

SHB 1158 - H AMD 102

By Representative Walsh

NOT ADOPTED 03/11/2019

1 On page 8, after line 6, insert the following:

2 "NEW SECTION. **Sec. 12.** A new section is added to chapter 18.300
3 RCW to read as follows:

4 (1) Beginning in 2021, and every five years thereafter, the
5 appropriate standing committees of the legislature shall review the
6 occupational regulations for permanent cosmetics artists and prepare
7 and submit a report electronically to the chief clerk of the house of
8 representatives, the secretary of the senate, and each member of the
9 house of representatives and senate by August 31st as provided in
10 this section. Each report must include the committee's
11 recommendations regarding whether the occupational regulations should
12 be terminated, continued, or modified.

13 (2) The committee may require the submission of information by
14 the department of licensing and other affected or interested parties.

15 (3) The committee's report must include, but not be limited to,
16 the following:

17 (a) For the immediately preceding five calendar years, or for the
18 period of time less than five years for which the information is
19 practically available, the number of permanent cosmetics licenses the
20 department of licensing has issued, revoked, denied, or assessed
21 penalties against and the reasons for the revocations, denials, and
22 other penalties;

23 (b) A review of the basic assumptions underlying the creation of
24 the occupational regulations;

25 (c) A statement from the department of licensing on the
26 effectiveness of the occupational regulations; and

27 (d) A comparison of whether and how other states regulate the
28 occupation.

29 (4) Each committee shall also analyze, and include in its report,
30 whether the occupational regulations:

31 (a) Protect the fundamental right of an individual to pursue a
32 lawful occupation;

1 (b) Use the least restrictive regulation necessary to protect
2 consumers from undue risks of present, significant, and substantiated
3 harms that clearly threaten or endanger the health, safety, or
4 welfare of the public when competition alone is not sufficient and in
5 a manner that is consistent with the public interest;

6 (c) Enforce occupational regulations against an individual only
7 to the extent that the individual provided services that are included
8 explicitly in the statutes that govern the occupation; and

9 (d) Construe and apply occupational regulations to increase
10 opportunities, promote competition, and encourage innovation.

11 (5) The committee shall consider the following courses of action
12 in developing any recommendations included in its report:

13 (a) If the need is to protect consumers against fraud, the
14 recommended course of action is to strengthen chapter 19.86 RCW, or
15 require disclosures that will reduce misleading attributes of the
16 specific goods or services;

17 (b) If the need is to protect consumers against unclean
18 facilities or to promote general health and safety, the recommended
19 course of action is to require periodic inspections of such
20 facilities;

21 (c) If the need is to protect consumers against potential damages
22 from failure by providers to complete a contract fully or up to
23 standards, the recommended course of action is to require that
24 providers be bonded;

25 (d) If the need is to protect a person who is not party to a
26 contract between the provider and consumer, the recommended course of
27 action is to require that the provider have insurance;

28 (e) If the need is to protect consumers against potential damages
29 by transient providers, the recommended course of action is to
30 require that providers register their businesses with the state;

31 (f) If the need is to protect consumers against a shortfall or
32 imbalance of knowledge about the goods or services relative to the
33 providers' knowledge, the recommended course of action is to require
34 government certification; and

35 (g) If the need is to address a systematic information shortfall
36 such that a reasonable consumer is unable to distinguish between the
37 quality of providers, there is an absence of institutions that
38 provide adequate guidance to the consumer, and the consumer's
39 inability to distinguish between providers and the lack of adequate
40 guidance allows for undue risk of present, significant, and

1 substantiated harms, the recommended course of action is to require
2 an occupational license.

3 (6) The committee shall include in its report a review and
4 analysis of the hours or other amount of education, training, or
5 experience required to ensure such requirements are as least
6 restrictive as necessary to protect the public's health, safety, and
7 welfare.

8 (7) If the committee finds that it is necessary to change
9 occupational regulations, the committee shall recommend the least
10 restrictive regulation consistent with the public interest and the
11 policies in this section.

12 (8) For purposes of performing the committee's duties under this
13 section, committee members may participate in a review and analysis
14 of the occupational regulations, attend meetings, and vote,
15 electronically or in person, on any substantive issue put to the
16 committee by the chair of the committee."

17 Renumber the remaining section consecutively and correct the
18 title.

EFFECT: Requires the appropriate legislative committees to review
the regulations for permanent cosmetics artists every five years and
provide recommendations regarding whether the regulations should be
terminated, continued, or modified.

--- END ---