

# SENATE BILL REPORT

## SB 5074

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As of February 1, 2011

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

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

**Sponsors:** Senators Murray, Kohl-Welles, Rockefeller, Haugen, Keiser, Regala, Prentice, Hobbs and Parlette.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 1/18/11.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

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

**Background:** Practice of Body Art, Body Piercing, and Tattooing. A person practicing body art, body piercing, and tattooing must be licensed. In order to qualify for licensure, an applicant must meet the application requirements determined by the Director of the Department of Licensing (Director), provide certification of insurance and provide payment of fees. Individual practitioners of body art, body piercing, and tattoo artists are subject to the Uniform Regulations of Business and Professional Act.

Body Art, Body Piercing, or Tattooing Shop. A body art, body piercing, or tattooing shop or business must meet minimum requirements as defined in statute. The Director may adopt other requirements that are necessary for the safety and sanitation of shops or businesses.

The Director is authorized to consult with the State Board of Health and the Department of Labor and Industries.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Definitions. Several definitions are amended. Individual operator license means a license issued to a shop or business. The definition of tattoo artist is removed because the term is not used in the chapter. Clarifies the Department means the Department of Licensing. Clarifies that there are individual operator licenses and location licenses.

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*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.*

Application Requirements. Before July 1, 2013, a person qualifies for an individual operator license if that person:

- completes an application and pays a licensing fee established by the Department;
- is at least 18 years old;
- provides proof of blood borne pathogen training; and
- meets all applicable industry specific requirements as defined by the Department.

Beginning July 1, 2013, a person qualifies for an individual license if that person:

- completes an application and pays a licensing fee established by the Department;
- is at least 18 years old;
- provides proof of blood borne pathogen training;
- completes an internship program during the three years before the date of the application; and
- meets all applicable industry specific requirements as defined by the Department.

The Department may issue a guest artist license for a period of up to thirty days to a nonresident of Washington who intends to engage in the practice of body art, body piercing, or tattooing in the state. To qualify for a guest artist license, a person must:

- complete an application and pay a licensing fee established by the Department;
- be at least 18 years old;
- provide proof of blood borne pathogen training;
- meet all applicable industry specific requirements as defined by the Department; and
- practice in accordance with Department rules.

The Department may issue an individual operator license to a nonresident of Washington State if the applicant can demonstrate at least three consecutive years of documented experience practicing in the profession of body art, body piercing, or tattooing. This experience must have occurred within the five year period before the date of the application.

Internship Program. Beginning July 1, 2013, applicants for an individual operator license must demonstrate completion of an internship program. The internship program must consist of training in the profession of body art, body piercing, or tattooing completed in accordance with Department rules. A person in the internship program must be trained by an individual operator licensee who has seven consecutive years of documented experience in the profession of body art, body piercing, or tattooing.

License Suspension for Default on Education Loans. The Department must suspend the license of any body art, body piercing, or tattoo artist who has been certified by a lending agency and reported to the Department for nonpayment, or defaulted on a federally or state-guaranteed educational loan or service-conditional scholarship. If the person continues to meet all other requirements for licensure during the suspension, the Department must automatically reinstate the license once the Department has received notice the person is making payment on the loan and has paid any reinstatement fee.

**Appropriation:** None.

**Fiscal Note:** Requested on January 15, 2011.

[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: The passing of this bill will fortify the health and safety of our public consumer by assuring the business owner/artist/technician will meet a minimum standard and criteria set forth by the Department. Mandating education and training will provide the public with an increased expertise for our industry, compared to the existing statute. The tattoo and piercing industries are growing rapidly; therefore, this regulation is necessary to protect the public. I believe that an internship standard is paramount to establish a knowledge base to new operators, resulting in higher safety standards. I believe we need to raise the bar in our industry and this bill does just that. The public is under the impression that a licensed artist has training and is safe. Without a training requirement in the law we are leading them into a false sense of security. Tattoo conventions are an integral part of the tattoo culture. Allowing for out of town and out of the country artists to come and share their art with us is an important tradition that will be protected under this bill as well.

OTHER: The Department has been working with the tattoo community. We are just starting to hire our inspectors and travel out to the shops. Through this process we worked with the community and an ad hoc committee on what training is necessary to work in this industry.

**Persons Testifying:** PRO: Penny Rudy, Kenneth Else, Christy Brooker, Troy Amundson, citizens.

OTHER: Susan Colard, Department of Licensing.