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HOUSE BILL NO. 1108

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 10, 2000)

(Patrons Prior to Substitute—Delegates Joannou, Pollard, Howell, Morgan and Williams)

A *BILL to amend and reenact §§ 15.2-912 and 18.2-371.3 of the Code of Virginia, relating to body-piercing; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-912 and 18.2-371.3 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-912. Regulation of tattoo parlors and body-piercing salons; definition; exception.

A. Any locality may by ordinance regulate the sanitary condition of the personnel, equipment and premises of tattoo parlors *and body-piercing salons*.

B. *For the purposes of this section:*

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

A ~~"tattoo~~ "Tattoo parlor;" as used in this section, is means any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

C. This section shall not apply to medical doctors, veterinarians, registered nurses or any other medical services personnel licensed pursuant to Title 54.1 in performance of their professional duties.

§ 18.2-371.3. Tattooing or body piercing of minors.

No person shall tattoo *or perform body piercing on* a person less than eighteen years of age, knowing or having reason to believe such person is less than eighteen years of age except (i) in the presence of the person's parent or guardian, or (ii) when done by or under the supervision of a medical doctor, registered nurse or other medical services personnel licensed pursuant to Title 54.1 in the performance of their duties. A person who violates this section is guilty of a Class 3 misdemeanor. *Any second or subsequent violation of this section shall be punished as a Class 1 misdemeanor.*

For the purposes of this section ~~"tattoo"~~:

"Body-piercing" means the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Tattoo" means to place any design, letter, scroll, figure, symbol or any other mark upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.