

FEB 6 2003

COMMERCE, REGULATION & LABOR

HOUSE FILE 152
BY BELL

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

A BILL FOR

1 An Act relating to regulation of tattooing equipment and the
2 practice of tattooing and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 152

1 Section 1. Section 135.37, subsections 1, 4, and 5, Code
2 2003, are amended to read as follows:

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

10 4. The Iowa department of public health shall:

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

15 b. Establish minimum safety and sanitation criteria for
16 the operation of tattooing establishments, the use of
17 tattooing equipment for the purpose of engaging in the
18 practice of tattooing, and the practice of tattooing.

19 5. If the Iowa department of public health determines that
20 a provision of this section has been or is being violated, the
21 department may order that a tattooing establishment not be
22 operated, a person in possession of tattooing equipment not
23 use the equipment, or a person engaging in the practice of
24 tattooing not engage in the practice until the necessary
25 corrective action has been taken. If the establishment
26 continues to be operated, the person in possession of
27 tattooing equipment continues to use the equipment, or the
28 person practicing tattooing continues to practice tattooing in
29 violation of the order of the department, the department may
30 request that the county attorney or the attorney general make
31 an application in the name of the state to the district court
32 of the county in which the violations have occurred for an
33 order to enjoin the violations. This remedy is in addition to
34 any other legal remedy available to the department.

35 EXPLANATION

1 This bill provides that in addition to current regulatory
2 provisions that apply to a tattooing establishment, a person
3 who possesses tattooing equipment for the purposes of engaging
4 in the practice of tattooing must also apply for and receive a
5 permit from the Iowa department of public health before using
6 the equipment. The bill also directs the department to
7 establish minimum safety and sanitation criteria for not only
8 the operation of tattooing establishments that is addressed
9 under current law, but also for the use of tattooing equipment
10 for the purpose of engaging in the practice of tattooing, and
11 the practice of tattooing.

12 The bill provides that if the department determines a
13 violation exists, the department may order not only that a
14 tattooing establishment not be operated, but that a person in
15 possession of tattooing equipment not use the equipment, and a
16 person engaging in the practice of tattooing not engage in the
17 practice until the necessary corrective action has been taken.
18 If the establishment continues to be operated, the person in
19 possession of tattooing equipment continues to use the
20 equipment, or the person practicing tattooing continues to
21 practice tattooing in violation of the order of the
22 department, the department may make an application to enjoin
23 the violations. The existing penalty of a simple misdemeanor
24 for violation of a provision of the chapter applies to a
25 violation of this bill.

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