

4/19/00 Do Pass

JAN 27 2000

Place On Calendar

HOUSE FILE

2084

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2011)

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 2084

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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HOUSE FILE 2084

H-8012

- 1 Amend House File 2084 as follows:
- 2 1. Page 1, by inserting after line 23, the
- 3 following:
- 4 "____. Establish minimum safety and sanitation
- 5 criteria for the operation of an establishment that
- 6 provides body piercing."
- 7 2. By renumbering as necessary.

By MASCHER of Johnson

H-8012 FILED FEBRUARY 8, 2000

out of order
4/28/00 (P. 455)

HOUSE FILE 2084

H-8015

- 1 Amend House File 2084 as follows:
- 2 1. Page 1, line 16, by striking the word
- 3 "notarized".
- 4 2. Page 1, line 19, by striking the word
- 5 "notarized".
- 6 3. Title page, line 2, by striking the word
- 7 "notarized".

By FALCK of Fayette
FORD of Polk

H-8015 FILED FEBRUARY 8, 2000

adopted
2/28/00
(P. 455)

HOUSE FILE 2084

H-8010

1 Amend House File 2084 as follows:

2 1. Page 1, line 23, by striking the word "tenant"
3 and inserting the following: "tenet".

By CARROLL of Poweshiek

H-8010 FILED FEBRUARY 7, 2000

Adopted

2/28/00 P463- HOUSE FILE 2084

H-8023

1 Amend House File 2084 as follows:

2 1. Page 1, by inserting after line 14, the
3 following:

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

9 2. Page 1, by inserting after line 23, the
10 following:

11 "_____. Establish minimum safety and sanitation
12 criteria for the operation of an establishment that
13 provides body piercing."

14 3. Page 1, line 24, by inserting after the figure
15 "17A" the following: "and collect all fees
16 necessary".

17 4. Page 1, line 26, by inserting after the word
18 "who" the following: "fails to meet the requirements
19 of subsection 1A or a person who".

20 5. Title page, line 1, by inserting after the
21 word "Act" the following: "relating to body piercing
22 including requiring a permit for practicing body
23 piercing and".

24 6. Title page, lines 3 and 4, by striking the
25 words "a penalty" and inserting the following:
26 "penalties".

27 7. By renumbering, relettering and by correcting
28 internal references as necessary.

By MASCHER of Johnson

H-8023 FILED FEBRUARY 9, 2000

Adopted

2/28/00 (P.455) HOUSE FILE 2084

H-8076

1 Amend House File 2084 as follows:

2 1. Page 1, line 27, by striking the words
3 "serious misdemeanor" and inserting the following:
4 "simple misdemeanor punishable by a fine of two
5 hundred fifty dollars".

By PARMENTER of Story

H-8076 FILED FEBRUARY 28, 2000

HOUSE FILE 2084

H-8077

1 Amend amendment H-8023, to House File 2084 as
2 follows:

3 1. Page 1, line 11, by striking the word
4 "minimum".

By DODERER of Johnson

H-8077 FILED FEBRUARY 28, 2000

BY UNANIMOUS CONSENT

Adopted
2/28/00
(P.455)

**HOUSE FILE 2084
FISCAL NOTE**

The estimate for House File 2084 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2084 prohibits a person from providing body piercing to a minor unless the person obtains the written notarized consent of a parent of the minor prior to the body piercing.

CORRECTIONAL IMPACT

House File 2084 is not expected to have a significant correctional impact.

FISCAL IMPACT

House File 2084 is not expected to have a significant fiscal impact on the State General Fund. Fees of approximately \$15,000 would be collected to cover the costs of administering the regulations.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Public Health

(LSB 5050hv, VMT)

FILED JANUARY 31, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR