



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0029

Introduced 12/14/2004, by Rep. Jerry L. Mitchell

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-10
720 ILCS 5/12-10.1

from Ch. 38, par. 12-10

Amends the Criminal Code of 1961. Provides that it is unlawful for a person, other than a person licensed to practice medicine in all its branches, to tattoo or offer to tattoo a person under 18 (rather than 21) years of age. Provides that the penalty for unlawfully tattooing or piercing the body of a person under 18 years of age is a Class A misdemeanor (rather than a Class C misdemeanor). Provides that it is a Class A misdemeanor for an owner or employee of those businesses to permit a person under 18 years of age to enter or remain on the premises where tattooing or body piercing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian. Provides that the prohibitions do not apply to a person under 18 years of age who tattoos or offers to tattoo or who pierces the body or oral cavity of another person under 18 years of age away from the premises of any business at which tattooing, body piercing, or oral cavity piercing is performed.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Sections 12-10 and 12-10.1 as follows:

6 (720 ILCS 5/12-10) (from Ch. 38, par. 12-10)

7 Sec. 12-10. Tattooing Body of Minor.➤

8 (a) Any person, other than a person licensed to practice
9 medicine in all its branches, who tattoos or offers to tattoo a
10 person under the age of 18 ~~21~~ is guilty of a Class A ~~C~~
11 misdemeanor.

12 (b) Any person who is an owner or employed by a business
13 that performs tattooing, other than a person licensed to
14 practice medicine in all its branches, may not permit a person
15 under 18 years of age to enter or remain on the premises where
16 tattooing is being performed unless the person under 18 years
17 of age is accompanied by his or her parent or legal guardian. A
18 violation of this subsection (b) is a Class A misdemeanor.

19 (c) As used in this Section, to "tattoo" means to insert
20 pigment under the surface of the skin of a human being, by
21 pricking with a needle or otherwise, so as to produce an
22 indelible mark or figure visible through the skin.

23 (d) Subsection (a) of this Section does not apply to a
24 person under 18 years of age who tattoos or offers to tattoo
25 another person under 18 years of age away from the premises of
26 any business at which tattooing is performed.

27 (Source: P.A. 77-2638.)

28 (720 ILCS 5/12-10.1)

29 Sec. 12-10.1. Piercing the body of a minor.

30 (a) (1) Any person who pierces the body or oral cavity of a
31 person under 18 years of age without written consent of a

1 parent or legal guardian of that person commits the offense
2 of piercing the body of a minor. Before the oral cavity of
3 a person under 18 years of age may be pierced, the written
4 consent form signed by the parent or legal guardian must
5 contain a provision in substantially the following form:

6 "I understand that the oral piercing of the tongue,
7 lips, cheeks, or any other area of the oral cavity carries
8 serious risk of infection or damage to the mouth and teeth,
9 or both infection and damage to those areas, that could
10 result but is not limited to nerve damage, numbness, and
11 life threatening blood clots."

12 A person who pierces the oral cavity of a person under
13 18 years of age without obtaining a signed written consent
14 form from a parent or legal guardian of the person that
15 includes the provision describing the health risks of body
16 piercing, violates this Section.

17 (1.5) Any person who is an owner or employed by a
18 business that performs body piercing may not permit a
19 person under 18 years of age to enter or remain on the
20 premises where body piercing is being performed unless the
21 person under 18 years of age is accompanied by his or her
22 parent or legal guardian.

23 (2) Sentence. A violation of clause (a) (1) or (a) (1.5)
24 of this Section ~~Piercing the body of a minor~~ is a Class A ~~C~~
25 misdemeanor.

26 (b) Definition. As used in this Section, to "pierce" means
27 to make a hole in the body or oral cavity in order to insert or
28 allow the insertion of any ring, hoop, stud, or other object
29 for the purpose of ornamentation of the body. "Piercing" does
30 not include tongue splitting as defined in Section 12-10.2.

31 (c) Exceptions. This Section may not be construed in any
32 way to prohibit any injection, incision, acupuncture, or
33 similar medical or dental procedure performed by a licensed
34 health care professional or other person authorized to perform
35 that procedure or the presence on the premises where that
36 procedure is being performed by a health care professional or

1 other person authorized to perform that procedure of a person
2 under 18 years of age who is not accompanied by a parent or
3 legal guardian. This Section does not prohibit ear piercing.
4 This Section does not apply to a minor emancipated under the
5 Juvenile Court Act of 1987 or the Emancipation of ~~Mature~~ Minors
6 Act or by marriage. This Section does not apply to a person
7 under 18 years of age who pierces the body or oral cavity of
8 another person under 18 years of age away from the premises of
9 any business at which body piercing or oral cavity piercing is
10 performed.

11 (Source: P.A. 92-692, eff. 1-1-03; 93-449, eff. 1-1-04; revised
12 10-9-03.)