



OLR RESEARCH REPORT

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BODY PIERCING AND TATTOOING OF MINORS

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You asked which states (1) prohibit body piercing or tattooing of minors and (2) require parental consent or physical presence of parents during such procedures.

SUMMARY

According to the National Conference of States Legislatures (NCSL), many states have laws that regulate body piercing or tattooing of minors. At least 45 states have laws restricting minors from getting tattoos, while at least 38 states have laws restricting both body piercing and tattooing of minors. Seventeen states prohibit tattooing of minors regardless of parental consent, while three states do so for body piercing.

These laws can be classified in the following ways:

1. outright prohibition regardless of consent
2. parental consent required
3. written parental consent required
4. written and notarized parental consent required
5. physical presence of parent required while giving consent or during procedure

6. combination of outright prohibition and parental consent requirement (e.g., outright prohibition for minors under age 14 regardless of consent, written parental consent required for ages 14-18)

STATE TATTOOING AND BODY PIERCING LAWS

Table 1 lists those states with laws that (1) prohibit body piercing or tattooing of minors regardless of parental consent, (2) require consent, or (3) require the physical presence of a parent for such procedure.

Table 1: Body Piercing and Tattooing of Minors: Prohibition, Consent, and Physical Presence Requirements by State

<i>Type of Procedure</i>	<i>Outright Prohibition</i>	<i>Consent Required</i>	<i>Parental Presence Required</i>
Tattooing	AK, CA, GA*, IA ^[1] , ID ^[2] , IL*, ME, MS, NH, NY, NC, OK, RI, SC ^[3] , TN ^{[4]†} , WA, WI* (17)	AL, AZ, AR, CO, CT, DE, FL, HI, IN, KS, KY, LA, MI, MN, MO, MT, NE, NJ, ND, OH, PA, SD, TX [†] , UT, VT, VA, WV, WY (28)	AZ, AR, IN, KS, LA, NE, ND, OH, PA, RI, VA, WY (12)
Body Piercing	ID ^[5] , MS, SC (3)	AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MI, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, TN, TX, UT, VA, WY, (35)	AZ, AR, IN, KS, LA, NE, NH, ND, OH, OK, PA, RI, TN, TX, VA, WY (16)

Source: NCSL, *State Laws on Tattooing and Body Piercing* (updated December 2012).

* The prohibition does not apply when the tattooing is performed by a physician or licensed technician under a physician's supervision.

† Tattooing is allowed only for covering up an existing tattoo.

^[1]Prohibition applies only to unmarried minors.

^[2] Prohibition for those under 14, consent required for ages 14-18.

^[3] Prohibition for those under 18, consent required for ages 18-21.

^[4] Prohibition for those under 16, consent required for ages 16-18.

^[5] Prohibition for those under 14, consent required for ages 14-18.

Other Requirements

A few states explicitly exempt ear piercings from the prohibition and parental consent requirements (e.g., California, Idaho, North Carolina, and Virginia), while many others implicitly exempt piercings of the lower ear lobe through a definitional exclusion, often in a separate statutory provision (e.g., Connecticut, Maine). Additionally, the following states require the individual who performs a tattoo or body piercing procedure to keep a record of the written parental consent for a certain number of years:

1. Alaska (3 years)
2. Hawaii (2 years)
3. Kansas (5 years)
4. Nebraska (5 years)
5. New Hampshire (7 years)
6. New York (1 year)

Northeastern State Laws

Table 2 summarizes the tattoo and body piercing laws concerning minors in the six New England states, New York, and New Jersey. The table separates the "tattooing" and "body piercing" columns where separate statutory provisions cover each procedure. For a full compilation of all state laws on this issue, please visit [NSCL's website](#).

Table 2: Body Piercing and Tattooing of Minors in Northeastern States

States	Tattooing	Body Piercing
Connecticut	Illegal to tattoo an unemancipated minor under age 18 without the permission of the minor's parent or guardian (C.G.S. § 19a-92a)	Requires written consent of the minor's parent in order to perform body piercing on an unemancipated minor under age 18. Ear lobes are exempt from consent requirement (C.G.S. § 19a-92g).
	Penalties: Violators can be fined up to \$100, imprisoned for up to 90 days, or both	Penalties: Body piercing regulations are enforced by local health authorities
Maine	Illegal to tattoo anyone under age 18 (Me. Rev. Stat. tit. 32, § 4203)	Requires prior written consent of a minor's parent or legal guardian to perform body piercing on anyone under age 18 (Me. Rev. Stat. tit. 32, § 4323)
	Penalties: Fine (\$50-\$500) or imprisonment (up to 6 months)	Penalty: Civil forfeiture (\$50-\$500) for each violation
Massachusetts	No laws	No laws
New Hampshire	Prohibits branding and tattooing a person under age 18 (N.H. Rev. Stat. § 314-A:8)	Prohibits performing a body piercing on a person under age 18 without consent of that person's parent or legal guardian. Requires the consenting individual to (1) be physically present at the time of piercing, (2) provide evidence of status as parent or legal guardian, and (3) sign a document that provides informed consent and indicates location of piercing on minor's body. Ear lobe piercings exempt from consent requirement. Requires person performing piercing to maintain consent records for at least 7 years (N.H. Rev. Stat. § 314-A:8).
	Penalties: Any or all of the following: (1) license revocation or suspension, (2) administrative fine up to \$2,000, or (3) guilty of criminal violation for first offense and misdemeanor for any subsequent offense	
New Jersey	Requires prior written permission of a minor's parent or legal guardian to tattoo or perform body piercing on anyone under age 18 (N.J. Stat. § 2C:40-21).	
	Penalties: Violators who knowingly tattoo or perform body piercing on a minor are guilty of a disorderly persons offense.	
New York	Unlawful to tattoo the body of a minor (N.Y. Penal Law § 260.21)	Prohibits body piercing on a person under 18 unless a parent or legal guardian provides written consent in the presence of the owner of the body piercing studio or a body piercing specialist. Ear piercing is exempt. Original written consent must be retained for 1 year (N.Y. Pub. Health Law § 460-a).
	Penalties: A violator is guilty of unlawfully dealing with a child in the second degree, a class B misdemeanor.	Penalties: License revocation or suspension, fines and penalties established by regulation (currently being developed)
Rhode Island	Prohibits tattooing any minor under age 18 (R.I. Gen. Laws § 11-9-15)	Prohibits body piercing of a minor (ear piercing excluded) who is not accompanied by his or her consenting parent or guardian (R.I. Gen. Laws § 23-1-39)
	Penalties: Violators are guilty of a misdemeanor and, upon conviction, are imprisoned a maximum of one year or fined a maximum of \$300.	Penalties: Compliance order, superior court injunction proceedings, revocation or suspension of registration, fine (up to \$100), imprisonment (up to 30 days)
Vermont	Prohibits anyone from tattooing a minor without the written consent of his or her parent or guardian (Vt. Stat. tit. 26, § 4102)	No laws

Table 2 (continued)

States	Tattooing	Body Piercing
	Penalties: Criminal (up to \$5,000 fine, up to one year in prison, or both) and civil (admin. fine up to \$1,000)	NA

Source: NCSL, *State Laws on Tattooing and Body Piercing* (updated December 2012).

HYPERLINKS

National Conference of State Legislatures, *State Laws on Tattooing and Body Piercing* (updated December 2012),
<http://www.ncsl.org/issues-research/health/tattooing-and-body-piercing.aspx>.

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