

HOUSE BILL 2198

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 39, Chapter 15, Part 4 and Title 62, Chapter  
38, relative to tattooing of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-403, is amended by deleting from subsection (b) the language "Class A misdemeanor" and substituting instead the language "Class E felony" and by adding the following as a new subsection:

(c) A person who knowingly falsifies documents for the purpose of obtaining tattooing services for a minor commits a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 62-38-206, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b) It is the duty of the owner or operator of a tattoo establishment to post a copy of the statutes contained in this part in a conspicuous place where it may be readily observed by the public.

SECTION 3. Tennessee Code Annotated, Section 62-38-207, is amended by deleting subsection (a) and substituting the following:

(a)

(1) A record showing the date of a client's visit, the client's name, with the client's signature, address and date of birth, design of the tattoo, its location on the client's body and the name of the tattoo artist who performed the service shall be maintained by tattoo studios for two (2) years.

(2) If tattooing services are provided to a minor pursuant to § 62-38-211, the tattoo artist performing such services shall obtain a signed acknowledgement from the

minor's parent or guardian that such parent or guardian has reviewed the statutes contained in this part, and the tattoo studio where such services are performed shall send a copy of both the signed acknowledgement and the record made pursuant to subdivision (a)(1) to the department. The department shall maintain any copy of a record and accompanying signed acknowledgement that it receives pursuant to this subdivision (a)(2) until two (2) years following the eighteenth birthday of the minor who is the subject of the record.

SECTION 4. Tennessee Code Annotated, Section 62-38-208, is amended by adding the following as a new subsection:

(c) The department is encouraged to utilize its existing resources to collaborate with local law enforcement to identify and assess administrative penalties against persons who violate this part.

SECTION 5. Tennessee Code Annotated, Section 62-38-211, is amended by deleting all of the existing language in the section and substituting instead the following:

(a) Except as provided in subsection (c), it is a Class E felony to tattoo a person under eighteen (18) years of age.

(b)

(1) Any parent, legal guardian, teacher or medical provider for a minor under eighteen (18) years of age who discovers that such minor has been tattooed shall report such discovery to the department within three (3) weekdays of making such discovery. Any report that is made pursuant to this subdivision (b)(1) shall be accompanied by the following information, to the extent that such information is known to the person making the report:

(A) The name, mailing address, telephone number, and email address of the minor's parent or legal guardian; and

(B) The name, mailing address, telephone number, and email address of the person who tattooed the minor.

(2) Within fourteen (14) days of receiving a report that is made pursuant to subdivision (b)(1), which report includes the name and mailing address of the parent or legal guardian of the minor who is the subject of the report, the department shall provide to the minor's parent or legal guardian, by first class United States mail, a written acknowledgement of receipt of the report.

(3) The department shall establish by rule a process whereby the reports that are required by this subsection (b) may be made by telephone. The department is authorized to establish by rule processes whereby the reports that are required by this subsection (b) may be made in person or by mail, email or other means of communication.

(c)

(1) With the written consent of the parent or legal guardian, a minor sixteen (16) years of age or older may be tattooed to cover up an existing tattoo. A parent or legal guardian must present proof of guardianship or custody of the minor, an acknowledgement of receipt of a report provided pursuant to subdivision (b)(2), and must be present during the procedure.

(2) For purposes of subdivision (c)(1), "proof of guardianship or custody" includes a copy of an order of guardianship, a decree for custody, a birth certificate or any other form of proof of guardianship or custody that is permitted by rule of the department of health.

(d) Any person under eighteen (18) years of age who knowingly makes a false statement or exhibits false identification to the effect that the person is eighteen (18) years of age or older to any person providing tattoo services licensed or permitted under

this part for the purpose of purchasing or obtaining the same commits an offense and the person shall be punished by a fine of not less than fifty (\$50.00) nor more than two hundred fifty dollars (\$250) and not less than twenty (20) hours of community service work, which fine or penalty shall not be suspended or waived.

SECTION 6. This act shall take effect on July 1, 2012, the public welfare requiring it.