

**HB 1383 - H AMD 1019**

By Representative Appleton

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

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

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

14        (1) A person who practices body modification must comply with the  
15 rules adopted by the secretary of health under section 3 of this act.

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

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

19        A breach of a duty imposed by statute, ordinance, or administrative  
20 rule shall not be considered negligence per se, but may be considered  
21 by the trier of fact as evidence of negligence; however, any breach of  
22 duty as provided by statute, ordinance, or administrative rule relating  
23 to electrical fire safety, the use of smoke alarms, sterilization of  
24 needles and instruments used in tattooing or electrology as required  
25 under RCW 70.54.350, standard precautions for preventing the spread of  
26 disease and sterilization of needles, single-use disposable sharps,  
27 reusable sharps, instruments, and jewelry used in body modification as  
28 required under section 3 of this act, or driving while under the  
29 influence of intoxicating liquor or any drug, shall be considered  
30 negligence per se."

31        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 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.

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