

HB 1383 - H AMD 1003

By Representative Appleton

WITHDRAWN 02/13/2008

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

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that the
4 practices of body modification involve an invasive procedure with the
5 use of needles, single-use disposable sharps, reusable sharps,
6 instruments, and jewelry. These practices may be dangerous when
7 improperly sterilized, presenting a risk of infecting the client with
8 bloodborne pathogens including, but not limited to, HIV, hepatitis B,
9 and hepatitis C. It is in the interests of the public health, safety,
10 and welfare to establish requirements in the commercial practice of
11 body piercing in this state.

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

14 The definitions in this section apply throughout sections 1 and 3
15 through 5 of this act and RCW 5.40.050 unless the context clearly
16 requires otherwise.

17 (1) "Body modification" means the practice of physical cosmetic
18 body adornment including body piercing and the use of branding and
19 scarification. "Body modification" also includes the intentional
20 production of scars upon the body. "Body modification" does not
21 include any health-related procedures performed by licensed health
22 practitioners under their scope of practice.

23 (2) "Body piercing" means the process of penetrating the skin or
24 mucous membrane for the purpose of insertion of an object, including
25 jewelry, for cosmetic purposes. "Body piercing" also includes any scar
26 tissue resulting from or relating to the piercing. "Body piercing"
27 does not include any health-related procedures performed by licensed
28 health practitioners under their scope of practice.

1 (3) "Local health jurisdiction" or "jurisdiction" means a county
2 board of health organized under chapter 70.05 RCW, a health district
3 organized under chapter 70.46 RCW, or a combined city-county health
4 department organized under chapter 70.08 RCW.

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

7 The secretary of health shall adopt by rule requirements for
8 standard precautions, as recommended by the United States centers for
9 disease control and prevention, for preventing the spread of disease
10 and the sterilization of needles, single-use disposable sharps,
11 reusable sharps, instruments, and jewelry used by a person who
12 practices body modification in accordance with the standards of the
13 American national standards institute and the association for the
14 advancement of medical instrumentation for table-top steam sterilizers
15 in office sterilization.

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

18 Local health jurisdictions shall conduct annual inspections of
19 facilities where the practice of body modification is performed to
20 determine compliance with safety, infection control, and sterilization
21 requirements imposed by statute or rule of the state secretary of
22 health and local boards of health.

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

- 25 (1) A person who practices body modification must comply with the
26 rules adopted by the secretary of health under section 3 of this act.
27 (2) A violation of this section is a misdemeanor.

28 **Sec. 6.** RCW 5.40.050 and 2001 c 194 s 5 are each amended to read
29 as follows:

30 A breach of a duty imposed by statute, ordinance, or administrative
31 rule shall not be considered negligence per se, but may be considered
32 by the trier of fact as evidence of negligence; however, any breach of
33 duty as provided by statute, ordinance, or administrative rule relating
34 to electrical fire safety, the use of smoke alarms, sterilization of

1 needles and instruments used in tattooing or electrology as required
2 under RCW 70.54.350, standard precautions for preventing the spread of
3 disease and sterilization of needles, single-use disposable sharps,
4 reusable sharps, instruments, and jewelry used in body modification as
5 required under section 3 of this act, or driving while under the
6 influence of intoxicating liquor or any drug, shall be considered
7 negligence per se."

8 Correct the title.

EFFECT: Changes the term "body art" to "body modification" and includes body piercing activities in the definition of "body modification." Removes the exclusion of stud and clasp piercing systems that pierce the earlobe from the definition of "body piercing."

Changes the phrase "standard universal precautions" to "standard precautions."

Requires local health jurisdictions to conduct annual inspections of body modification and tattooing facilities to determine compliance with safety, infection control, and sterilization requirements.

Requires the Secretary of Health's rules regarding sterilization procedures to be in accordance with the standards of the American National Standards Institute and the Association for the Advancement of Medical Instrumentation.

--- END ---