

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to the practice of tattooing

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 22, “Practice of Tattooing,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 10A.531 and 2023 Iowa Acts, Senate File 514.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and section 135.37; 2023 Iowa Acts, Senate Files 219 and 514; and Executive Order 10 (January 10, 2023).

Purpose and Summary

This rulemaking repromulgates Chapter 22 and implements Iowa Code section 10A.531 as transferred by 2023 Iowa Acts, Senate File 514 (formerly Iowa Code section 135.37), “Tattooing—Permit Requirement—Penalty,” and Iowa Code chapter 17A in accordance with the goals and directives of Executive Order 10.

Iowa Code section 10A.531 provides that a “person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or engage in the practice of tattooing without first applying for and receiving a permit from the department [of inspections, appeals, and licensing].” The Department is required to adopt rules “pursuant to chapter 17A and establish and collect all fees necessary to administer [Iowa Code section 10A.531]” and “[e]stablish minimum safety and sanitation criteria for the operation of tattooing establishments.”

The rules establish definitions; general provisions related to licensing, including permissible zoning and annual inspections; sanitation and infection control standards; equipment use and sanitation requirements; and proper tattooing procedures in order to prevent the spread of infection and disease. The rules also provide various types of permits, including tattoo establishment permits, tattoo artist permits, temporary establishment permits, and mobile tattoo unit permits, and fees associated therewith. The goal of the multiple types of permits is to ensure the operators identify and control for public health hazards while accommodating variations in specific physical facilities depending on the scope or type of each operation. Finally, the rules provide for tattoo inspector qualifications, enforcement procedures, and procedures for contesting adverse action.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7283C**. Public hearings were held on January 30 and 31, 2024, at 9:40 a.m. at 6200 Park Avenue, Des Moines, Iowa. No one attended the public hearings. No public comments were received.

Changes from the Notice include an exception from permitting tattooing performed in the practice of medicine by a physician, surgeon, osteopathic physician or surgeon, or other qualified licensed or certified nonphysician persons to whom a physician, surgeon, osteopathic physician or surgeon has appropriately delegated pursuant to 653—Chapter 13. The department also clarified the types of actual costs that may be included in a fee charged for an additional physical inspection and provided a maximum amount for any such fee. In addition to the changes described above, the implementation sentence of rule

641—22.16(10A) has been revised to remove the reference to 2023 Iowa Acts since the amendments in the Acts are codified in the 2024 Iowa Code and a grammatical change was made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 21, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 22, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
PRACTICE OF TATTOOING

641—22.1 Reserved.

641—22.2(10A) Definitions. For the purpose of these rules, the following definitions apply:

“*Aftercare*” means written instructions given to a client, specific to the procedures rendered, on care for the tattoo and surrounding area and guidance on when to seek medical treatment.

“*Department*” means the same as defined in Iowa Code section 10A.101.

“*Director*” means the same as defined in Iowa Code section 10A.101.

“*Disinfectant*” means a U.S. Environmental Protection Agency (EPA)-registered antimicrobial product that is applied to surfaces to destroy microorganisms that are living on the surface but not necessarily bacterial spores.

“*Imminent health threat*” means a condition or conditions that exist in a tattoo establishment and need immediate action to prevent endangering the health of people.

“*Impervious*” means nonporous, impenetrable, smooth, and washable.

“*Inspection agency*” means the department or a city, county or district board of health that has executed an agreement with the department to inspect tattoo establishments and enforce these rules. The authority of a city, county or district board of health is limited to the geographic area defined in the

agreement executed with the department. Within the defined geographic area, the city, county or district board of health is the “local inspection agency.”

“*Mobile tattoo unit*” means a mobile establishment or unit that is self-propelled or otherwise movable from place to place; is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal; and operates at a fixed location where a permitted artist performs tattooing procedures for no more than 14 days in conjunction with a single event.

“*Residential dwelling*” is a place or structure intended to be occupied as a residence.

“*Single use*” means intended for one-time use and disposed of after use on a client. Single-use products or items include cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves. Cloth towels and linens are not “single use” and are barred.

“*Sterilization*” means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores that demonstrate tuberculocidal activity.

“*Tattoo artist*” means any person, including a permanent color technologist, engaged in the practice of tattooing.

“*Tattoo establishment*” means the building or portion of the building designated by the owner where tattooing is practiced.

“*Tattooing*” means to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs. “Tattooing” includes permanent color technology that is the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into the dermis portion of the skin so as to form indelible marks for cosmetic purposes. “Tattooing” does not include applying a tattoo for radiological purposes.

“*Temporary establishment permit*” means a permit issued by the department to perform tattoo procedures at a temporary event.

“*Temporary event*” means any place or premises operating at a fixed location where a tattoo artist performs tattooing procedures for no more than 14 days consecutively in conjunction with a single event or celebration to which the general public is invited.

641—22.3(10A) General provisions.

22.3(1) Tattoo artists and tattoo establishments that fail to meet the criteria of Iowa Code section 10A.531 or these rules are guilty of a serious misdemeanor.

22.3(2) Compliance with Iowa Code section 10A.531 and these rules does not exempt tattoo artists and tattoo establishments from other applicable state or local laws.

22.3(3) Tattooing may only be practiced in facilities that have applied for and received a tattoo establishment permit pursuant to Iowa Code section 10A.531. Tattooing performed in the practice of medicine by a physician, surgeon, osteopathic physician or surgeon, or other qualified licensed or certified nonphysician persons to whom a physician, surgeon, osteopathic physician or surgeon has appropriately delegated pursuant to 653—Chapter 13 does not require a permit pursuant to Iowa Code section 10A.531.

22.3(4) Notwithstanding local zoning codes, where zoning codes exist, tattooing shall not be practiced in a residential dwelling, inclusive of an attached garage. New tattoo establishments must be in commercial buildings where zoning ordinances exist. A waiver will be granted to any tattoo establishment in a residential dwelling if it has been operating continuously since being granted a permit prior to January 1, 2010.

22.3(5) Tattoo establishments are inspected annually.

641—22.4(10A) Sanitation and infection control. Tattoo establishments shall comply with the following:

22.4(1) Tables, chairs, and other general-use equipment in the tattoo area are constructed of impervious and easily cleanable material.

22.4(2) A sink for hand washing supplied with potable hot and cold running water under pressure to a mixing-type faucet is easily accessible in the tattooing area. Hand-washing facilities are supplied with liquid soap and single-use towels or hand dryer.

22.4(3) Easily accessible toilet facilities with a sink for hand washing are available for employee use and patron use.

22.4(4) The tattoo establishment has an area of at least 300 square feet and is adequately lighted and ventilated.

22.4(5) Floors in the tattoo area are finished with an impervious, washable surface.

22.4(6) The entire premises and all facilities used in connection therewith are maintained in a clean, sanitary, vermin-free condition and in good repair.

22.4(7) All refuse is stored in rigid containers with plastic liners that are emptied at least once each business day.

22.4(8) Closed cabinets or containers are exclusively used for the storage of instruments, dyes, pigments, stencils, tattoo machines, and other equipment.

22.4(9) Smoking is not allowed pursuant to Iowa Code chapter 142D.

22.4(10) Consumption of food or drink is not allowed in the tattoo area.

22.4(11) Intoxicating beverages or controlled substances will not be used, consumed, served, possessed, or distributed on the establishment's premises.

22.4(12) Tattoo artists not currently permitted in the state of Iowa will not tattoo in the establishment.

22.4(13) No animals, except service animals, are permitted in a tattoo establishment. Aquariums containing fish are allowed in waiting rooms and non-tattoo areas.

641—22.5(10A) Equipment. Tattoo establishments shall maintain equipment in a clean and sanitary condition and comply with the following:

22.5(1) Cups to hold ink or dye are for single-patron use. Any ink or dye, once dispensed into an ink cup, is disposed of immediately following use.

22.5(2) Any dye or ink in which needles were dipped is not used on another person.

22.5(3) All tubes, tips and grips used for the tattoo procedure that are not sterile, not for single-patron use, and not disposable are physically cleaned with a detergent according to manufacturers' recommendations and then steam-sterilized or dry-heat sterilized before use on another person. Steam sterilization is at 250 degrees Fahrenheit (121 degrees Celsius) for 15 minutes at a minimum pressure of 15 pounds per square inch. Dry-heat sterilization is at 350 degrees Fahrenheit (170 degrees Celsius) for one hour. Steam sterilization is preferred.

22.5(4) All instruments needing sterilization are sterilized on site. All instruments to be sterilized are placed in closed pouches after sterilization is complete. The pouches are dated effective for 30 days, after which the instruments are resterilized and the pouches redated.

22.5(5) Sterilizers are monitored monthly for spores of *Bacillus subtilis*, and records of results are maintained for three years. Written procedures to follow in the event of positive spore tests are maintained and implemented, including:

a. In the event of a positive spore test, materials processed in that sterilizer, dating from the sterilization cycle having the positive biological indicator to the next cycle showing satisfactory biologic indicator challenge results, are considered nonsterile and are reprocessed before being used.

b. A sterilizer that has received a positive spore test is immediately removed from service.

c. Prior to putting a sterilizer that has received a positive spore test back into service, the owner ensures that there is evidence of one negative spore test.

d. The owner notifies the inspection agency of a positive spore test within 24 hours of receiving the test result.

22.5(6) Establishments are equipped with a puncture-resistant, leakproof container designated for disposal of used needles and other sharps. The container is red and labeled with the "biohazard" symbol and is closeable for handling, storage, transportation, and disposal. A written plan for disposal is maintained in the establishment.

22.5(7) Any bottles of solution are labeled as to contents and used according to manufacturers' directions.

22.5(8) Single-use razors for removal of unwanted hair are disposed of after use on one patron. Electric razors used to remove unwanted hair of a patron are cleaned with a brush and fungicidal/tuberculocidal disinfectant spray.

22.5(9) Topical ointments are prepared for single-patron use.

641—22.6(10A) Procedures. Tattoo establishments shall comply with the following:

22.6(1) Tattoo establishments will establish a written standard operating procedure (SOP) that includes the process for setup and tear down of tattoo procedures. The SOP focuses on procedures of hygiene and cross-contamination control.

22.6(2) For privacy purposes and at the patron's request, establishments have in place or readily available a nontransparent panel or other barrier of sufficient height and width to effectively separate the patron from any unwanted observers or waiting patrons.

22.6(3) Tattoo artists scrub their hands thoroughly before beginning the tattoo procedure. Tattoo artists dry their hands with individual single-use towels or hand dryer.

22.6(4) Tattoo artists wear clean garments and disposable latex, nitrile, chloroprene, or vinyl gloves during the tattoo procedure. Gloves are changed after each tattoo. Tattoo artists wash their hands before and after each tattoo procedure.

22.6(5) All items with which the gloved hands of the tattoo artist would normally come into contact during the tattooing procedure have appropriate barrier films covering them, including clip cords, squeeze bottles, seat adjustment controls, power control dials or buttons, and work lamps.

22.6(6) The skin area to be tattooed is first cleansed with soap and water. Single-use towels or sponges (gauze) are used during the cleansing procedure.

22.6(7) Before placing the tattoo design on the patron's skin, the tattoo artist prepares the skin with 70 percent ethyl or isopropyl alcohol solution or an equally effective antiseptic or antimicrobial.

22.6(8) Tattooing is not performed on any area where there is evidence of skin infection, irritation, or abnormalities.

22.6(9) After the tattooing is completed, the tattoo artist:

a. Applies an adequate dressing or bandage to the tattoo area.

b. Provides to the persons tattooed printed aftercare instructions regarding tattoo care during the healing process.

c. Thoroughly cleans the machine head with an acceptable disinfectant and sprays an acceptable surface disinfectant over the work area during the clean-up procedures before the area is set up for the next tattoo procedure.

641—22.7(10A) Permit issuance and renewal. The following apply to applications for a permit to practice as a tattoo artist or as a tattoo establishment.

22.7(1) An applicant will complete either an online application or a paper application according to the instructions contained in the application. Paper applications are available to download at the department's website. Each application must be accompanied by the appropriate fee as set forth in subrule 22.8(2) to be processed. A paper application is accompanied by the appropriate fee payable by check or money order to the department. Online application fees are paid by credit card only. An application that includes insufficient or incorrect fees is considered incomplete. If the applicant is notified that the application is incomplete, the applicant should contact the department within 90 days. Incomplete applications are considered invalid and destroyed after 90 days.

22.7(2) Documentation of medical conditions and criminal convictions related to the practice of the profession shall include a full explanation from the applicant. No application is considered complete until the applicant responds to any program requests for additional information regarding the applicant's medical condition or criminal conviction.

22.7(3) All permits expire on December 31 for the year issued. An applicant will submit a completed application, supporting documentation, and renewal fee annually by December 1 for renewal.

The permit holder has a current permit in possession before performing tattooing. An applicant who submits a renewal application after December 1 will be obligated to pay an additional \$25 for each month delinquent.

22.7(4) The permit holder is responsible for renewing the permit prior to its expiration.

22.7(5) A permit that has not been renewed within 90 days of the permit expiration date will automatically be deactivated. There will be a \$25 reinstatement fee charged for reactivating a permit in addition to the renewal fee.

641—22.8(10A) Fees.

22.8(1) All fees are nonrefundable.

22.8(2) Fees for all initial and renewal applications are as follows:

- a. Tattoo artist: \$75.
- b. Tattoo establishment: \$100.
- c. Temporary tattoo establishment:
 - (1) 0 to 10 participating artists: \$100.
 - (2) 11 to 100 participating artists: \$200.
 - (3) 101 or more participating artists: \$300.
- d. Mobile tattoo unit: \$100.
- e. Mobile tattoo event: \$25 per event.
- f. Tattoo establishment change of ownership: \$25.
- g. Tattoo establishment change of location: \$25.
- h. Mobile tattoo unit change of location: \$25.

641—22.9(10A) Tattoo establishment permit criteria.

22.9(1) No tattoo establishment may operate in the state without having a permit to operate issued by the department. Permits shall be posted in a conspicuous location in the tattoo establishment.

22.9(2) A person applying for a tattoo establishment permit will submit a floor plan of the establishment with the application.

22.9(3) A permit to operate is issued to a new establishment when the department or its representative has successfully completed an on-site inspection.

22.9(4) Tattoo establishment permits are nontransferable.

22.9(5) A tattoo establishment shall retain a record of all persons who have had tattoo procedures performed at the establishment. Records include the client's name and date of birth, copy of client's identification, date of the procedure, name of the tattoo artist who performed the procedure(s), and signature of client. Records shall be retained in a confidential manner for a minimum of three years and made available to the department or inspection agency upon request.

22.9(6) Change in ownership. Within 30 days of a change in ownership of a tattoo establishment, the new owner shall submit a change in ownership application and fee for a new permit. An on-site inspection will be completed before a permit to operate will be issued.

22.9(7) Within 30 days of a change of location of a tattoo establishment, the owner shall submit a change of location application and a fee for a new permit. An on-site inspection will be completed by the inspection agency before a permit to operate will be issued.

641—22.10(10A) Tattoo artist permit criteria.

22.10(1) No person may perform tattooing without a current permit to operate issued by the department.

22.10(2) Each permit issued is in effect solely for the tattoo artist named thereon and remains with the tattoo artist upon any change of employment. Tattoo artist permits are nontransferable.

22.10(3) An applicant for a tattoo artist permit must be at least 18 years of age and submit government-issued documentation to show proof of attaining the age of 18 years.

22.10(4) A tattoo artist must provide proof of current certification by the American Red Cross for blood-borne pathogens and standard first aid or other equivalent, nationally recognized certification.

22.10(5) Permits shall be posted in a conspicuous place in the tattoo establishment.

641—22.11(10A) Temporary establishment permit criteria.

22.11(1) A person must submit a temporary tattoo establishment application form, a floor plan of the facility, promotional documentation for the event, and the appropriate fee at least 30 days prior to the event to obtain a temporary establishment permit. Fees are based on the number of participating tattoo artists. The application will specify the following:

- a. The purpose for which the permit is requested.
- b. The period of time during which the permit is needed (not to exceed 14 calendar days per event).
- c. The fulfillment of tattoo artist criteria as specified in rule 641—22.10(10A). A list of participating tattoo artists shall be sent to the tattoo program no later than one week prior to the event.
- d. The location at which the temporary event will be held.

22.11(2) The temporary event must be inside a permanent building and comply with the following:

- a. Conveniently located hand-washing facilities with liquid soap, single-use towels or hand dryers and potable hot and cold water under pressure to a mixing-type faucet are provided. Drainage in accordance with local plumbing codes is provided.
- b. A minimum of 80 square feet of floor space is provided for each booth.
- c. There is sufficient lighting where the tattoo procedure is being performed.
- d. All tubes, tips and grips used for the tattoo procedure that are not single use are properly sterilized and dated 30 days or less prior to the date of the event. Evidence of a spore test performed on the sterilization equipment is dated 30 days or less prior to the date of the event. Single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers is allowed.
- e. Tattoo artists properly clean and sanitize the area used for tattoo procedures.
- f. Floors of the tattooing area(s) are smooth and impervious or covered with an impermeable barrier.

22.11(3) The facility where the temporary event will be held must be inspected by the designated inspection agency and issued a permit prior to the performance of any tattoo procedures. A \$50 inspection fee for each booth shall be made payable to the inspection agency.

22.11(4) No animals, except service animals, are allowed in the temporary establishment at any time.

22.11(5) Temporary establishment permits issued under the provisions of these rules may be suspended by the department for failure of the holder to comply with these rules.

22.11(6) Temporary establishment permits and tattoo artist permits shall be posted in a conspicuous place in the temporary establishment.

641—22.12(10A) Mobile tattoo unit permit criteria. No new mobile tattoo units will be permitted. Mobile tattoo units granted a permit prior to September 7, 2016, may continue to operate with a current permit provided they remain compliant with the rules of this chapter. Mobile tattoo units and tattoo artists working from mobile tattoo units shall comply with the following:

22.12(1) No mobile tattoo unit is operated in the state without having a permit to operate issued by the department.

22.12(2) All tattoo artists working in a mobile tattoo unit have a permit and comply with these rules. Artist permits are posted in a conspicuous location in the mobile tattoo unit.

22.12(3) Mobile tattoo unit permits are posted in a conspicuous place in the mobile tattoo unit.

22.12(4) Mobile tattoo unit permits are nontransferable.

22.12(5) Within 30 days of a change of address of where the mobile tattoo unit is housed, the owner submits a new application and a fee for a new permit.

22.12(6) Inspections will be conducted by the local jurisdiction in which the mobile tattoo unit is housed. Any out-of-state mobile tattoo units maintaining an Iowa mobile tattoo unit permit must be inspected annually.

22.12(7) Mobile tattoo units are permitted for use only at temporary events lasting 14 calendar days or less. Permits are obtained at least 14 days prior to the event, and no tattoo procedures are performed before a permit is issued. Promotional documentation of the event is included with the application.

Permit holders are responsible for compliance with all other local regulations including but not limited to zoning and business license criteria.

22.12(8) The mobile tattoo unit is maintained in a clean and sanitary condition at all times. Doors are tight-fitting. Openable windows have tight-fitting screens.

22.12(9) Mobile tattoo units meet the sterilization criteria in accordance with rule 641—22.5(10A).

22.12(10) Mobile tattoo units are used only for the purpose of performing tattoo procedures. No habitation or food preparation is permitted inside the vehicle unless the tattoo work station is separated from such areas by an impervious floor-to-ceiling barrier.

22.12(11) Mobile tattoo units are equipped with a hand sink for use of the tattoo artist for hand washing and preparing the client for the tattoo procedures. The hand sink is supplied with hot and cold running water under pressure to a mixing-type faucet, as well as liquid soap and single-use towels in dispensers or hand dryer. An adequate supply of potable water is maintained for the mobile tattoo unit at all times during operation. The source of the water and storage of the tank(s) is also identified.

22.12(12) All liquid wastes are stored in an adequate storage tank with a capacity at least 15 percent greater than the capacity of the on-board potable water supply. Liquid wastes are disposed of at a publicly owned treatment works site approved by the department of natural resources (DNR).

22.12(13) Restroom facilities are available at the temporary event or within the mobile tattoo unit. A hand sink is available within a reasonably acceptable distance from the restroom. The hand sink is supplied with hot and cold running water under pressure to a mixing-type faucet, as well as liquid soap and single-use towels or hand dryer.

22.12(14) All tattoo artists working in a mobile tattoo unit have a permit and comply with these rules. Permits are posted in a conspicuous location in the mobile tattoo unit.

22.12(15) No animals, except service animals, are allowed in the mobile tattoo unit at any time.

641—22.13(10A) Inspections.

22.13(1) An inspection fee of \$250 is due upon receipt of a notice of payment due, which will be billed by the inspection agency upon completion of an inspection.

22.13(2) Tattoo establishments are inspected annually and the reports of inspections maintained by the inspection agency for three years.

22.13(3) When the tattoo establishment is located within the jurisdiction of a local inspection agency, the local inspection agency may establish fees needed to defray the costs of inspection and enforcement under this chapter. Inspection fees billed by a local inspection agency are paid to the local inspection agency or its designee.

22.13(4) If an inspection agency determines that an additional physical inspection is necessary, including to review corrected deficiencies or in response to a complaint of a potential imminent health threat, the inspection agency may charge an inspection fee based on the actual cost of providing the inspection, including the inspector's time and mileage expenses. Any such fee charged shall not exceed the fee identified in subrule 22.13(1).

22.13(5) Unpaid inspection fees are delinquent 30 days after the date of the bill. A late fee of \$30 per month will be assessed to the establishment owner after a 30-day notice. If inspection fees remain unpaid after 60 days, an order to cease and desist operations will be issued by the department.

22.13(6) Failure to allow an inspection is grounds for denial or suspension of a tattoo establishment's permit.

22.13(7) If an imminent health threat exists, the inspection agency or the department may order the establishment to cease operation immediately pursuant to Iowa Code section 17A.18A. Operation shall not be resumed until authorized by the inspection agency or the department.

22.13(8) Safety data sheets (SDS) for the chemicals used at the tattoo establishment shall be maintained at the establishment and made available upon request.

22.13(9) The most recent routine inspection report, along with any reinspection reports, shall be posted in a location at the establishment that is readily visible to the public.

641—22.14(10A) Tattoo inspector qualifications. Tattoo inspectors shall have successfully completed a blood-borne pathogen certification course from the American Red Cross or an equivalent nationally recognized organization, documentation of which is maintained by the local inspection agency.

641—22.15(10A) Enforcement. The inspection agency may take the following steps when enforcement of these rules is necessary.

22.15(1) Owner notification. The inspection agency will provide written notification to the owner of the establishment that:

- a. Cites each section of the Iowa Code or rule of the Iowa Administrative Code violated.
- b. Specifies the manner in which the owner or operator failed to comply.
- c. Specifies the steps needed for correcting the violation.
- d. Requests a corrective action plan, including a time schedule for completion of the plan.
- e. Sets a reasonable time limit, not to exceed 30 days from the receipt of the notice, within which the owner of the establishment must respond.

22.15(2) Corrective action plan review. The inspection agency will review the corrective action plan and approve it or direct modifications.

22.15(3) Failure to comply. If the owner of a tattoo establishment, mobile tattoo unit, or temporary establishment fails to comply with conditions of the written notice, the inspection agency may take enforcement action in accordance with Iowa Code chapter 10A or local ordinances.

641—22.16(10A) Adverse actions and appeals.

22.16(1) Failure to abide by Iowa Code section 10A.531 or this chapter may result in adverse action, including the denial or revocation of a permit, or an order to cease operations until necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may refer the matter to the county attorney or attorney general for injunction, criminal penalties, or other appropriate action.

22.16(2) The following are particular instances that may result in adverse action as set forth in subrule 22.16(1):

- a. Any material misstatement in the application, renewal, or any supplementary statement.
- b. Failure to pay fees in accordance with this chapter.
- c. Operation without a current permit.
- d. Falsification of records, qualifications, or other information related to permitting approval.
- e. Failure to correct any violation identified during an inspection that jeopardizes public safety.
- f. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. Acts that may constitute unethical conduct include:
 - (1) Verbally or physically abusing a patron.
 - (2) Improper sexual contact with, sexual harassment of, or improper sexual advances upon a patron. Sexual harassment includes sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
 - (3) Betrayal of a professional confidence.
 - (4) Engaging in a professional conflict of interest.
- g. Failing to cooperate with an investigation or engaging in conduct attempting to subvert an investigation.
- h. Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.
- i. Knowingly aiding, assisting or advising a person to unlawfully practice tattooing.
- j. Representing oneself as a tattoo artist when one's permit has been denied, suspended, revoked, lapsed, or placed on inactive status.
- k. Mental or physical inability reasonably related to and adversely affecting the tattoo artist's ability to practice in a safe and competent manner.

l. Habitual intoxication or addiction to drugs, including habitual or excessive use of drugs or alcohol that impair a tattoo artist's ability to practice with reasonable skill or safety.

m. Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

n. Violating a statute of this state or another jurisdiction relating to the provision of tattooing, including but not limited to crimes involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

o. Having a certification or permit to practice tattooing suspended or revoked, or other disciplinary action taken by a licensing, certifying, or permitting authority in any jurisdiction. A copy of the record or order of suspension, revocation or disciplinary action is conclusive or prima facie evidence.

p. Failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

q. Failure to appropriately respond to written communication from the department sent by registered or certified mail.

22.16(3) Notice of issuance of a denial, revocation, or order to cease operations will be served by certified mail, return receipt requested, or by personal service.

22.16(4) An aggrieved party may request a contested case appeal in writing to the department within 20 days from the date of the aggrieved party's receipt of the department's order. 481—Chapters 9 and 10 are applicable to contested case appeals.

These rules are intended to implement Iowa Code section 10A.531.

[Filed 3/27/24, effective 5/22/24]

[Published 4/17/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/17/24.