

SENATE BILL REPORT

ESSB 5913

As Passed Senate, February 6, 2006

Title: An act relating to regulating tattooing and body piercing businesses.

Brief Description: Regulating tattooing and body piercing.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kohl-Welles and Rasmussen).

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 3/1/05 [DP-WM].
Ways & Means: 3/4/05, 3/7/05 [DPS, w/oRec].
Passed Senate: 2/6/06, 43-0.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Parlette, Ranking Minority Member; Brown, Keiser and Prentice.

Staff: John Dziedzic (786-7784)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator Hewitt.

Staff: Paula Faas (786-7449)

Background: Tattooing is the process by which an indelible mark is inserted into or under the subcutaneous portion of the skin. Body piercing is the creation of an opening in a person's body, other than the earlobe, for the purpose of inserting a foreign object, but does not include the implanting of any foreign object. Body Art is the process of cosmetic body adornment including the use of branding and scarification. "Electrology" is the process of permanently removing hair by the use of a solid needle or probe.

In 2001, the Department of Health (DOH) was directed to establish rules relating to the sterilization of needles and other instruments used in the activities of tattooing and

electrology. Rules adopted under that authority became effective June 20, 2002. A violation of such rules is a misdemeanor, and is considered negligence per se.

Summary of Bill: DOH is directed to adopt rules, in accordance with nationally recognized professional standards for sterilization of instruments used in body piercing or tattooing, and other precautions against the spread of disease. Violation of such rules will be a misdemeanor, and considered negligence per se.

Any person practicing body art, body piercing, or tattooing: (1) must comply with the rules adopted by DOH; (2) must register annually with the Department of Licensing (DOL); (3) may be disciplined pursuant to Uniform Regulation of Business and Professions Act; and (4) is subject to civil penalties and the consumer protection act. DOL is authorized to investigate complaints concerning persons engaging in the business of body art, body piercing or tattooing.

A person engaging in the business of body art, body piercing or tattooing must file a written report containing certain information to DOL and DOH within seventy hours of becoming aware of an infection or allergic reaction resulting from the person's tattooing, body piercing or body artistry.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: July 1, 2007.

Testimony For (Labor, Commerce, Research & Development): The procedures used in body piercing and tattooing present significant public health concerns. Even though there are sterilization standards in place, there is no comprehensive regulatory or inspection authority over the people and businesses that engage in these practices. Of particular concern is the apparent growing incidence where the prohibition against tattooing and body piercing of children under 18 years of age is being ignored. If that law isn't being followed, it is likely that adherence to sterilization and other sanitary procedures may also be lacking. Although tattooing did not qualify for sunrise review in the early 1990s, with the significant increase in the number of tattoo and body piercing parlors in the last ten years, it seems timely to do something about this now.

Testimony Against (Labor, Commerce, Research & Development): It is premature to establish a regulatory framework for this industry until training and other standards are established. The coordination of responsibilities between the Department of Health and the Department of Licensing also needs to be clarified. The Department of Health is the proper agency to write rules reflecting nationally accepted body piercing and tattooing standards to minimize the risk of exposure to blood borne pathogens and infectious disease. DOH will use more rigorous standards than the Cosmetology Board.

Who Testified (Labor, Commerce, Research & Development): PRO: Senator Kastama, prime sponsor; Kitty Candelaria, National Hepatitis C Institute.

CON: David Kile, WA State Cosmetology Assn.; Troy Amundson, Apocalypse Piercing, Inc.

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): No one.

Signed in, Unable to Testify & Submitted Written Testimony: CON: Troy Amundson,
Apocalypse Printing, Inc.