

JAN 15 2004
HUMAN RESOURCES

HOUSE FILE 2034
BY MILLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring consent of the parent of a minor to obtain body
2 piercing and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2034

1 Section 1. NEW SECTION. 135.37A BODY PIERCING -- MINORS
2 -- PENALTY.

3 1. For the purposes of this section:

4 a. "Body piercing" means for commercial purposes the act
5 of penetrating the skin to make a hole, mark, or scar and
6 includes the use of a mechanized, presterilized, ear-piercing
7 system that penetrates the outer perimeter or lobe of the ear,
8 or both.

9 b. "Minor" means an unmarried person who is under the age
10 of eighteen years.

11 c. "Parent" means a parent, legal guardian, or legal
12 custodian of a minor.

13 2. A person shall not provide body piercing to a minor
14 unless the written consent of a parent of the minor has been
15 obtained prior to any body piercing being provided.

16 3. The department shall do all of the following:

17 a. Prescribe the form used in obtaining written consent
18 from the parent of a minor under this section.

19 b. Provide exceptions to subsection 2 for persons who
20 perform or receive body piercing pursuant to a recognized
21 religious tenet or cultural practice.

22 4. A person who provides body piercing to a minor in
23 violation of subsection 2 is guilty of a serious misdemeanor.

24 5. It is an affirmative defense to a violation of
25 subsection 2 that the person providing the body piercing was
26 presented with a driver's license, as defined in section
27 321.1, subsection 20A, or a nonoperator's identification card
28 issued pursuant to section 321.190, offered by the individual
29 who wishes to be provided body piercing, demonstrating that
30 the individual is not a minor, and the person providing the
31 body piercing has a reasonable belief based on factual
32 evidence that the identification is not altered, falsified, or
33 belongs to another individual.

34 6. If the department determines that this section has been
35 or is being violated, the department may order that a person

1 cease providing body piercing until the necessary corrective
2 action has been taken. If the person continues to provide
3 body piercing in violation of the order of the department, the
4 department may request that the county attorney or the
5 attorney general make an application in the name of the state
6 to the district court of the county in which the violation has
7 occurred for an order to enjoin the violation. This remedy is
8 in addition to any other legal remedy available to the
9 department.

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EXPLANATION

11 This bill prohibits a person from providing body piercing
12 to a minor unless the person obtains the written consent of a
13 parent of the minor prior to the provision of any body
14 piercing. A person who provides body piercing in violation of
15 the bill is guilty of a serious misdemeanor.

16 The bill provides that it is an affirmative defense to a
17 violation of the body piercing provisions that the person
18 providing the body piercing was provided with identification
19 showing that the individual seeking the body piercing is not a
20 minor and the person providing the body piercing reasonably
21 believes that identification is not altered, falsified, or
22 belongs to another individual. The bill directs the Iowa
23 department of public health to prescribe the form to be used
24 in obtaining a parent's written consent, and provide for
25 exceptions for performing or receiving body piercing as
26 prohibited in the bill based upon religious tenets or cultural
27 practices. The bill also provides that if the department
28 determines that a person providing body piercing has been or
29 is violating the prohibition, the department may order the
30 person to cease operation until the necessary corrective
31 action has been taken. The bill provides that if the person
32 continues to operate in violation of the order of the
33 department, the department may seek an injunction to enjoin
34 the violation.

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