

House File 114

HOUSE FILE _____
BY SCHUELLER, KRESSIG,
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GASKILL

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

A BILL FOR

1 An Act relating to body piercing and tattooing, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1085HH 83
5 jr/nh/24

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1 1 Section 1. Section 135.37, Code 2009, is amended to read
1 2 as follows:

1 3 135.37 TATTOOING, BODY PIERCING == PERMIT REQUIREMENT ==
1 4 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 or body piercing or engage in
1 8 the practice of tattooing or body piercing without first
1 9 applying for and receiving a permit from the Iowa department
1 10 of public health.

1 11 2. A minor shall not obtain a tattoo or undergo a body
1 12 piercing and a person shall not provide a tattoo or body
1 13 piercing to a minor unless parental consent has first been
1 14 obtained. ~~For the purposes of this section, "minor" means an~~
1 15 ~~unmarried person who is under the age of eighteen years. The~~
1 16 ~~department shall develop parental consent forms and procedures~~
1 17 ~~for verification of the consent by rule.~~

1 18 3. For the purposes of this section:

1 19 a. "Body piercing" means for commercial purposes the act
1 20 of penetrating human skin to make a hole, mark, or scar.

1 21 "Body piercing" does not include the use of a mechanized,
1 22 presterilized, ear-piercing system that penetrates the outer
1 23 perimeter or lobe of the ear, or both.

1 24 b. "Minor" means an unmarried person who is under the age
1 25 of eighteen years.

1 26 ~~3- 4.~~ A person who fails to meet the requirements of
1 27 subsection 1 or a person providing a tattoo or body piercing
1 28 to a minor is guilty of ~~a serious~~ an aggravated misdemeanor.

1 29 ~~4- 5.~~ The Iowa department of public health shall:

1 30 a. Adopt rules pursuant to chapter 17A and establish and
1 31 collect all fees necessary to administer this section. The
1 32 provisions of chapter 17A, including licensing provisions,
1 33 judicial review, and appeal, shall apply to this chapter.

1 34 b. Establish minimum safety and sanitation criteria for
1 35 the operation of tattooing or body piercing establishments.

2 1 ~~5- 6.~~ If the Iowa department of public health determines
2 2 that a provision of this section has been or is being
2 3 violated, the department may order that a tattooing or body
2 4 piercing establishment not be operated until the necessary
2 5 corrective action has been taken. If the establishment
2 6 continues to be operated in violation of the order of the
2 7 department, the department may request that the county
2 8 attorney or the attorney general make an application in the
2 9 name of the state to the district court of the county in which
2 10 the violations have occurred for an order to enjoin the
2 11 violations and confiscate commercial property and equipment.
2 12 This remedy is in addition to any other legal remedy available
2 13 to the department.

2 14 ~~6- 7.~~ As necessary to avoid duplication and promote
2 15 coordination of public health inspection and enforcement
2 16 activities, the department may enter into agreements with
2 17 local boards of health to provide for inspection and
2 18 enforcement of tattooing or body piercing establishments in

2 19 accordance with the rules and criteria implemented under this
2 20 section.

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.

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 or body
2 28 piercing, or engage in the practice of tattooing or body
2 29 piercing without having received a permit from the Iowa
2 30 department of public health. Additionally, a minor shall not
2 31 obtain a tattoo or undergo a body piercing, and a person shall
2 32 not provide a tattoo or body piercing, to a minor unless
2 33 parental consent has first been obtained. The bill provides
2 34 that parental consent forms and procedures shall be
2 35 established by the department by rule.

3 1 The bill provides definitions of "body piercing" and
3 2 "minor" and provides that body piercing does not refer to the
3 3 use of a mechanized, presterilized, ear-piercing system that
3 4 penetrates the outer perimeter or lobe of the ear, or both.

3 5 The bill provides that a person who violates the provisions
3 6 relating to ownership or operation of an establishment, or who
3 7 provides a tattoo or body piercing to a minor, is guilty of an
3 8 aggravated misdemeanor. Currently, the corresponding penalty
3 9 applicable to tattooing is a serious misdemeanor. The bill
3 10 extends existing provisions relating to rulemaking,
3 11 establishment of minimum safety and sanitation criteria, and
3 12 issuance of an order against an establishment to not operate
3 13 pending corrective action by the department concerning
3 14 tattooing to body piercing. The bill also adds a penalty of
3 15 confiscation of commercial property in the event of continued
3 16 operation in violation of the order.

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