

2013 -- S 0973 SUBSTITUTE A AS AMENDED

LC02616/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Senators P Fogarty, Nesselbush, Lynch, Goodwin, and Gallo

Date Introduced: May 30, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 11-9-15 of the General Laws in Chapter 11-9 entitled "Children" is hereby amended to read as follows:

11-9-15. Tattooing of minors. – (a) Every person who shall tattoo any minor under the age of eighteen (18), except in accordance with subsection (b) for medical purposes, shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not exceeding one year or be fined not exceeding three hundred dollars (\$300). For the purposes of this section, "tattooing" means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments. Nothing in this section shall be construed as prohibiting the removal of tattoo markings from the body of any person of whatsoever age.

(b) Every person who shall tattoo the body of a minor under the age of eighteen (18), for medical purposes, the following shall apply:

(1) The minor child shall be accompanied by his or her parent or legal guardian;

(2) The minor child and his or her parent or legal guardian shall each submit proof of his or her identity by producing a government-issued photo identification;

(3) The parent or legal guardian shall submit his or her written notarized consent in the format prescribed by the department;

(4) The parent or legal guardian shall submit proof that he or she is the parent or legal guardian of the minor child;

(5) The parent or legal guardian shall submit notarized consent by a physician licensed in

1 accordance with chapter 5-37, authorizing the tattooing of a minor child for medical purposes;
2 (6) The tattooing is performed by a tattoo artist licensed in accordance with section 23-1-
3 39; and
4 (7) The tattoo artist shall maintain all necessary records in a manner specified by the
5 department.
6 (c) Every person who tattoos the body of a minor child younger than eighteen (18) years
7 of age may not violate the provisions of this section, if:
8 (1) The person carefully inspects what appears to be a government-issued photo
9 identification that represents that the minor child is eighteen (18) years of age or older.
10 (2) The minor child falsely represents himself or herself as being eighteen (18) years of
11 age or older and presents a fraudulent identification.
12 (3) The person demonstrates clear and convincing standards in reviewing the authenticity
13 of the documents, notarized consent and identification submitted in accordance with subsection
14 (b).
15 (d) Any person who violates the provisions of this chapter shall, upon a first conviction,
16 be deemed guilty of a violation and fined not more than three hundred dollars (\$300), and upon a
17 second or subsequent conviction, shall be deemed guilty of a petty misdemeanor and fined not
18 more than five hundred dollars (\$500).
19 (e) The director of the department of health shall have the following powers and duties:
20 (1) To promulgate regulations relative to administering this section; and
21 (2) To create all necessary applications and certificates necessary to implement the
22 provisions of this section.
23 (f) If any provision of this chapter or its application to any person or circumstances is
24 held invalid, the invalidity shall not affect other provisions or applications of the chapter which
25 can be given effect without the invalid provision or application, and to this end the provisions of
26 this chapter are declared to be severable.
27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that every person who tattoos any minor under the age of eighteen
2 (18) for medical purposes has to comply with certain criteria before doing so. If any of the
3 provisions set forth for tattooing the body of a minor under the age of eighteen (18) are violated,
4 penalties and fines shall be imposed.

5 This act shall take effect upon passage.

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