
SUBSTITUTE HOUSE BILL 2162

State of Washington

63rd Legislature

2014 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Ryu, Kirby, and Moscoso)

READ FIRST TIME 01/28/14.

1 AN ACT Relating to body art, body piercing, tattooing, and
2 permanent cosmetics; amending RCW 18.300.010, 18.300.020, 18.300.030,
3 18.300.050, 18.300.060, 18.300.070, 18.300.090, 18.300.130, 18.300.080,
4 and 28C.10.030; and adding new sections to chapter 18.300 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.300.010 and 2009 c 412 s 2 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter and
9 RCW 5.40.050 and 70.54.340 unless the context clearly requires
10 otherwise.

11 (1) "Body art" means the practice of invasive cosmetic adornment
12 including the use of branding and scarification. "Body art" also
13 includes the intentional production of scars upon the body. "Body art"
14 does not include any health-related procedures performed by licensed
15 health care practitioners under their scope of practice.

16 (2) "Body piercing" means the process of penetrating the skin or
17 mucous membrane to insert an object, including jewelry, for cosmetic
18 purposes. "Body piercing" also includes any scar tissue resulting from
19 or relating to the piercing. "Body piercing" does not include the use

1 of stud and clasp piercing systems to pierce the earlobe in accordance
2 with the manufacturer's directions and applicable United States food
3 and drug administration requirements. "Body piercing" does not include
4 any health-related procedures performed by licensed health care
5 practitioners under their scope of practice, nor does anything in
6 (~~chapter 412, Laws of 2009~~) this chapter authorize a person
7 registered to engage in the business of body piercing to implant or
8 embed foreign objects into the human body or otherwise engage in the
9 practice of medicine.

10 (3) "Director" means the director of the department of licensing or
11 his or her designee.

12 (4) "Individual license" means a body art, body piercing, (~~or~~)
13 tattoo, or permanent cosmetics practitioner license issued under this
14 chapter.

15 (5) "Internship training program" means a training program provided
16 by an individual licensed in good standing under this chapter who has
17 seven consecutive years of documented experience in the profession of
18 body art, body piercing, tattooing, or permanent cosmetics.

19 (6) "Location license" means a license issued under this chapter
20 for a shop or business.

21 (~~(6)~~) (7) "Permanent cosmetics" means a cosmetic technique that
22 includes tattoos as a means of producing designs that resemble makeup,
23 such as eyelining and other permanent enhancing colors to the skin of
24 the face, lips, eyelids, and eyebrows. It is also used to restore or
25 enhance the skin of the body after surgery.

26 (8) "Shop or business" means a body art, body piercing, (~~or~~)
27 tattooing, or permanent cosmetics shop or business.

28 (~~(7)~~) (9) "Tattoo artist" means a person who pierces or punctures
29 the human skin with a needle or other instrument for the purpose of
30 implanting an indelible mark, or pigment, into the skin for a fee.

31 (~~(8)~~) (10) "Tattooing" means to pierce or puncture the human skin
32 with a needle or other instrument for the purpose of implanting an
33 indelible mark, or pigment, into the skin.

34 **Sec. 2.** RCW 18.300.020 and 2009 c 412 s 3 are each amended to read
35 as follows:

36 In addition to any other duties imposed by law, including RCW

1 18.235.030 and 18.235.040, the director has the following powers and
2 duties:

3 (1) To set all license, examination, and renewal fees in accordance
4 with RCW 43.24.086;

5 (2) To adopt rules necessary to implement this chapter;

6 (3) To prepare and administer or approve the preparation and
7 administration of licensing;

8 (4) To establish minimum safety and sanitation standards for
9 practitioners of body art, body piercing, ~~((or))~~ tattooing, or
10 permanent cosmetics as determined by the department of health;

11 (5) To maintain the official department record of applicants and
12 licensees;

13 (6) To set license expiration dates and renewal periods for all
14 licenses consistent with this chapter;

15 (7) To ensure that all informational notices produced and mailed by
16 the department regarding statutory and regulatory changes affecting any
17 particular class of licensees are mailed to each licensee in good
18 standing in the affected class whose mailing address on record with the
19 department has not resulted in mail being returned as undeliverable for
20 any reason; ~~((and))~~

21 (8) To make information available to the department of revenue to
22 assist in collecting taxes from persons and businesses required to be
23 licensed under this chapter; and

24 (9) To establish advisory committees and ad hoc advisory committees
25 to advise the director on testing procedures, professional standards,
26 disciplinary activities, or any other matters deemed necessary.
27 Advisory committee or ad hoc advisory committee members must include
28 representatives of the professional tattoo industry, permanent
29 cosmetics industry, and body piercing industry. Advisory committee or
30 ad hoc advisory committee members may receive reimbursement for travel
31 expenses while engaged in official business as provided by RCW
32 43.03.050 and 43.03.060.

33 **Sec. 3.** RCW 18.300.030 and 2009 c 412 s 4 are each amended to read
34 as follows:

35 (1) It is unlawful for any person to engage in a practice listed in
36 subsection (2) of this section unless the person has a license in good

1 standing as required by this chapter. A license issued under this
2 chapter is considered to be "in good standing" except when:

3 (a) The license has expired (~~(or has been canceled)~~) and has not
4 been renewed in accordance with RCW 18.300.050;

5 (b) The license has been denied, revoked, or suspended under RCW
6 18.300.110 or 18.300.130, and has not been reinstated; or

7 (c) The license is held by a person who has not fully complied with
8 an order of the director issued under RCW 18.300.110 requiring the
9 licensee to pay restitution or a fine, or to acquire additional
10 training.

11 (2) The director may take action under RCW 18.235.150 and
12 18.235.160 against any person who does any of the following without
13 first obtaining, and maintaining in good standing, the license required
14 by this chapter:

15 (a) Engages in the practice of body art, body piercing, (~~(or)~~)
16 tattooing, or permanent cosmetics; or

17 (b) Operates a shop or business.

18 **Sec. 4.** RCW 18.300.050 and 2009 c 412 s 6 are each amended to read
19 as follows:

20 (1) The director shall issue the appropriate license to any
21 applicant who meets the requirements as outlined in this chapter. The
22 director has the authority to set appropriate licensing fees for body
23 art, body piercing, (~~(and)~~) tattooing, and permanent cosmetics shops
24 and businesses and body art, body piercing, (~~(and)~~) tattooing, and
25 permanent cosmetics individual practitioners. Licensing fees for
26 individual practitioners must be set in an amount less than licensing
27 fees for shops and businesses.

28 (2) Failure to renew a license by its expiration date subjects the
29 holder to a penalty fee and payment of each year's renewal fee, at the
30 current rate.

31 (~~(3) ((A person whose license has not been renewed within one year~~
32 ~~after its expiration date must have his or her license canceled and~~
33 ~~must be required to submit an application, pay the license fee, meet~~
34 ~~current licensing requirements, and pass any applicable examination or~~
35 ~~examinations, in addition to the other requirements of this chapter,~~
36 ~~before the license may be reinstated.~~

1 ~~(4)~~) An applicant for an individual license must meet the
2 following requirements:

3 (a) Be at least eighteen years of age;

4 (b) Provide proof of:

5 (i) Completion of an internship training program. The internship
6 training program must consist of training in the profession of body
7 art, body piercing, tattooing, or permanent cosmetics that is completed
8 in accordance with rules adopted by the director; or

9 (ii) One year documented experience, providing body art, body
10 piercing, tattooing services, or permanent cosmetics in another state,
11 territory, or possession of the United States, or foreign country
12 within the last three years;

13 (c) Hold a current certification of blood-borne pathogen training;

14 (d) Pay the appropriate license fee; and

15 (e) Pass an examination approved or administered by the director.

16 (4) The director may issue a guest artist license to a nonresident
17 of Washington state who intends to engage in the practice of body art,
18 body piercing, tattooing, or permanent cosmetics in this state. Guest
19 artists must meet the requirements of subsection (3) of this section or
20 provide proof of licensure in any state, territory, or possession of
21 the United States, or foreign country. A license in any jurisdiction
22 other than this state must be current and in good standing. Guest
23 artists must practice in accordance with rules adopted by the director
24 and are subject to this chapter. Guest artist licenses may be issued
25 for a period of up to thirty days. The director may adopt rules
26 relating to renewal or reissuance of guest artist licenses.

27 (5) Nothing in this section authorizes a person whose license has
28 expired to engage in a practice prohibited under RCW 18.300.030 until
29 the license is renewed or reinstated.

30 ~~((+5))~~ (6) Upon request and payment of an additional fee to be
31 established by rule by the director, the director shall issue a
32 duplicate license to an applicant.

33 **Sec. 5.** RCW 18.300.060 and 2009 c 412 s 7 are each amended to read
34 as follows:

35 (1) Subject to subsection (2) of this section, licenses issued
36 under this chapter expire as follows:

1 (a) A body art, body piercing, (~~(or)~~) tattooing, or permanent
2 cosmetics shop or business location license expires one year from
3 issuance or when the insurance required by RCW 18.300.070(1)(g)
4 expires, whichever occurs first; and

5 (b) Body art, body piercing, (~~(or)~~) tattooing, or permanent
6 cosmetics practitioner individual licenses expire one year from
7 issuance.

8 (2) The director may provide for expiration dates other than those
9 set forth in subsection (1) of this section for the purpose of
10 establishing staggered renewal periods.

11 **Sec. 6.** RCW 18.300.070 and 2009 c 412 s 8 are each amended to read
12 as follows:

13 (1) A body art, body piercing, (~~(or)~~) tattooing, or permanent
14 cosmetics shop or business shall meet the following minimum
15 requirements:

16 (a) Maintain an outside entrance separate from any rooms used for
17 sleeping or residential purposes;

18 (b) Provide and maintain for the use of its customers adequate
19 toilet facilities located within or adjacent to the shop or business;

20 (c) Any room used wholly or in part as a shop or business may not
21 be used for residential purposes, except that toilet facilities may be
22 used for both residential and business purposes;

23 (d) Meet the zoning requirements of the county, city, or town, as
24 appropriate;

25 (e) Provide for safe storage and labeling of equipment and
26 substances used in the practices under this chapter;

27 (f) Meet all applicable local and state fire codes; and

28 (g) Certify that the shop or business is covered by a public
29 liability insurance policy in an amount not less than one hundred
30 thousand dollars for combined bodily injury and property damage
31 liability.

32 (2) The director may by rule determine other requirements that are
33 necessary for safety and sanitation of shops or businesses. The
34 director may consult with the state board of health and the department
35 of labor and industries in establishing minimum shop and business
36 safety requirements.

1 (3) Upon receipt of a written complaint that a shop or business has
2 violated any provisions of this chapter, chapter 18.235 RCW, or the
3 rules adopted under either chapter, or at least once every two years
4 for an existing shop or business, the director or the director's
5 designee shall inspect each shop or business. If the director
6 determines that any shop or business is not in compliance with this
7 chapter, the director shall send written notice to the shop or
8 business. A shop or business which fails to correct the conditions to
9 the satisfaction of the director within a reasonable time is, upon due
10 notice, subject to the penalties imposed by the director under RCW
11 18.235.110. The director may enter any shop or business during
12 business hours for the purpose of inspection. The director may
13 contract with health authorities of local governments to conduct the
14 inspections under this subsection.

15 (4) A shop or business shall obtain a certificate of registration
16 from the department of revenue.

17 (5) Shop or business location licenses issued by the ((department))
18 director must be posted in the shop or business's reception area.

19 (6) Body art, body piercing, ((and)) tattooing, and permanent
20 cosmetics practitioner individual licenses issued by the department
21 must be posted at the licensed person's work station.

22 **Sec. 7.** RCW 18.300.090 and 2009 c 412 s 10 are each amended to
23 read as follows:

24 It is a violation of this chapter for any person to engage in the
25 commercial practice of body art, body piercing, ((or)) tattooing, or
26 permanent cosmetics except in a licensed shop or business with the
27 appropriate individual body art, body piercing, ((or)) tattooing, or
28 permanent cosmetics license.

29 **Sec. 8.** RCW 18.300.130 and 2009 c 412 s 14 are each amended to
30 read as follows:

31 The ((department)) director shall immediately suspend the license
32 of a person who has been certified under RCW ((74.20A.320)) 74.20A.324
33 by the department of social and health services as a person who is not
34 in compliance with a support order. If the person has continued to
35 meet all other requirements for reinstatement during the suspension,
36 reissuance of the license is automatic upon the ((department's))

1 director's receipt of a release issued by the department of social and
2 health services stating that the licensee is in compliance with the
3 order.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.300 RCW
5 to read as follows:

6 (1) Examination for initial licensure under this chapter shall be
7 conducted at such times and places as the director determines
8 appropriate. Examinations must consist of tests designed to reasonably
9 measure the applicant's knowledge of safe and sanitary practices.
10 Examinations may also include the applicant's knowledge of this chapter
11 and rules adopted pursuant to this chapter.

12 (2) The director shall establish the minimum passing score for all
13 examinations and requirements. The director may allow an independent
14 provider to conduct the examinations at the expense of the applicants.

15 (3) The director must take steps to ensure that after completion of
16 the required course or internship training program, applicants may
17 promptly take the examination and receive the results of the
18 examination.

19 **Sec. 10.** RCW 18.300.080 and 2009 c 412 s 9 are each amended to
20 read as follows:

21 (1) The director shall prepare and provide to all licensed shops or
22 businesses a notice to consumers. At a minimum, the notice must state
23 that body art, body piercing, ~~((and))~~ tattooing, and permanent
24 cosmetics shops or businesses are required to be licensed, that shops
25 or businesses are required to maintain minimum safety and sanitation
26 standards, that customer complaints regarding shops or businesses may
27 be reported to the ~~((department))~~ director, and a telephone number and
28 address where complaints may be made.

29 (2) An approved internship training program shop must post a notice
30 to consumers in the reception area of the shop stating that services
31 may be provided by an intern. At a minimum, the notice must state:
32 "This shop is a participant in a state-approved internship training
33 program. Interns in this program are in training and have not yet
34 received a license."

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.300
2 RCW to read as follows:

3 The director shall suspend the license of any person who has been
4 certified by a lending agency and reported to the director for
5 nonpayment or default on a federally or state-guaranteed educational
6 loan or service-conditional scholarship. Prior to the suspension, the
7 director must provide the person an opportunity for a brief
8 adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue
9 a finding of nonpayment or default on a federally or state-guaranteed
10 educational loan or service-conditional scholarship. The person's
11 license may not be reissued until the person provides the director a
12 written release issued by the lending agency stating that the person is
13 making payments on the loan in accordance with a repayment agreement
14 approved by the lending agency. If the person has continued to meet
15 all other requirements for licensure during the suspension,
16 reinstatement is automatic upon receipt of the notice and payment of
17 any reinstatement fee the director may impose.

18 **Sec. 12.** RCW 28C.10.030 and 2012 c 229 s 576 are each amended to
19 read as follows:

20 This chapter does not apply to:

21 (1) Bona fide trade, business, professional, or fraternal
22 organizations sponsoring educational programs primarily for that
23 organization's membership or offered by that organization on a no-fee
24 basis;

25 (2) Entities offering education that is exclusively avocational or
26 recreational;

27 (3) Education not requiring payment of money or other consideration
28 if this education is not advertised or promoted as leading toward
29 educational credentials;

30 (4) Entities that are established, operated, and governed by this
31 state or its political subdivisions under this title or Title 28A((~~7~~))
32 or 28B((~~7~~~~or~~28C)) RCW;

33 (5) Degree-granting programs in compliance with the rules of the
34 student achievement council;

35 (6) Any other entity to the extent that it has been exempted from
36 some or all of the provisions of this chapter under RCW 28C.10.100;

1 (7) Entities not otherwise exempt that are of a religious
2 character, but only as to those educational programs exclusively
3 devoted to religious or theological objectives and represented
4 accurately in institutional catalogs or other official publications;

5 (8) Entities offering only courses certified by the federal
6 aviation administration;

7 (9) Barber and cosmetology schools licensed under chapter 18.16
8 RCW;

9 (10) Internship training programs approved by the director of the
10 department of licensing for professions licensed under chapter 18.300
11 RCW;

12 (11) Entities which only offer courses approved to meet the
13 continuing education requirements for licensure under chapter 18.04,
14 18.79, or 48.17 RCW; and

15 (~~(11)~~) (12) Entities not otherwise exempt offering only workshops
16 or seminars lasting no longer than three calendar days.

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