

**HB 2090** - H AMD

By Representative Appleton

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54  
4 RCW to read as follows:

5 The legislature finds and declares that the practices of body  
6 piercing and body art involve an invasive procedure with the use of  
7 needles, single-use disposable sharps, reusable sharps,  
8 instruments, and jewelry, which may be dangerous when improperly  
9 sterilized presenting a risk of infecting the client with  
10 bloodborne pathogens including, but not limited to, HIV, hepatitis  
11 B, and hepatitis C. It is in the interests of the public health,  
12 safety, and welfare to establish requirements in the commercial  
13 practice of body piercing in this state.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54  
15 RCW to read as follows:

16 The definitions in this section apply throughout sections 1, 3,  
17 and 4 of this act and RCW 5.40.050 unless the context clearly  
18 requires otherwise.

19 (1) "Body art" means the practice of physical cosmetic body  
20 adornment utilizing, but not limited to, branding and  
21 scarification. "Body art" also includes the intentional production  
22 of scars upon the body. "Body art" does not include medical  
23 procedures performed by a licensed physician or medical  
24 practitioner.

25 (2) "Body piercing" means the process of penetrating the skin  
26 or mucous membrane for the purpose of insertion of any object,  
27 including but not limited to jewelry, for cosmetic purposes. "Body  
28 piercing" also includes any scar tissue resulting from or relating  
29 to the piercing. "Body piercing" does not include the use of stud  
30 and clasp piercing systems to pierce the earlobe in accordance with

1 the manufacturer's directions and applicable United States food and  
2 drug administration requirements. "Body piercing" does not include  
3 any medical procedures performed by a licensed physician or medical  
4 practitioner.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.54  
6 RCW to read as follows:

7 The secretary of health shall adopt by rule requirements for  
8 standard universal precautions, as recommended by the United States  
9 centers for disease control and prevention, for preventing the  
10 spread of disease and the sterilization of needles, single-use  
11 disposable sharps, reusable sharps, instruments, and jewelry used  
12 by any person who practices body piercing or body art.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.54  
14 RCW to read as follows:

15 (1) Any person who practices body piercing or body art shall  
16 comply with the rules adopted by the department of health under  
17 section 3 of this act.

18 (2) A violation of this section is a misdemeanor.

19 **Sec. 5.** RCW 5.40.050 and 2001 c 194 s 5 are each amended to  
20 read as follows:

21 A breach of a duty imposed by statute, ordinance, or  
22 administrative rule shall not be considered negligence per se, but  
23 may be considered by the trier of fact as evidence of negligence;  
24 however, any breach of duty as provided by statute, ordinance, or  
25 administrative rule relating to electrical fire safety, the use of  
26 smoke alarms, sterilization of needles and instruments used in  
27 tattooing or electrology as required under RCW 70.54.350, standard  
28 universal precautions for preventing the spread of disease and  
29 sterilization of needles, single-use disposable sharps, reusable  
30 sharps, instruments, and jewelry used in body piercing or body art  
31 as required under section 4 of this act, or driving while under the  
32 influence of intoxicating liquor or any drug, shall be considered  
33 negligence per se."

34 Correct the title.

**EFFECT:** Removes intent statements regarding the popularity of body piercing. Removes specific references to age as related to Department of Health rulemaking and negligence per se provisions. Requires that the Department of Health's rules address standards for universal precautions for preventing the spread of disease and provides that noncompliance with the rules shall constitute negligence per se.