

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2392

SPONSOR: Senator Campbell

SUBJECT: Tattooing

DATE: April 25, 2000

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wimsett</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

The bill amends s. 877.04, F.S., to prohibit the tattooing of any minor under the age of sixteen unless the minor is accompanied by a parent or legal guardian. It also requires a review to determine the need to regulate the tattoo industry. The recommendations of the review must be presented to the Legislature on or before February 1, 2001.

This bill amends the following section of the Florida Statutes: 877.04

## II. Present Situation:

A tattoo is defined by the American Heritage Dictionary, Third Edition, 1992, as “a permanent mark or design made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars.” Under present law, it is unlawful for any person to tattoo the body of any human being except that tattooing may be performed by a person licensed to practice medicine or dentistry under chs. 458, 459, or 466, or by a person under such a practitioner’s general supervision as defined by the Board of Medicine.<sup>1</sup> Section 877.04, F.S., further provides that a minor may not be tattooed without the written notarized consent of the parent or legal guardian. A person who violates this section is guilty of a second degree misdemeanor. Tattooing is not otherwise regulated by Florida law.

Section 11.62, F.S., (“Sunrise Act”) states the intent of the Legislature that “no profession or occupation be subject to regulation by the state unless the regulation is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage and that the police power of the state be exercised only to the extent necessary for that purpose.”

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<sup>1</sup> Rule 64B8-2.002, F.A.C., provides that the term “general supervision,” as applied to tattooing under the provisions of s. 877.04, F.S., “shall not require the physical presence of the supervisor when procedures are performed,” but shall require the physician, osteopathic physician, or dentist to inspect, semiannually, the techniques, procedures, and equipment utilized by the tattooist in the performance of tattooing.

**III. Effect of Proposed Changes:**

The bill provides that a minor under the age of sixteen may not be tattooed unless the minor is accompanied by a parent or legal guardian.

A sunrise review is also required to determine the need to regulate the tattoo industry. The recommendations of the review must be presented to the Legislature on or before February 1, 2001.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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