

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/11/09

A Bill

SENATE BILL 825

5 By: Senator J. Key
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For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PENALTY FOR PERFORMING BODY
10 ART ON A MINOR IN AN UNLICENSED FACILITY; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 AN ACT TO ENHANCE THE PENALTY FOR
15 PERFORMING BODY ART ON A MINOR IN AN
16 UNLICENSED FACILITY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 20-27-1502 is amended to read as follows:

22 20-27-1502. Unlawful to perform body art on a person under eighteen
23 (18) years of age.

24 (a) A person under eighteen (18) years of age shall not undergo body
25 art unless:

26 (1) Written consent is given by the person's parent or legal
27 guardian; and

28 (2)(A) The parent or legal guardian is present during the
29 procedure.

30 (B) When providing written consent, the parent or legal
31 guardian shall produce photo-bearing identification and attest in writing
32 that the individual is the person's parent or legal guardian.

33 (b) Regardless of age, the person receiving the body art shall attest
34 to the fact that he or she is not under the influence of drugs or alcohol.

35 (c) Printed instructions on the care of the skin and the body art
36 shall be given to each person after the procedure, and a copy of the



1 instructions shall be posted in a conspicuous place in the body art
2 establishment.

3 (d)(1) In addition to the attestations required in subsections (a) and
4 (b) of this section, records shall be kept of the names of all persons
5 receiving body art and of the parents or guardians giving consent ~~pursuant to~~
6 under the rules promulgated by the State Board of Health to implement this
7 subchapter.

8 (2) All required signatures shall be in ink, and required
9 records shall be available at a reasonable time for examination by the
10 ~~Department of Health and Human Services~~ the Department of Health and by local
11 health officials.

12 (e)(1) Except as provided in subsection (a) of this section, it is
13 unlawful to perform body art on a person under eighteen (18) years of age,
14 and any person ~~violating this prohibition shall be~~ who pleads guilty or nolo
15 contendere to or is found guilty of a violation of this subdivision is guilty
16 of a Class C misdemeanor.

17 (2) Any person who falsely claims to be the minor's parent or
18 legal guardian for the purpose of obtaining body art for a person under
19 eighteen (18) years of age shall be guilty of a Class A misdemeanor.

20 (3) It is not a defense to a criminal prosecution under this
21 section that at the time of the offense, the person who received the body art
22 possessed a letter of consent from the person's parent or legal guardian if
23 the letter was forged or if a person falsely assumed the identity of the
24 minor's parent or legal guardian.

25 (f)(1) It is unlawful to perform body art on any person under eighteen
26 (18) years of age in any unlicensed facility.

27 (2) A person who pleads guilty or nolo contendere to or is found
28 guilty of a violation of subdivision (f)(1) of this section is guilty of a
29 Class D felony.

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/s/ J. Key