

SENATE BILL REPORT

SSB 5391

As Amended by House, April 13, 2009

Title: An act relating to regulating body art, body piercing, and tattooing practitioners, shops, and businesses.

Brief Description: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Haugen, Fairley, Roach and Pflug).

Brief History:

Committee Activity: Health & Long-Term Care: 2/18/09, 2/23/09 [DPS].

Passed Senate: 3/05/09, 47-1.

Passed House: 4/13/09, 95-2.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Becker, Fairley, Marr, Murray and Parlette.

Staff: Edith Rice (786-7444)

Background: The Secretary of the Department of Health (DOH) has established requirements for the sterilization of needles and instruments used by tattoo artists. These rules address both sterilization procedures and universal precautions for preventing the spread of disease. There are no similar provisions for body art or body piercing.

The practices of body art, body piercing, and tattooing are not currently regulated in Washington State.

Summary of Substitute Bill: A license is required to practice body art, body piercing, and tattooing.

Body art is the practice of physical cosmetic body adornment including branding and scarification. Body piercing is the practice of piercing the skin to insert an object. Tattooing

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is the indelible marking of the skin by inserting nontoxic dyes or pigments under the subcutaneous portion of the skin.

The Department of Licensing (DOL) must administer licensing for these practices according to minimum safety and sanitation standards set by DOH. A license is required for individual practitioners and for body art, body piercing, and tattooing businesses. DOL will inspect businesses every two years or upon receipt of a complaint. Business and individual licenses must be renewed annually.

Minimum standards are established by DOL for body art, body piercing, and tattooing businesses. DOH will establish sterilization standards for body art, body piercing, and tattooing.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony: PRO: These newly regulated professions will pay for their own regulation. We would like to see this bill implemented as soon as possible. This bill will raise the level of professionalism for all its practitioners. This is a fast growing area, qualified professionals need training. We need to pass a responsible bill.

Persons Testifying: PRO: Senator Kastama, prime sponsor; Senator Murray; Kitty Candelaria, National Hepatitis C Institute; Penny Rudy, Chrysalis Clinic; Mary Tanneberg, DermaTech Cosmetics; Troy Amundson, Apocalypse Tattoo and Body Piercing.

House Amendment(s): Requires that the precautions against the spread of disease adopted by the Secretary of Health cover the sterilization of "sharps" instead of "single-use disposable sharps and reusable sharps."

Changes the definition of "body art" from "the practice of physical cosmetic body adornment" to "the practice of invasive cosmetic adornment."

Changes the definition of "tattooing" from "the introduction of an indelible mark, figure, or decorative design by inserting nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being for cosmetic or figurative purposes" to "to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin."

Changes the definition of "tattoo artist" to conform to the new definition of "tattooing."

Clarifies that the Director of DOL's authority to impose additional requirements on body art, body piercing, and tattooing businesses applies only to safety and sanitation.

Adds body artists, body piercers, and tattoo artists to the section of the Uniform Regulation of Business and Professions Act that lists those professions covered by the Act.