

JAN 10 2000
HUMAN RESOURCES

HOUSE FILE 2011
BY GARMAN

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

A BILL FOR

1 An Act prohibiting body piercing of persons less than eighteen
2 years of age without prior written notarized consent of a
3 parent, providing for injunctive relief, and providing a
4 penalty.

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

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HF 2011

1 DIVISION XII

2 BODY PIERCING

3 Section 1. NEW SECTION. 135.121 BODY PIERCING -- MINORS
4 -- PENALTY.

5 1. For the purposes of this section:

6 a. "Body piercing" means for commercial purposes the act
7 of penetrating the skin to make a hole, mark, or scar. "Body
8 piercing" does not include the use of a mechanized,
9 presterilized, ear-piercing system that penetrates the outer
10 perimeter or lobe of the ear, or both.

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

13 c. "Parent" means a parent, legal guardian, or legal
14 custodian of a minor.

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

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

19 a. Prescribe the form used in obtaining written notarized
20 consent from the parent of a minor under this section.

21 b. Provide exceptions to subsection 2 for persons who
22 perform or receive body piercing pursuant to a recognized
23 religious tenant or cultural practice.

24 c. Adopt rules pursuant to chapter 17A to administer this
25 section.

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

28 5. It is an affirmative defense to a violation of
29 subsection 2 that the person providing the body piercing was
30 presented with proper identification showing that the
31 individual seeking the body piercing was eighteen years of age
32 or older, and the person providing the body piercing
33 reasonably believed the individual seeking the body piercing
34 to be eighteen years of age or older.

35 6. If the department determines that this section has been

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

11 EXPLANATION

12 This bill prohibits a person from providing body piercing
13 to a minor unless the person obtains the written notarized
14 consent of a parent of the minor prior to the provision of any
15 body piercing. A person who provides body piercing in
16 violation of the bill is guilty of a serious misdemeanor. The
17 bill provides that it is an affirmative defense to a violation
18 of the body piercing provisions that the person providing the
19 body piercing was provided with proper identification showing
20 the individual seeking the body piercing to be 18 years of age
21 or older and the person providing the body piercing reasonably
22 believed the individual seeking the body piercing to be 18
23 years of age or older. The bill directs the Iowa department
24 of public health to prescribe the form to be used in obtaining
25 a parent's written notarized consent and to adopt rules. The
26 bill also provides that if the department determines that a
27 person providing body piercing has been or is violating the
28 prohibition, the department may order the person to cease
29 operation until the necessary corrective action has been
30 taken. The bill provides that if the person continues to
31 operate in violation of the order of the department, the
32 department may seek an injunction to enjoin the violation.

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

19 a. Prescribe the form used in obtaining written notarized
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21 b. Provide exceptions to subsection 2 for persons who
22 perform or receive body piercing pursuant to a recognized
23 religious tenet or cultural practice.

24 c. Adopt rules pursuant to chapter 17A to administer this
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27 violation of subsection 2 is guilty of a serious misdemeanor.

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1 or is being violated, the department may order that a person
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5 department may request that the county attorney or the
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