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SENATE FILE 2169

BY BLACK

HUMAN RESOURCES

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**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:

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HUMAN RESOURCES

SF 2169

1 Section 1. Section 135.37, Code 2005, is amended to read  
2 as follows:

3 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION --  
4 PERMIT REQUIREMENT -- PARENTAL CONSENT -- PENALTY.

5 1. A person shall not own, control and lease, act as an  
6 agent for, conduct, manage, or operate an establishment to  
7 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  
13 a tattoo, body piercing, or body modification to a minor  
14 unless parental consent has first been obtained. ~~For the~~  
15 ~~purposes of this section, "minor" means an unmarried person~~  
16 ~~who is under the age of eighteen years.~~ The department shall  
17 develop parental consent forms and procedures for verification  
18 of the consent by rule.

19 2A. For the purposes of this section:

20 a. "Body modification" means for commercial purposes the  
21 permanent or semi-permanent 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 act  
25 of penetrating the skin to make a hole, mark, or scar. "Body  
26 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, or  
33 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 for  
6 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  
15 attorney or the attorney general make an application in the  
16 name of the state to the district court of the county in which  
17 the violations have occurred for an order to enjoin the  
18 violations and confiscate commercial property and equipment.  
19 This remedy is in addition to any other legal remedy available  
20 to the department.

21 EXPLANATION

22 This bill modifies and expands current restrictions  
23 relating to performing and receiving a tattoo, and extends  
24 them to also apply to body piercing and body modification.

25 The bill provides that a person shall not own, control and  
26 lease, act as an agent for, conduct, manage, or operate an  
27 establishment to practice the art of tattooing, body piercing,  
28 or body modification, or engage in the practice of tattooing,  
29 body piercing, or body modification, without having received a  
30 permit from the Iowa department of public health.

31 Additionally, a minor shall not obtain a tattoo, or undergo a  
32 body piercing or body modification, and a person shall not  
33 provide a tattoo, body piercing, or body modification to a  
34 minor unless parental consent has first been obtained. The  
35 bill provides that parental consent forms and procedures shall

1 be established by the department by rule.

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

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

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