



State of Tennessee

PUBLIC CHAPTER NO. 90

SENATE BILL NO. 450

By Lowe, Bowling

Substituted for: House Bill No. 167

By Butler, Todd

AN ACT to amend Tennessee Code Annotated, Title 39; Title 62, Chapter 38, Part 2 and Title 62, Chapter 38, Part 3, relative to tattoo and body piercing paraphernalia.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 38, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Proof of age" means a driver license or other generally accepted means of identification as determined by the commissioner by rule that describes the individual as eighteen (18) years of age or older, contains a photograph or other likeness of the individual, and appears on its face to be valid; and

(2) "Tattoo paraphernalia" has the same meaning as defined in § 62-38-212(a).

(b) It is an offense to sell or distribute tattoo paraphernalia to a person under eighteen (18) years of age or to purchase tattoo paraphernalia on behalf of a person under eighteen (18) years of age.

(c) A person who is under eighteen (18) years of age shall not purchase or accept receipt of tattoo paraphernalia, or present or offer to a person purported proof of age that is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving tattoo paraphernalia.

(d) A violation of subsection (b) is a Class A misdemeanor.

(e) A violation of subsection (c) is a delinquent act, punishable only by a fine not to exceed fifty dollars (\$50.00).

(f) Each violation of subsection (b) or (c) is a separate offense.

(g) This section does not preclude law enforcement efforts involving the use of a person under eighteen (18) years of age if the person's parent or legal guardian has consented to this action.

(h) A person who is under eighteen (18) years of age and who is cooperating with law enforcement officers in an operation designed to test the compliance of other persons with this section is not subject to sanctions under subsection (e).

(i) A person engaged in the sale or distribution of tattoo paraphernalia shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under thirty (30) years of age. In the case of distribution by mail, the distributor of the tattoo paraphernalia shall obtain from the addressee as proof of age an affirmative statement that the person is eighteen (18) years of age or older, and shall inform the recipient that the

person is strictly prohibited from distributing tattoo paraphernalia to a person under eighteen (18) years of age.

SECTION 2. Tennessee Code Annotated, Section 62-38-301, is amended by adding the following as a new subdivision:

() "Body piercing paraphernalia" means equipment, needles, body ornaments, or other instruments used or intended for use in piercing a part of the body for nonmedical purposes;

SECTION 3. Tennessee Code Annotated, Title 62, Chapter 38, Part 3, is amended by adding the following as a new section:

(a) It is an offense to sell or distribute body piercing paraphernalia to a minor or to purchase body piercing paraphernalia on behalf of a minor.

(b) A minor shall not purchase or accept receipt of body piercing paraphernalia, or present or offer to a person any purported proof of age that is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving body piercing paraphernalia.

(c) A violation of subsection (a) is a Class A misdemeanor.

(d) A violation of subsection (b) is a delinquent act, punishable only by a fine not to exceed fifty dollars (\$50.00).

(e) Each violation of subsection (a) or (b) is a separate offense.

(f) This section does not preclude law enforcement efforts involving the use of a minor if the minor's parent or legal guardian has consented to this action.

(g) A minor who is cooperating with law enforcement officers in an operation designed to test the compliance of other persons with this section is not subject to sanctions under subsection (d).

(h) A person engaged in the sale or distribution of body piercing paraphernalia shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under thirty (30) years of age. In the case of distribution by mail, the distributor of the body piercing paraphernalia shall obtain from the addressee as proof of age an affirmative statement that the person is eighteen (18) years of age or older, and shall inform the recipient that the person is strictly prohibited from distributing body piercing paraphernalia to a person under eighteen (18) years of age.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

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PASSED: March 13, 2023


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 31st day of March 2023


BILL LEE, GOVERNOR