

# There's no faking it when it comes to fake IDs Cover your ass!

By Darin Burt

**W**e've all heard the excuse. "But, she told me she was 18!" In certain situations, relationships with minors can have disastrous consequences. No doubt you're familiar with the term "Jailbait." While the punishment fits the case, there are laws about dealing with minors that apply to tattoo and piercing shops as well.

At least 38 states have laws prohibiting minors from getting tattoos. Twenty-eight states have laws that prohibit both body piercing and tattooing on minors without parental consent. Many of the laws across the country establish financial penalties, prison time or both for violators. Most of the laws define "violation" as the person who performed the tattoo or piercing.

In Arizona, for instance, it is unlawful to either tattoo or pierce anyone under age 18 without the physical presence of the parent or legal guardian. Violators are guilty of a Class 6 felony, but the law allows anyone to avoid prosecution if he or she requested proof of identification and relied on the accuracy of the information contained therein. In Illinois, it is a Class A misdemeanor for anyone other than a person licensed to practice medicine in all branches to tattoo or offer to tattoo a person under age 18. It is also a Class A misdemeanor to allow a person under 18 years of age to remain on the premises where tattoos are being performed or offered without a parent or legal guardian.

In New Mexico, recently, a father filed a lawsuit against a tattoo shop for tattooing his daughter, who it turns out was only 16. According to news article in the Santa Fe New Mexican, the accusation also indicates a "complaint for tortious battery" and says, tattooing the girl "caused a touching of her body without legal consent."

The shop owner claims that he asked the girl for identification and she produced an ID indicating she was 19 and close to turning 20. "We certainly did not maliciously tattoo a minor," the owner states in the news story. "This is our business and we deal with this kind of thing all the time. But when somebody comes in and produces what appears to us to be a valid ID, we have to assume we're dealing with an adult."

Maybe you've heard this saying: When you assume, you make an ass out of you and me. When it comes to operating a business where there are laws in force about dealing with minors, there can be no assumption. Fake IDs are nothing new. You may have had one yourself growing up as many teenagers see being able to buy beer or even get a tattoo or piercing, however illegal it may be, as a right of passage.

Whether the law requires it or not, if there is ever any question about a potential client's legal age, make them provide a valid picture ID—ideally a driver's license. Then, for your protection, photocopy it and put it in the client's file.



