

SENATE BILL REPORT

ESHB 1256

As of February 23, 2012

Title: An act relating to body art, body piercing, and tattooing.

Brief Description: Concerning body art, body piercing, and tattooing.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representative Appleton).

Brief History: Passed House: 2/10/12, 89-8.

Committee Activity: Labor, Commerce & Consumer Protection: 2/21/12, 2/23/12.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: To practice body art, body piercing, or tattooing in Washington, a person must receive a license from Department of Licensing (DOL). Licenses may be issued to individual practitioners and to shops or businesses that provide these services.

Body art means the practice of invasive cosmetic adornment, including the use of branding and scarification, but does not include health-related procedures performed by licensed health care practitioners under their scope of practice. Body piercing is the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes, excluding the practice of medicine. Tattooing means piercing or puncturing the human skin with a needle or other instrument to make indelible marks on the skin.

DOL rules require the issuance of an individual license to any person who is at least 18 years old, provides proof of bloodborne pathogen certification, and pays a fee. DOL sets fees for obtaining or renewing licenses at \$250 for individual licenses and \$300 for shop licenses.

Summary of Bill: DOL may issue individual operator licenses to people who perform body art, body piercing, or tattooing and location licenses to shops or businesses that provide those services.

Prior to July 1, 2014, a person qualifies for an individual operator license if the person: (1) completes an application and pays a licensing fee; (2) is at least 18 years old; (3) provides proof of bloodborne pathogen training; and (4) meets applicable industry-specific

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.

requirements set by DOL. After that date, a person qualifies if the person meets those qualifications and completes an internship program during the three years before the date of the application.

The internship must consist of training in the body art, body piercing, or tattooing profession. The internship training must be conducted by an individual operator licensee who has seven consecutive years of documented experience in the profession.

DOL may issue a 30-day guest artist license to a nonresident of Washington who intends to practice body art, body piercing, or tattooing in the state. Guest artists must meet the requirements set for people to receive operator licenses prior to July 1, 2014.

A person whose license is not renewed within a year after expiration no longer must have the license canceled and resubmit an application, pay a license fee, meet current requirements, and pass any examination in order to be reinstated.

DOL must suspend the license of a person who is reported to DOL for non-payment or default on a federal or state-guaranteed education loan or service-conditional scholarship. Prior to suspension, DOL must provide the person with an opportunity for a brief adjudicative proceeding and issue a finding of non-payment or default. The license may not be reissued until the person provides a written release issued by the lending agency stating the person is making payments in accordance with a repayment agreement. If the person continues to meet all other requirements for licensure during the suspension, DOL must automatically reinstate the person after receiving notice of the release and payment of any reinstatement fee.

The procedures by which the Department of Social and Health Services certifies that a person is not in compliance with a support order are changed.

Other technical changes are made.

Appropriation: None.

Fiscal Note: Available.

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

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There are only three states that are unregulated in the areas of body art, body piercing, and tattooing; we are not one of them. The intern has to have an internship with someone for seven years who has at least three years of experience. People in the industry requested this bill to be more regulated because we are dealing with blood pathogens. This is a small bill that will have a great impact. Amenable to a one to three year internship. We want people to be safe and not sick.

OTHER: There was a misunderstanding on the intent of the bill. The internship was made to be defined in rule. The trainer has to have seven years experience to train an intern. We just began the inspection program from last year and we are just starting to see a concern on the improper safety and sanitation procedures.

Persons Testifying: PRO: Representative Appleton, prime sponsor.

OTHER: Susan Colard, DOL.