

JAN 15 2002  
HUMAN RESOURCES

HOUSE FILE 2039  
BY FREVERT and GARMAN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to body piercing including requiring a permit for  
2 practicing body piercing and prohibiting body piercing of  
3 minors without prior written consent of a parent, providing  
4 for injunctive relief, and providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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DIVISION XV  
BODY PIERCING

Section 1. NEW SECTION. 135.140 BODY PIERCING -- 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. "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 and 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.

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

4. The department shall do all of the following:

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

b. Provide exceptions to subsection 3 for persons who perform or receive body piercing pursuant to a recognized religious tenet or cultural practice.

c. Establish safety and sanitation criteria for the operation of an establishment that provides body piercing.

d. Adopt rules pursuant to chapter 17A and establish and collect all fees necessary to administer this section.

5. A person who fails to meet the requirements of subsection 2 or who provides body piercing to a minor in violation of subsection 3 is guilty of a serious misdemeanor.

1 6. It is an affirmative defense to a violation of  
2 subsection 3 that the person providing the body piercing was  
3 presented with a driver's license, as defined in section  
4 321.1, subsection 20A, or a nonoperator's identification card  
5 issued pursuant to section 321.190, offered by the individual  
6 who wishes to be provided body piercing, demonstrating that  
7 the individual is not a minor, and the person providing the  
8 body piercing has a reasonable belief based on factual  
9 evidence that the identification is not altered, falsified, or  
10 belongs to another individual.

11 7. If the department determines that this section has been  
12 or is being violated, the department may order that a person  
13 cease providing body piercing until the necessary corrective  
14 action has been taken. If the person continues to provide  
15 body piercing in violation of the order of the department, the  
16 department may request that the county attorney or the  
17 attorney general make an application in the name of the state  
18 to the district court of the county in which the violation has  
19 occurred for an order to enjoin the violation. This remedy is  
20 in addition to any other legal remedy available to the  
21 department.

22 **EXPLANATION**

23 This bill requires a person who owns, controls and leases,  
24 acts as an agent for, conducts, manages, or operates an  
25 establishment to practice body piercing or to engage in body  
26 piercing to apply for and receive a state permit. The bill  
27 also prohibits a person from providing body piercing to a  
28 minor unless the person obtains the written consent of a  
29 parent of the minor prior to the provision of any body  
30 piercing. A person who does not obtain a permit or who  
31 provides body piercing in violation of the bill is guilty of a  
32 serious misdemeanor. The bill provides that it is an  
33 affirmative defense to a violation of the body piercing  
34 provisions that the person providing the body piercing was  
35 provided with identification showing that the individual

1 seeking the body piercing is not a minor and the person  
2 providing the body piercing reasonably believes that  
3 identification is not altered, falsified, or belongs to  
4 another individual. The bill directs the Iowa department of  
5 public health to prescribe the form to be used in obtaining a  
6 parent's written consent, to adopt rules, to establish and  
7 collect fees to provide for exceptions for performing or  
8 receiving body piercing as prohibited in the bill based upon  
9 religious tenets or cultural practices, and to establish  
10 safety and sanitation criteria for body piercing  
11 establishments. The bill also provides that if the department  
12 determines that a person providing body piercing has been or  
13 is violating the prohibition, the department may order the  
14 person to cease operation until the necessary corrective  
15 action has been taken. The bill provides that if the person  
16 continues to operate in violation of the order of the  
17 department, the department may seek an injunction to enjoin  
18 the violation.

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