

COUNTY OF ERIE

LOCAL LAW NO. 9-2000

A **LOCAL LAW** prohibiting the body piercing of minors without the written informed consent of one parent or legal guardian.

BE IT ENACTED by the Legislature of the County of Erie as follows:

SECTION 1. Legislative Intent. This Legislature finds that the practice of body piercing involves the alteration or penetration of the skin, which, if done improperly, can lead to potential health risks. This Legislature further finds and determines that a significant and possibly growing number of minors are engaging in the practice of body piercing. The purpose of this Local Law is to prohibit the body piercing of minors without the written informed consent of one parent or legal guardian, pursuant to the County's exercise of its inherent power to protect the public health, safety, and general welfare of its citizens.

SECTION 2. Definitions. The following words and phrases, as used in this Local Law, shall have the indicated meaning:

- A. "Body Piercing" shall mean to cut or pass through with a sharp instrument, or to penetrate a part of the body for the purpose of applying jewelry to various parts of the body by means of a piercing device.
- B. "Piercing Device" shall mean any device used for the piercing of the skin for the purpose of applying jewelry or other objects to the body.

SECTION 3. Prohibition.

- C. No person shall knowingly perform body piercing, or offer to perform body piercing, for compensation, on any part of the body of an individual under the age of eighteen (18) years by means of a piercing device. Proof of age shall be determined upon presentation of one form of valid identification. Valid identification shall be limited to one of the following original documents with embossed seal; a picture driver's license; birth certificate; or passport.
- D. If the body piercing is offered free of charge in conjunction with the sale of all items of jewelry actually being used in connection with the body piercing, then that service or act shall be deemed to have been provided for compensation.

SECTION 4. Written Informed Consent by a Parent/Legal Guardian

- A. Informed written consent is required for body piercing of a minor, and shall be obtained from at least one parent or legal guardian. The writing shall be filed in person at the body piercing shop along with a photocopy of valid identification of a parent/legal guardian. Valid identification shall include one of the following: a picture driver's license; birth certificate; passport; or military ID.
- B. The records of written informed consent shall be kept on file for three years by the owner of the body piercing shop in which the body piercing was performed.

SECTION 5. Penalties. Any person who knowingly and willfully violates Section 3 of this law shall be guilty of a violation, punishable by a fine of up to Two Hundred Fifty Dollars (\$250). Any person who knowingly and willfully violates Section 3, after having previously committed such offense, shall be guilty of an unclassified misdemeanor, punishable by a fine of up to One Thousand Dollars (\$1,000) or fifteen days in jail.

SECTION 6. Procedures. The Department of Health is hereby authorized to promulgate such rules and regulations as are necessary to ensure compliance with this Local Law.

SECTION 7. Records.

- A. For each patron, proper records of each body piercing administered shall be maintained by the shop owner/operator.
- B. A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, signature (or, if the patron is a minor, the signature of a parent or legal guardian), address, age, the date of the body piercing, the location of the piercing on the patron's body, and the name of the operator who performed the work.
- C. The records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by an Officer of the Erie County Department of Health and shall be preserved for at least three years from the date of the last entry therein. The signature of the patron (or in the case of a minor the signature of a parent or legal guardian) shall be in a bound book record.
- D. Before body piercing administration, there shall be a discussion conducted with the patron on the health risks involved in the body piercing requested, and its possible complications. The patron shall fill out and sign an information form as prescribed by the Department. One copy of each form shall be retained at the body piercing shop and the other copy shall be given to the patron. The body piercing operator must also explain aftercare instructions and have the patron initial the consent form to indicate that he or she has received written aftercare instructions.

SECTION 8. Effective Date. This Local Law shall take effect immediately.