

# SENATE BILL REPORT

## SB 5860

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, February 08, 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 piercing.

**Sponsors:** Senators Murray, Holmquist, Keiser, Kohl-Welles and Clements.

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 2/26/07; 2/05/08, 2/08/08 [DPS].

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5860 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist, Ranking Minority Member; Hewitt, King and Prentice.

**Staff:** Ingrid Mungia (786-7423)

**Background:** The Secretary of Health 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 Bill (Recommended Substitute):** The Secretary of Health must establish requirements for universal precautions for preventing the spread of disease and sterilizing needles, jewelry, and other instruments used for body piercing and body art. The failure to comply with the universal precautions is a misdemeanor and must be considered negligence per se in a civil action.

Local health jurisdictions must develop rules and procedures to monitor body piercing and tattooing facilities within their jurisdictions. The rules and procedures must help determine compliance with licensing, safety, infection control, and sterilization requirements imposed by statute or rule of the state and local boards of health.

The term "body art" is defined as physical cosmetic adornment, including branding and scarification. The term "body piercing" is defined as penetrating the skin to insert an object

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for cosmetic purposes, but does not include the use of stud and clasp piercing systems to pierce the earlobe. Neither term includes health-related procedures performed by a licensed health care practitioner.

**EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT COMMITTEE (Recommended Substitute):** Requires local health jurisdictions to develop rules and procedures to monitor body piercing and tattooing facilities within their jurisdictions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Substitute Bill:** PRO: There are some real bad players out there, but there are also some real good players and they came forward to try and get their business regulated in a very constructive way. The health departments are directed around the state to develop, and find a way to monitor, and inspect these tattooing and body piercing facilities. The industry is in full support of oversight. We have only opposed how it has been brought forward. This is a good bill. Cosmetology would like to be regulated by the local health jurisdictions.

CON: This bill lacks enforcement and consumer information, educational requirements, and doesn't state whether there will be a complaint mechanism in place. The FDA has not approved any injectable inks for under the skin. All tattooing and body piercing facilities require is a business license. There is nothing in place to give people an avenue to report inappropriate behavior.

OTHER: DOH would have the same role for adopting rules and standard precautions

**Persons Testifying:** PRO: Senator Murray, prime sponsor; Penny Rudy, Society of Permanent Cosmetic Professionals; Troy Amundson, Apocalypse Tattooing and Piercing.

CON: Kitty Candelaria, National Hepatitis C Institute; David Kile, Washington State Cosmetology Institute.

OTHER: Trudie Touchette, DOL; Patti Rathbun, DOH.