourteen

1 (14) and eighteen (18) years unless such person obtains the prior written in-
2 formed consent of the minor's parent or legal guardian. The minor's parent
3 or legal guardian shall execute the written informed consent required pur-
4 suant to this subsection in the presence of the person performing the tattoo-
5 ing, branding or body piercing or facilitating the use of a tanning device on
6 the minor, or in the presence of an employee or agent of such person.

7 (4) Notwithstanding the foregoing, it shall not be a violation of this
8 section for a physician to use radiation devices approved by the federal food
9 and drug administration for in-office treatment of a minor's medical condi-
10 tion or to facilitate a minor's use of a tanning device where such use is au-
11 thorized by a physician's prescription.

12 (5) A person who violates this section is guilty of a misdemeanor and
13 shall be fined not more than five hundred dollars (\$500). If there is a sub-
14 sequent violation of this section within one (1) year of the initial viola-
15 tion, such person shall be fined not less than five hundred dollars (\$500)
16 and not more than one thousand dollars (\$1,000).