

SENATE FILE 80
BY HATCH

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

A BILL FOR

1 An Act relating to body piercing and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 80
STATE GOVERNMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION XV
BODY PIERCING

Section 1. NEW SECTION. 135.140 BODY PIERCING -- PERMIT
REQUIRED -- MINORS -- PENALTY.

1. For the purposes of this section:

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

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

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

2. A person shall not own, control, or lease, act as an agent for, conduct, manage, or operate an establishment to practice body piercing or engage in body piercing without first applying for and receiving a permit from the Iowa department of public health. Permits shall be renewed on an annual basis.

3. a. An individual shall not engage in the practice of body piercing without first obtaining a blood test from a health care professional or laboratory licensed to perform or provide a blood test, the results of which confirm that the individual is not infected with a contagious or infectious disease as defined in section 139A.2, or HIV or AIDS as defined in section 141A.1.

b. An applicant for a permit to engage in the practice of body piercing shall obtain a blood test as prescribed in paragraph "a". The applicant shall include a statement in the application attesting to the fact that the individual has been tested and has obtained negative results in accordance with paragraph "a". The individual shall maintain documentation of the testing and results of testing. An applicant shall obtain

1 a blood test pursuant to this subsection annually prior to
2 application for renewal of a permit.

3 4. A minor shall not undergo body piercing and a person
4 shall not provide body piercing to a minor unless the written
5 consent of a parent of the minor has been obtained prior to
6 any body piercing being provided.

7 5. The department shall do all of the following:

8 a. Prescribe the form used in obtaining written consent
9 from the parent of a minor under this section.

10 b. Establish minimum safety and sanitation criteria for
11 the operation of an establishment that provides body piercing.

12 c. Establish standards for individuals engaging in the
13 practice of body piercing.

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

18 6. The provisions of this section shall not apply to a
19 person who practices body piercing pursuant to a recognized
20 religious doctrine or cultural practice upon persons for whom
21 the undergoing of body piercing has religious or cultural
22 significance. The performance of body piercing pursuant to
23 this subsection shall, however, be subject to review by the
24 department with regard to the existence of an asserted
25 religious doctrine or cultural practice and with regard to the
26 observance of safety and sanitation standards.

27 7. A person who fails to meet the requirements of
28 subsection 2 or 3, or who provides body piercing to a minor in
29 violation of subsection 4, is guilty of a serious misdemeandr.

30 8. If the department determines that this section has been
31 or is being violated, the department may order that a person
32 cease providing body piercing until the necessary corrective
33 action has been taken. If the person continues to provide
34 body piercing in violation of the order of the department, the
35 department may request that the county attorney or the

1 attorney general make an application in the name of the state
2 to the district court of the county in which the violation has
3 occurred for an order to enjoin the violation. This remedy is
4 in addition to any other legal remedy available to the
5 department.

6

EXPLANATION

7 This bill requires a person who owns, controls, or leases,
8 acts as an agent for, conducts, manages, or operates an
9 establishment to practice body piercing or to engage in body
10 piercing to apply for and receive a state permit. The permit
11 is to be renewed on an annual basis.

12 The bill also prohibits an individual from engaging in the
13 practice of body piercing unless the individual has first
14 obtained a blood test from a health care professional or
15 laboratory licensed to perform or provide a blood test, the
16 results of which test confirm that the individual is not
17 infected with a contagious or infectious disease or HIV or
18 AIDS. Additionally, an applicant for a permit to engage in
19 the practice of body piercing is to obtain the blood test
20 prescribed in the bill and is then to include a statement in
21 the application attesting to the fact that the individual has
22 been tested and has obtained negative results. The bill
23 directs the individual to maintain documentation of the
24 testing and results of testing. The applicant for a permit to
25 engage in the practice of body piercing is to obtain a blood
26 test annually prior to application for renewal of a permit.

27 The bill also prohibits a minor from undergoing body
28 piercing and prohibits a person from providing body piercing
29 to a minor unless the person obtains the written consent of a
30 parent of the minor prior to the provision of any body
31 piercing. A person who does not obtain a permit or comply
32 with permitting requirements, or who provides body piercing in
33 violation of the bill, is guilty of a serious misdemeanor.
34 The bill directs the Iowa department of public health to
35 prescribe the form to be used in obtaining a parent's written

1 consent, to establish minimum safety and sanitation criteria
2 for the operation of an establishment that provides body
3 piercing, to establish standards for individuals engaging in
4 the practice of body piercing, to adopt rules pursuant to Code
5 chapter 17A, and to establish and collect all fees necessary
6 to administer the bill.

7 The provisions of the bill do not apply to a person who
8 practices body piercing pursuant to a recognized religious
9 doctrine or cultural practice upon persons for whom the
10 undergoing of body piercing has religious or cultural
11 significance. However, such performance of body piercing is
12 subject to review by the department with regard to the
13 existence of an asserted religious doctrine or cultural
14 practice and with regard to the observance of safety and
15 sanitation standards.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35