

**Senate File 2079 - Introduced**

SENATE FILE 2079  
BY SODDERS

**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:

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

3 135.37 Tattooing, body piercing, body modification — permit  
4 requirement — parental consent — penalty.

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

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

19 2A. For the purposes of this section:

20 a. "Body modification" means for commercial purposes the  
21 permanent or semipermanent deliberate altering of the human  
22 body for nonmedical reasons. "Body modification" does not  
23 include tattooing or body piercing.

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

29 c. "Minor" means an unmarried person who is under the age  
30 of eighteen years.

31 3. A person who fails to meet the requirements of  
32 subsection 1 or a person providing a tattoo, body piercing,  
33 or body modification to a minor is guilty of ~~a serious~~ an  
34 aggravated misdemeanor.

35 4. The Iowa department of public health shall:

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

5 b. Establish minimum safety and sanitation criteria  
6 for the operation of tattooing, body piercing, and body  
7 modification establishments.

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

21 6. As necessary to avoid duplication and promote  
22 coordination of public health inspection and enforcement  
23 activities, the department may enter into agreements with local  
24 boards of health to provide for inspection of tattooing, body  
25 piercing, or body modification establishments and enforcement  
26 activities in accordance with the rules and criteria  
27 implemented under this section.

28 EXPLANATION

29 This bill modifies and expands current restrictions relating  
30 to performing and receiving a tattoo, and extends them to also  
31 apply to body piercing and body modification.

32 The bill provides that a person shall not own, control  
33 and lease, act as an agent for, conduct, manage, or operate  
34 an establishment to practice the art of tattooing, body  
35 piercing, or body modification, or engage in the practice of

1 tattooing, body piercing, or body modification, without having  
2 received a permit from the Iowa department of public health.  
3 Additionally, a minor shall not obtain a tattoo, or undergo  
4 a body piercing or body modification, and a person shall not  
5 provide a tattoo, body piercing, or body modification to a  
6 minor unless parental consent has first been obtained. The  
7 bill provides that parental consent forms and procedures shall  
8 be established by the department by rule.

9 The bill provides definitions of "body modification", "body  
10 piercing", and "minor" and provides that body piercing does not  
11 refer to the use of a mechanized, presterilized, ear-piercing  
12 system that penetrates the outer perimeter or lobe of the ear,  
13 or both.

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