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Scarification Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ashlee Matthews
Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses scarification.

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Highlighted Provisions:

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This bill:

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▸ requires the Department of Health and Human Services to create rules related to

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scarification to ensure client safety;

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▸ requires a body art facility that offers scarification to comply with certain requirements;

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▸ establishes the criminal offense of unlawful scarification of a minor; and

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▸ defines terms.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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26B-7-402, as last amended by Laws of Utah 2024, Chapter 282

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76-9-2001, as enacted by Laws of Utah 2025, Chapter 173

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ENACTS:

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26B-7-417, Utah Code Annotated 1953

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76-9-2004, Utah Code Annotated 1953

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Be it enacted by the Legislature of the state of Utah:

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Section 1. Section **26B-7-402** is amended to read:

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26B-7-402 . Minimum rules of sanitation established by department.

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(1) The department shall establish and enforce, or provide for the enforcement of

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minimum rules of sanitation necessary to protect the public health, including rules

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necessary for the design, construction, operation, maintenance, or expansion of:

- 31 ~~[(1)]~~ (a) a restaurant or a place where food or drink is handled, sold, or served to the
 32 public;
- 33 ~~[(2)]~~ (b) a public swimming pool;
- 34 ~~[(3)]~~ (c) a public bath, including a sauna, spa, or massage facility;
- 35 ~~[(4)]~~ (d) a public bathing beach;
- 36 ~~[(5)]~~ (e) a public or private school;
- 37 ~~[(6)]~~ (f) a recreational resort, camp, or other vehicle park;
- 38 ~~[(7)]~~ (g) an amusement park or other center or place used for public gatherings;
- 39 ~~[(8)]~~ (h) a mobile home park and highway rest stop;
- 40 ~~[(9)]~~ (i) a construction or labor camp;
- 41 ~~[(10)]~~ (j) a jail, prison, or other place of incarceration or confinement;
- 42 ~~[(11)]~~ (k) a hotel or motel;
- 43 ~~[(12)]~~ (l) a lodging house or boarding house;
- 44 ~~[(13)]~~ (m) a service station;
- 45 ~~[(14)]~~ (n) a barber shop or beauty shop, including a facility in which one or more
 46 individuals are engaged in:
- 47 ~~[(a)]~~ (i) any of the practices licensed under Title 58, Chapter 11a, Cosmetology and
 48 Associated Professions Licensing Act; or
- 49 ~~[(b)]~~ (ii) styling hair in accordance with the exemption from licensure described in
 50 Subsection 58-11a-304(13);
- 51 ~~[(15)]~~ (o) an office of a physician, physician assistant, or dentist;
- 52 ~~[(16)]~~ (p) a public building or ground;
- 53 ~~[(17)]~~ (q) a public conveyance or terminal;
- 54 ~~[(18)]~~ (r) a commercial tanning facility; and
- 55 ~~[(19)]~~ (s) a body art facility.

56 (2) Rules established by the department for a body art facility shall include a requirement
 57 for a body art facility to obtain a permit from the local health department.

58 Section 2. Section **26B-7-417** is enacted to read:

59 **26B-7-417 . Scarification safety requirements.**

60 (1) A body art facility that practices or instructs scarification shall:

- 61 (a) practice scarification procedures in a dedicated enclosed room that is not used for
 62 any other purpose;
- 63 (b) obtain proof of age before performing a scarification procedure; and
- 64 (c) provide a client, in writing, with:

- 65 (i) instructions regarding proper care for the skin during the healing process after a
 66 scarification procedure, including warning signs of infection; and
 67 (ii) information about how to report an injury to the department.
- 68 (2) The department shall establish rules to ensure that a body art facility that practices or
 69 instructs scarification has adequate policies and procedures in place for client safety,
 70 including rules that address:
- 71 (a) clothing;
 72 (b) personal protective equipment;
 73 (c) use of single-use instruments;
 74 (d) sanitization and disposal of tools; and
 75 (e) cleaning and bandaging a client's skin.

76 Section 3. Section **76-9-2001** is amended to read:

77 **76-9-2001 . Definitions.**

78 As used in this part:

- 79 (1) "Body piercing" means the creation of an opening in the body, excluding the ear, for the
 80 purpose of inserting jewelry or other decoration.
- 81 (2) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal
 82 guardian during the performance of tattooing or body piercing upon the minor after the
 83 parent or legal guardian has provided:
- 84 (a) reasonable proof of personal identity and familial relationship; and
 85 (b) written permission signed by the parent or legal guardian authorizing the
 86 performance of tattooing or body piercing upon the minor.
- 87 (3) "Minor" means a person younger than 18 years old who:
- 88 (a) is not married; and
 89 (b) has not been declared emancipated by a court of law.
- 90 (4) "Scarification" means the process in which a mark is cut into human skin tissue with the
 91 intent of leaving a permanent mark.
- 92 [~~4~~] (5) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a
 93 pigment under the skin or by producing scars.

94 Section 4. Section **76-9-2004** is enacted to read:

95 **76-9-2004 . Unlawful scarification of a minor.**

- 96 (1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.
- 97 (2) Except as provided in Subsection (5), an actor commits unlawful scarification of a
 98 minor if the actor performs or offers to perform scarification:

- 99 (a) upon a minor; ~~and~~
- 100 ~~[(b) without receiving the consent of the minor's parent or legal guardian; and]~~
- 101 ~~[(e)] (b) ←~~and~~~~ for remuneration or in the course of a business or profession.
- 102 (3) A violation of Subsection (2) is a class B misdemeanor.
- 103 (4) The owner or operator of a business in which a violation of Subsection (2) occurs is
- 104 subject to a civil penalty of \$1,000 for each violation.
- 105 (5) An actor is not guilty of violating Subsection (2) if the actor:
- 106 (a) has no actual knowledge of the minor's age; and
- 107 (b) reviews, photocopies, and retains the photocopy of an apparently valid driver license
- 108 or other government-issued picture identification for the minor that expressly
- 109 purports that the minor is 18 years old or older before the actor performs the
- 110 scarification.

111 Section 5. **Effective Date.**

112 This bill takes effect on May 6, 2026.