

JAN 21 2005
STATE GOVERNMENT

HOUSE FILE 106
BY MILLER, McCARTHY, BAUDLER,
and J.R. VAN FOSSEN

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

A BILL FOR

1 An Act relating to body piercing and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION XV
BODY PIERCING

Section 1. NEW SECTION. 135.160 BODY PIERCING -- PERMIT
REQUIRED -- PENALTY.

1. A person shall not own, control, or 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.

2. For the purposes of this section, "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.

3. The department shall do all of the following:

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

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

4. A person who fails to meet the requirements of subsection 1 is guilty of a serious misdemeanor.

5. If the department determines that this section has been or is being violated, the department may order that the establishment providing body piercing not be operated until the necessary corrective action has been taken. If the establishment continues to operate in violation of the order of the department, the department may request that the county attorney or the attorney general make an application in the name of the state to the district court of the county in which the violation has occurred for an order to enjoin the violation. This remedy is in addition to any other legal remedy available to the department.

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EXPLANATION

This bill requires a person who owns, controls, or leases, acts as an agent for, conducts, manages, or operates an establishment to practice body piercing or to engage in body piercing to apply for and receive a state permit.

A person who does not obtain a permit is guilty of a serious misdemeanor. The bill directs the Iowa department of public health to establish minimum safety and sanitation criteria for the operation of an establishment that provides body piercing, to adopt rules pursuant to Code chapter 17A, and to establish and collect all fees necessary to administer the bill.

The bill provides for injunctive relief in addition to any other remedy available to the Iowa department of public health.