

House File 450 - Introduced

HOUSE FILE 450

BY JACOBY

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 2013, is amended to read as
2 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 3. 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.~~ 4. 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.~~ 5. 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 for the
6 operation of tattooing, body piercing, and body modification
7 establishments, in consultation with owners and operators of
8 such establishments and persons engaged in the practice of
9 tattooing, body piercing, or body modification.

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

23 ~~6.~~ 7. As necessary to avoid duplication and promote
24 coordination of public health inspection and enforcement
25 activities, the department may enter into agreements with local
26 boards of health to provide for inspection of tattooing, body
27 piercing, or body modification establishments and enforcement
28 activities in accordance with the rules and criteria
29 implemented under this section.

30 EXPLANATION

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

34 The bill provides that a person shall not own, control
35 and lease, act as an agent for, conduct, manage, or operate

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

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

16 The bill provides that a person who violates the provisions
17 relating to ownership or operation of an establishment, or
18 who provides a tattoo, body piercing, or body modification to
19 a minor, is guilty of an aggravated misdemeanor. Currently,
20 the corresponding penalty applicable to tattooing is a serious
21 misdemeanor. An aggravated misdemeanor is punishable by
22 confinement for no more than two years and a fine of at least
23 \$625 but not more than \$6,250.

24 The bill extends existing provisions relating to rulemaking,
25 establishment of minimum safety and sanitation criteria,
26 and issuance of an order against an establishment to not
27 operate pending corrective action by the department concerning
28 tattooing to body piercing and body modification. The bill
29 also adds a penalty of confiscation of commercial property in
30 the event of continued operation in violation of the order.