

HOUSE BILL REPORT

EHB 1383

As Passed House:

February 13, 2008

Title: An act relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements.

Brief Description: Regulating body modification.

Sponsors: By Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos.

Brief History:

Committee Activity:

Health Care & Wellness: 2/13/07, 2/14/07 [DP].

Floor Activity:

Passed House: 3/13/07, 93-3.

Floor Activity:

Passed House: 2/13/08, 95-1.

Brief Summary of Engrossed Bill

- Requires the Secretary of Health to establish sterilization and disease prevention standards for body modification procedures.
- Requires the Department of Health to study whether or not the body modification profession should be regulated.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, Curtis, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

Staff: Chris Blake (786-7392).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Proposals to the Legislature either to regulate a new health profession or increase the scope of practice of an existing health profession may be sent to the Department of Health (Department) to be reviewed under the "sunrise" review process. When reviewing a proposal to regulate a new health profession under this process, the Department reviews the proposal to determine (1) the danger to the public of unregulated practice, (2) the public's need for assurances of quality, and (3) the existence of a more cost-beneficial means of protecting the public.

The Secretary of Health (Secretary) establishes requirements for the sterilization of needles and instruments used by electrologists and tattoo artists. These rules address both sterilization procedures and universal precautions for preventing the spread of disease. There are no similar provisions for body piercing.

Summary of Engrossed Bill:

The Secretary must establish requirements for standard precautions for preventing the spread of disease and sterilizing needles, jewelry, and other instruments used in the body modification profession. The failure to comply with the standard precautions is a misdemeanor and shall be considered negligence per se in a civil action. The term "body modification" is defined as physical cosmetic body adornment, including body piercing, branding, and scarification. The term "body piercing" is defined as penetrating the skin to insert an object for cosmetic purposes. Neither term includes health-related procedures performed by a licensed health care practitioner.

The Department must conduct a study of the body modification profession and make recommendations to the Legislature regarding the need to regulate the profession. The report must be submitted by January 1, 2009.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Body piercing is an unregulated industry and there are people performing body piercing without any sterilization or hygiene requirements. This will regulate body piercing in a similar manner to tattooing. Body piercing does not present a high risk to public health.

(Opposed) This bill lacks an enforcement mechanism for body piercers and will give the public a false sense of security. There are no education or inspection requirements, or consumer complaint processes. There is no way to hold facilities accountable or to respond to a public health threat.

Persons Testifying: (In support) Representative Appleton, prime sponsor; Yoshe Revelle; and Troy Amundson.

(Opposed) Kitty Candelaria, National Hepatitis C Institute.

Persons Signed In To Testify But Not Testifying: None.