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Sports & Entertainment Beat

Jackson v. Black Ink Tattoo Studio Inc.: Why Consent Forms for Tattoo Artists Are an Indelibly Good Idea

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The ability of tattoo artists to protect themselves from negligence lawsuits got a boost from a recent decision of a New York court. The case of *Jackson v. Black Ink Tattoo Studio Inc*. drew national interest since the defendants in that case have been featured since 2013 in the VH-1 reality series "Black Ink Crew." The plaintiff, who claimed that she traveled all the way from North Carolina just to receive a tattoo from Black Ink in New York City, claimed to have experienced scarring from the application of the tattoo. Black Ink, who denied the plaintiff's condition resulted from Black Ink's work, requires all of its customers to sign a consent form that provides, in part, as follows:

I waive and release, to the fullest extent permitted by law, Artist and Studio from all liability whatsoever, for any and all claims or causes of action that I, my estate, heirs, executors or assigns ("Additional Releasers") may have for personal injury or otherwise, including any direct or indirect damages, that result from the tattooing or the piercing, whether caused by the negligence or fault of Artist or Studio.

Accordingly, when the plaintiff sued to recover for her alleged injuries, Black Ink made a Motion to Dismiss the case. Justice Debra James granted the motion, finding that the language of the consent form was enforceable, as it was more than specific enough to preclude a negligence suit and did not violate New York public policy.

According to Yahoo Finance, the tattoo industry in the United States is a $3 billion per year industry and was still growing as of 2015. Tattoo artists should give their customers notice of the risks of these procedures through a carefully crafted consent, release or waiver form. Depending on the state in which the tattoo or any piercing is administered, as the *Jackson* case makes clear, customers can also be required to waive the right to bring a negligence suit against the artist or establishment. Using an enforceable disclosure and consent form can thus save an artist or studio from the time and expense of a negligence law suit.

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Tagged as affirmative defenses, assumption of risk, Black Ink Crew, consent form, disclosure and consent form, negligence lawsuits, New York court, New York public policy, piercings, risks of procedures, tattoo artists, tattoos, waivers

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