

3/2/98 Do Pass
5-3/10/98 Still Gov.

FEB 13 1998
HUMAN RESOURCES

HOUSE FILE 2251
BY BERNAU

(COMPANION TO LSB 3878SS
BY HANSEN)

(P. 583)
Passed House, Date 3/10/98 Passed Senate, Date _____
Vote: Ayes 91 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to public health by providing for the regulation
2 of body piercing and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HOUSE FILE 2251

H-8162

1 Amend House File 2251 as follows:
2 1. Page 1, by inserting after line 35 the
3 following:
4 "6. The provisions of this section shall not apply
5 to persons who perform body piercing pursuant to a
6 recognized religious doctrine or cultural practice
7 upon persons for whom the undergoing of body piercing
8 has religious or cultural significance. The
9 performance of body piercing pursuant to this
10 subsection shall, however, be subject to review by the
11 Iowa department of public health regarding the
12 existence of an asserted religious doctrine or
13 cultural practice, and whether minimum safety and
14 sanitation standards are being observed."

By WITT of Black Hawk

H-8162 FILED MARCH 3, 1998
Adopted 3/10/98 (p. 583)

HF 2251

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

3 1. A person shall not own, control and lease, act as an
4 agent for, conduct, manage, or operate an establishment to
5 engage in the practice of body piercing without first applying
6 for and receiving a permit from the Iowa department of public
7 health.

8 2. A minor shall not undergo body piercing, other than
9 piercing of the ear lobe, and a person shall not perform body
10 piercing upon a minor. For the purposes of this section,
11 "minor" means an unmarried person who is under the age of
12 eighteen years.

13 3. A person who fails to meet the requirements of
14 subsection 1 or a person who performs body piercing upon a
15 minor is guilty of a serious misdemeanor.

16 4. The Iowa department of public health shall:

17 a. Adopt rules pursuant to chapter 17A and establish and
18 collect all fees necessary to administer this section. The
19 provisions of chapter 17A, including licensing provisions,
20 judicial review, and appeal, shall apply to this chapter.

21 b. Establish minimum safety and sanitation standards for
22 the operation of body piercing establishments.

23 5. If the Iowa department of public health determines that
24 a provision of this section or a rule or standard adopted or
25 established pursuant to this section has been or is being
26 violated, the department may order that a body piercing
27 establishment not be operated until the necessary corrective
28 action has been taken. If the establishment continues to be
29 operated in violation of the order of the department, the
30 department may request that the county attorney or the
31 attorney general make an application in the name of the state
32 to the district court of the county in which the violations
33 have occurred for an order to enjoin the violations. This
34 remedy is in addition to any other legal remedy available to
35 the department.

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EXPLANATION

2 This bill provides for the regulation of body piercing.

3 The bill provides that an individual shall not own, control

4 and lease, act as an agent for, conduct, manage, or operate a

5 body piercing establishment without having applied for and

6 received a permit from the Iowa department of public health.

7 The bill also provides that a minor, meaning an unmarried

8 person under the age of 18, shall not undergo body piercing,

9 with the exception of piercing of the ear lobe, and that an

10 individual shall not perform body piercing upon a minor. The

11 bill provides that an individual violating these provisions

12 shall be guilty of a serious misdemeanor.

13 The bill additionally provides for the administration of

14 body piercing regulations, and the collection of fees

15 therefrom, by the Iowa department of public health, and

16 provides that the provisions of Code chapter 17A, including

17 licensing provisions, judicial review, and appeal, apply to

18 body piercing regulations. The department is directed to

19 establish minimum safety and sanitation standards for the

20 operation of body piercing establishments, and may order that

21 a body piercing establishment not be operated until action to

22 correct a violation occurs. If a body piercing establishment

23 continues to be operated in violation of the order of the

24 department, the department may request that the county

25 attorney or the attorney general make an application in the

26 name of the state to the district court of the county in which

27 the violations have occurred for an order to enjoin the

28 violations, in addition to any other legal remedy available to

29 the department.

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