



NEW YORK STATE SENATOR

Frank Padavan

Senate Passes Body Piercing Bill

FRANK PADAVAN April 2, 2008

The State Senate passed legislation today, sponsored by Senator Frank Padavan (Queens), that would require parental consent for the piercing and branding of minors and prohibit the piercing, tattooing, and branding of those under the influence of drugs or alcohol.

“Parents help their children with many of the decisions they face throughout childhood and adolescence,” Padavan said. “When it comes to most medical procedures parental consent and notification is required. This bill would help parents be involved in the decisions that their underage children make and guide them in the right direction with regards to body piercing.”

The legislation would make the piercing or branding (excluding ear piercing) of children under the age of 18 a Class B misdemeanor. Exceptions would be made for emancipated minors, minors with parental consent and religious rituals. Under current law, tattooing a minor is a crime. The legislation would also make it crime to tattoo, brand or pierce any individual who is under the influence of alcohol or drugs. Existing law does not address this issue.

Public health organizations including the Mayo Clinic, the American Dental Association, the American Medical Association along with the New York State Department of Health have all repeatedly stressed the health risks and dangers associated with body piercing.

At least nineteen states and several counties throughout New York State have already adopted their own laws regulating piercing, branding and tattooing. This bill would provide a state standard regulating body art for minors and intoxicated individuals. "Since some counties and local governments throughout New York have enacted their own legislation and regulations addressing body piercing of minors, this bill would bring more conformity under state law. By enacting this legislation any confusion from difference in local policies would be eliminated and we will be better able to help protect our minors," Padavan said.

"This is the eighth time this legislation has passed the Senate with bipartisan support," Padavan said. "Assembly passage of this legislation is long overdue. In order to make the progress we need and to better protect our children the Assembly must act on this legislation. In order to do so, I encourage all parents to send a message to their Assembly member and tell them to pass this legislation this session."