
HOUSE BILL 2090

State of Washington 59th Legislature 2005 Regular Session

By Representatives Appleton, Campbell, Kenney, Dickerson, Schual-Berke, Curtis, Walsh, Cody, Clibborn, Haigh and Chase

Read first time 02/17/2005. Referred to Committee on Health Care.

1 AN ACT Relating to the commercial practices of body piercing and
2 body art; amending RCW 5.40.050; adding new sections to chapter 70.54
3 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW
6 to read as follows:

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

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

1 The definitions in this section apply throughout sections 1, 3, and
2 4 of this act and RCW 5.40.050 unless the context clearly requires
3 otherwise.

4 (1) "Body art" means the practice of physical cosmetic body
5 adornment utilizing, but not limited to, branding and scarification.
6 "Body art" also includes the intentional production of scars upon the
7 body. "Body art" does not include medical procedures performed by a
8 licensed physician or medical practitioner.

9 (2) "Body piercing" means the process of penetrating the skin or
10 mucous membrane for the purpose of insertion of any object, including
11 but not limited to jewelry, for cosmetic purposes. "Body piercing"
12 also includes any scar tissue resulting from or relating to the
13 piercing. "Body piercing" does not include the use of stud and clasp
14 piercing systems to pierce the earlobe in accordance with the
15 manufacturer's directions and applicable United States food and drug
16 administration requirements. "Body piercing" does not include any
17 medical procedures performed by a licensed physician or medical
18 practitioner.

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

21 The secretary of health shall adopt by rule requirements for the
22 sterilization of needles, single-use disposable sharps, reusable
23 sharps, instruments, and jewelry used by any person who practices body
24 piercing or body art and restrictions to be placed on body art and
25 piercing procedures for adults and minors in accordance with nationally
26 recognized professional standards. The secretary shall consider the
27 standard precautions recommended by the United States centers for
28 disease control, the national environmental health association, and the
29 association of professional piercers, in the adoption of these
30 sterilization requirements.

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

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

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

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

3 A breach of a duty imposed by statute, ordinance, or administrative
4 rule shall not be considered negligence per se, but may be considered
5 by the trier of fact as evidence of negligence; however, any breach of
6 duty as provided by statute, ordinance, or administrative rule relating
7 to electrical fire safety, the use of smoke alarms, sterilization of
8 needles and instruments used in tattooing or electrology as required
9 under RCW 70.54.350, sterilization of needles, single-use disposable
10 sharps, reusable sharps, instruments, and jewelry used in body piercing
11 or body art and restrictions placed on body art and piercing procedures
12 for adults and minors as required under section 4 of this act, or
13 driving while under the influence of intoxicating liquor or any drug,
14 shall be considered negligence per se.

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