Discrimination Lawsuit Shows Continuing Impact of the Americans with Disabilities Act

On April 11, 2016, the Disability Law Center (DLC) filed a discrimination lawsuit in federal district court on behalf of a 27 year-old college student (designated “J.H.” in court papers to protect his privacy) alleging that he was denied service by a tattoo parlor solely because of his HIV status. Further, the lawsuit alleged that the defendant tattoo shop, Six Feet Below, LLC, failed to properly train its tattoo artists on the right of persons with disabilities to receive services, and one of those artists refused to tattoo J.H. because of his disability. The suit alleged that HIV and AIDS are recognized disabilities under the Americans with Disabilities Act (ADA), and that defendant Six Feet Below’s refusal of service to J.H. was a violation of the ADA.

Today, J.H. and Six Feet Below finalized a settlement agreement and moved to dismiss the lawsuit. Under the terms of the settlement agreement, Six Feet Below changed its policy to ensure that persons with disabilities are not excluded from receiving tattoos or piercings at the shop. Six Feet Below also agreed to donate $1,000 to a special education and outreach fund set up by the Utah Aids Foundation. The money will go toward public education efforts on the rights of persons with HIV/AIDS to access public services on the same terms as everyone else.

According to Nick Jackson, J.H.’s lawyer at the DLC: “The ADA forbids doctors, dentists, hospitals and other service providers who deal with needles and body fluids from denying service to people living with HIV, and a tattoo shop should be held to the same standard.”

Jackson added that, “the DLC continues to work to eradicate discriminatory and stigmatizing treatment of people with HIV based on unfounded fears and stereotypes,” noting that “the ADA clearly protects individuals with disabilities from exclusion or marginalization, and lawsuits like this serve to put covered businesses on notice: HIV and AIDS discrimination is not just wrong, it’s against the law.”

Theron D. Morrison of Morrison & Murff, PLLP., attorney for Six Feet Below, stated “The owners of Six Feet Below pride themselves as being some of the best in the business and strive to give the best service to everyone. While Six Feet Below has never had the policy to discriminate against anyone, this lawsuit has brought to the owners' attention the need for better training of those working at the studio.”

The Disability Law Center is a private non-profit organization. The DLC’s mission is to enforce and strengthen laws that protect the opportunities, choices and legal rights of Utahns with disabilities. Our services are available statewide and free of charge, regardless of income, legal status, language, or place of residence.

###

For more information, interviews, or photos please contact Nick Jackson at (801) 363-1347, or email at njackson@disabilitylawcenter.org.