**6639 AMS BRAU S4751.1 - NOT FOR FLOOR USE**

**SB 6639** - S AMD **599**

By Senator Braun

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 26.28.085 and 1995 c 373 s 1 are each amended to read as follows:

Every person who applies a tattoo to any minor under the age of eighteen is guilty of a misdemeanor. It is not a defense to a violation of this section that the person applying the tattoo did not know the minor's age unless the person applying the tattoo establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

For the purposes of this section, "tattoo" includes any permanent marking or coloring of the skin with any pigment, ink, or dye, or any procedure that leaves a visible scar on the skin. Medical procedures performed by a licensed physician are exempted from this section. This section does not apply to nonmedical tattoo removal procedures performed by tattoo artists licensed under chapter 18.300 RCW. "Nonmedical tattoo removal procedures" do not include the use of devices that:

(1) Use a laser, noncoherent light, intense pulsed light, radiofrequency, or plasma to topically penetrate skin and alter human tissue; and

(2) Are classified by the federal food and drug administration as prescription devices.

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

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

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

(2) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. "Body piercing" also includes any scar tissue resulting from or relating to the piercing. "Body piercing" does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable United States food and drug administration requirements. "Body piercing" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice, nor does anything in chapter 412, Laws of 2009 authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(3) "Director" means the director of the department of licensing.

(4) "Individual license" means a body art, body piercing, or tattoo practitioner license issued under this chapter.

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

(6) "Shop or business" means a body art, body piercing, or tattooing shop or business.

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

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

(9) Subsections (7) and (8) of this section do not authorize the use of devices that:

(a) Use a laser, noncoherent light, intense pulsed light, radiofrequency, or plasma to topically penetrate skin and alter human tissue; and

(b) Are classified by the federal food and drug administration as prescription devices."

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On page 1, line 2 of the title, after "artists;" strike the remainder of the title and insert "and amending RCW 26.28.085 and 18.300.010."

EFFECT: Authorizes tattoo artists to penetrate the skin in order to remove a tattoo. Clarifies that the bill does not authorize laser removal of tattoos by tattoo artists. Corrects the title.