

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2352**

Introduced by

Senators Wanzek, J. Lee, Robinson, Wardner

Representatives Headland, Hunskor

1 A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota
2 Century Code, relating to limitations on tattooing, branding, subdermal implantation, scarifying,
3 and body piercing of minors; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Tattooing, branding, subdermal implants, scarifying, and body piercing - Minors.**

8 1. As used in this section:

9 a. "Brand" means the use of heat, cold, or any chemical compound to imprint
10 permanent markings on an individual's skin.

11 b. "Pierce" means the puncture of any part of an individual's body, except for
12 noncartilaginous perimeter or lobe of the ear, to insert studs, pins, rings,
13 chains, or other jewelry or adornment.

14 c. "Scarify" means to cut, tear, or abrade an individual's skin for the purpose of
15 creating permanent mark or design on the skin.

16 d. "Subdermal implant" means to insert a foreign object beneath the skin to
17 decorate an individual's body. The term does not include implantations for
18 medical purposes.

19 e. "Tattoo" means to mark the skin of an individual by insertion of permanent
20 colors through puncture of the skin.

21 2. It is a class B misdemeanor for a person to tattoo, brand, subdermal implant,
22 scarify, or pierce an individual who is under eighteen years of age unless the
23 tattooing, branding, subdermal implanting, scarifying, or piercing takes place in the

- 1 presence of and with the written consent of the individual's parent or legal
2 guardian.
- 3 3. It is a class B misdemeanor for a person to sell, trade, or otherwise provide
4 materials or kits for tattooing, self-tattooing, branding, self-branding, scarifying,
5 self-scarifying, subdermal implantation, self-subdermal implantation, body piercing,
6 or self-body piercing to an individual who is under eighteen years of age.
- 7 4. A political subdivision may enact and enforce an ordinance restricting tattooing,
8 branding, subdermal implantation, scarifying, and piercing or restricting the sale of
9 tattooing, branding, subdermal implantation, scarifying, and piercing materials and
10 kits if the ordinance is equal to or more stringent than this section.