

SENATE BILL REPORT

SB 5913

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, March 1, 2005
Ways & Means, March 7, 2005

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

Brief Description: Regulating tattooing and body piercing.

Sponsors: 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].

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. "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.

Summary of Substitute Bill: Regulation of tattooing is transferred from DOH to the Department of Licensing (DOL). Tattooing and body piercing are regulated by DOL under the chapter currently applicable to cosmetology, barbering, manicuring and esthetics, and must comply with (1) sterilization procedures approved by the US Food and Drug Administration; (2) infection control precautions adopted by the United States Centers for Disease Control; and (3) guidelines recommended by the National Environmental Health Association and Alliance of Professional Tattooists. The cosmetology, barbering, manicuring, esthetics, tattooing, and body piercing advisory board is empowered to issue penalties for violations of these requirements.

A tattooist or body piercer must report to DOL within seventy hours of becoming aware of an infection or allergic reaction resulting from tattooing, body piercing or electrology.

Substitute Bill Compared to Original Bill: Tattooing and body piercing shops and salons are to report allergic reactions to DOL rather than DOH.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

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): See below.

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