

Senate File 462 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 174)

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

A BILL FOR

1 An Act relating to body piercing, body modification, and
2 tattooing, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2164SV 82
5 jr/cf/24

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1 1 Section 1. Section 135.37, Code 2007, is amended to read
1 2 as follows:
1 3 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION ==
1 4 PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
1 5 1. A person shall not own, control and lease, act as an
1 6 agent for, conduct, manage, or operate an establishment to
1 7 practice the art of tattooing, body piercing, or body
1 8 modification, or engage in the practice of tattooing, body
1 9 piercing, or body modification, without first applying for and
1 10 receiving a permit from the Iowa department of public health.
1 11 2. A minor shall not obtain a tattoo, or undergo a body
1 12 piercing or body modification, and a person shall not provide
1 13 a tattoo, body piercing, or body modification to a minor
1 14 unless parental consent has first been obtained. For the
1 15 purposes of this section, "minor" means an unmarried person
1 16 who is under the age of eighteen years. The department shall
1 17 develop parental consent forms and procedures for verification
1 18 of the consent by rule.
1 19 2A. For the purposes of this section:
1 20 a. "Body modification" means for commercial purposes the
1 21 permanent or semipermanent deliberate altering of the human
1 22 body for nonmedical reasons. "Body modification" does not
1 23 include tattooing or body piercing.
1 24 b. "Body piercing" means for commercial purposes the act
1 25 of penetrating the skin to make a hole, mark, or scar. "Body
1 26 piercing" does not include the use of a mechanized,
1 27 presterilized, ear-piercing system that penetrates the outer
1 28 perimeter or lobe of the ear, or both.
1 29 c. "Minor" means an unmarried person who is under the age
1 30 of eighteen years.
1 31 3. A person who fails to meet the requirements of
1 32 subsection 1 or a person providing a tattoo, body piercing, or
1 33 body modification to a minor is guilty of a serious an
1 34 aggravated misdemeanor.
1 35 4. The Iowa department of public health shall:
2 1 a. Adopt rules pursuant to chapter 17A and establish and
2 2 collect all fees necessary to administer this section. The
2 3 provisions of chapter 17A, including licensing provisions,
2 4 judicial review, and appeal, shall apply to this chapter.
2 5 b. Establish minimum safety and sanitation criteria for
2 6 the operation of tattooing, body piercing, and body
2 7 modification establishments.
2 8 5. If the Iowa department of public health determines that
2 9 a provision of this section has been or is being violated, the
2 10 department may order that a tattooing, body piercing, or body
2 11 modification establishment not be operated until the necessary
2 12 corrective action has been taken. If the establishment
2 13 continues to be operated in violation of the order of the
2 14 department, the department may request that the county
2 15 attorney or the attorney general make an application in the
2 16 name of the state to the district court of the county in which
2 17 the violations have occurred for an order to enjoin the
2 18 violations and confiscate commercial property and equipment.

2 19 This remedy is in addition to any other legal remedy available
2 20 to the department.

2 21 EXPLANATION

2 22 This bill modifies and expands current restrictions
2 23 relating to performing and receiving a tattoo, and extends
2 24 them to also apply to body piercing and body modification.

2 25 The bill provides that a person shall not own, control and
2 26 lease, act as an agent for, conduct, manage, or operate an
2 27 establishment to practice the art of tattooing, body piercing,
2 28 or body modification, or engage in the practice of tattooing,
2 29 body piercing, or body modification, without having received a
2 30 permit from the Iowa department of public health.

2 31 Additionally, a minor shall not obtain a tattoo, or undergo a
2 32 body piercing or body modification, and a person shall not
2 33 provide a tattoo, body piercing, or body modification to a
2 34 minor unless parental consent has first been obtained. The
2 35 bill provides that parental consent forms and procedures shall

3 1 be established by the department by rule.

3 2 The bill provides definitions of "body modification", "body
3 3 piercing", and "minor" and provides that body piercing does
3 4 not refer to the use of a mechanized, presterilized, ear=
3 5 piercing system that penetrates the outer perimeter or lobe of
3 6 the ear, or both.

3 7 The bill provides that a person who violates the provisions
3 8 relating to ownership or operation of an establishment, or who
3 9 provides a tattoo, body piercing, or body modification to a
3 10 minor, is guilty of an aggravated misdemeanor. Currently, the
3 11 corresponding penalty applicable to tattooing is a serious
3 12 misdemeanor. The bill extends existing provisions relating to
3 13 rulemaking, establishment of minimum safety and sanitation
3 14 criteria, and issuance of an order against an establishment to
3 15 not operate pending corrective action by the department
3 16 concerning tattooing to body piercing and body modification.
3 17 The bill also adds a penalty of confiscation of commercial
3 18 property in the event of continued operation in violation of
3 19 the order.

3 20 LSB 2164SV 82

3 21 jr:nh/cf/24