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ENGROSSED HOUSE BILL 2109

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Ryu, Eslick, Reed, and Reeves

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1 AN ACT Relating to the regulation of permanent cosmetics;  
2 amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060,  
3 18.16.100, 18.16.130, 18.16.170, 18.16.190, 18.16.200, 18.16.260,  
4 18.16.290, 18.16.900, 18.300.010, 5.40.050, 18.235.020, 26.28.085,  
5 70.54.320, 70.54.330, 70.54.340, 70.54.350, 43.24.150, and 74.08.580;  
6 reenacting and amending RCW 82.04.050; adding new sections to chapter  
7 18.16 RCW; and providing an effective date TESTING Engrossing.

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

9 **Sec. 1.** RCW 18.16.010 and 2015 c 62 s 13 are each amended to  
10 read as follows:

11 (1) The legislature recognizes that the practices of cosmetology,  
12 hair design, barbering, manicuring, (~~and~~) esthetics, and master  
13 esthetics involve the use of tools and chemicals which may be  
14 dangerous when mixed or applied improperly, and therefore finds it  
15 necessary in the interest of the public health, safety, and welfare  
16 to regulate those practices in this state.

17 (2) The legislature further recognizes that the practice of  
18 permanent cosmetics and enhanced permanent cosmetics involves  
19 invasive procedures using needles, sharps, and instruments. This  
20 practice may be dangerous when improper sterilization techniques are  
21 used, presenting a risk of infecting clients with blood-borne

1 pathogens including, but not limited to, HIV, hepatitis B, and  
2 hepatitis C. It is in the interest of the state's public health,  
3 safety, and welfare to establish requirements in the commercial  
4 practice of this activity.

5 **Sec. 2.** RCW 18.16.020 and 2015 c 62 s 1 are each amended to read  
6 as follows:

7 As used in this chapter, the following terms have the meanings  
8 indicated unless the context clearly requires otherwise:

9 (1) "Apprentice" means a person who is engaged in a state-  
10 approved apprenticeship program and who must receive a wage or  
11 compensation while engaged in the program.

12 (2) "Apprentice monthly report" means the apprentice record of  
13 daily activities and the number of hours completed in each course of  
14 a curriculum that is prepared monthly by the approved apprenticeship  
15 program and provided to the apprentice, audited annually by the  
16 department, and kept on file by the approved apprenticeship program  
17 for three years.

18 (3) "Apprentice trainer" means a person who gives training to an  
19 apprentice in an approved apprenticeship program and who is approved  
20 under RCW 18.16.280.

21 (4) "Apprenticeship program" means a state-approved  
22 apprenticeship program pursuant to chapter 49.04 RCW and approved  
23 under RCW 18.16.280 for the training of cosmetology, hair design,  
24 barbering, esthetics, master esthetics, and manicuring.

25 (5) "Apprenticeship training committee" means a committee  
26 approved by the Washington apprenticeship and training council  
27 established in chapter 49.04 RCW.

28 (6) "Approved apprenticeship shop" means a salon/shop that has  
29 been approved under RCW 18.16.280 and chapter 49.04 RCW to  
30 participate in an apprenticeship program.

31 (7) "Approved security" means surety bond.

32 (8) "Barber" means a person licensed under this chapter to engage  
33 in the practice of barbering.

34 (9) "Board" means the cosmetology, hair design, barbering,  
35 esthetics, ~~((and))~~ master esthetics, manicuring, permanent cosmetics,  
36 and enhanced permanent cosmetics advisory board.

37 (10) "Cosmetologist" means a person licensed under this chapter  
38 to engage in the practice of cosmetology.

1 (11) "Crossover training" means training approved by the director  
2 as training hours that may be credited to current licensees for  
3 similar training received in another profession licensed under this  
4 chapter.

5 (12) "Curriculum" means the courses of study taught at a school,  
6 online training by a school, in an approved apprenticeship program  
7 established by the Washington state apprenticeship and training  
8 council and conducted in an approved salon/shop, or online training  
9 by an approved apprenticeship program, set by rule under this  
10 chapter, and approved by the department. After consulting with the  
11 board, the director may set by rule a percentage of hours in a  
12 curriculum, up to a maximum of ten percent, that could include hours  
13 a student receives while training in a salon/shop or permanent  
14 cosmetics shop under a contract approved by the department. Each  
15 curriculum must include at least the following required hours:

16 (a) School curriculum:

17 (i) Cosmetologist, (~~one thousand six hundred~~) 1,600 hours;

18 (ii) Hair design, (~~one thousand four hundred~~) 1,400 hours;

19 (iii) Barber, (~~one thousand~~) 1,000 hours;

20 (iv) Manicurist, (~~six hundred~~) 600 hours;

21 (v) Esthetician, (~~seven hundred fifty~~) 750 hours;

22 (vi) Master esthetician either:

23 (A) (~~One thousand two hundred~~) 1,200 hours; or

24 (B) Esthetician licensure plus (~~four hundred fifty~~) 450 hours  
25 of training;

26 (~~(vi) [(vii)]~~) (vii) Permanent cosmetics artist, 100 hours;

27 (viii) Enhanced permanent cosmetics artist either:

28 (A) 200 hours; or

29 (B) 300 hours for a scope of practice that includes performance  
30 of corrective procedures; and

31 (ix) Instructor-trainee, (~~five hundred~~) 500 hours, except that  
32 an instructor-trainee may submit documentation that provides evidence  
33 of experience as a licensed cosmetologist, hair designer, barber,  
34 manicurist, esthetician, (~~or~~) master esthetician, permanent  
35 cosmetics artist, or enhanced permanent cosmetics artist for  
36 competency evaluation toward credit of not more than (~~three~~  
37 hundred) 300 hours of instructor-training.

38 (b) Apprentice training curriculum:

39 (i) Cosmetologist, two thousand hours;

40 (ii) Hair design, one thousand seven hundred fifty hours;

1 (iii) Barber, one thousand two hundred hours;

2 (iv) Manicurist, eight hundred hours;

3 (v) Esthetician, eight hundred hours;

4 (vi) Master esthetician, one thousand four hundred hours.

5 (13) "Department" means the department of licensing.

6 (14) "Director" means the director of the department of licensing  
7 or the director's designee.

8 (15) "Esthetician" means a person licensed under this chapter to  
9 engage in the practice of esthetics.

10 (16) "Hair design" means the practice of arranging, dressing,  
11 cutting, trimming, styling, shampooing, permanent waving, chemical  
12 relaxing, straightening, curling, bleaching, lightening, coloring,  
13 mustache and beard design, and superficial skin stimulation of the  
14 scalp.

15 (17) "Hair designer" means a person licensed under this chapter  
16 to engage in the practice of hair design.

17 (18) "Individual license" means a cosmetology, hair design,  
18 barber, manicurist, esthetician, master esthetician, permanent  
19 cosmetics artist, enhanced permanent cosmetics artist, or instructor  
20 license issued under this chapter.

21 (19) "Instructor" means a person who (~~gives~~):

22 (a) Gives instruction in cosmetology, hair design, barbering,  
23 manicuring, esthetics, and master esthetics in a school, or who  
24 provides classroom theory training to apprentices in locations other  
25 than in a school, in a curriculum in which he or she holds a license  
26 under this chapter, has completed at least five hundred hours of  
27 instruction in teaching techniques and lesson planning in a school,  
28 or who has documented experience as an instructor for more than five  
29 hundred hours in another state in the curriculum of study, and has  
30 passed a licensing examination approved or administered by the  
31 director. An applicant who holds a degree in education from an  
32 accredited postsecondary institution shall upon application be  
33 licensed as an instructor to give instruction in a school, or to  
34 provide classroom theory training to apprentices in locations other  
35 than in a school, in a curriculum in which he or she holds a license  
36 under this chapter. An applicant who holds an instructional  
37 credential from an accredited community or technical college and who  
38 has passed a licensing examination approved or administered by the  
39 director shall upon application be licensed as an instructor to give  
40 instruction in a school, or to provide classroom theory training to

1 apprentices in locations other than in a school, in a curriculum in  
2 which he or she holds a license under this chapter. To be approved as  
3 an "instructor" in an approved apprenticeship program, the instructor  
4 must be a competent instructor as defined in rules adopted under  
5 chapter 49.04 RCW; or

6 (b) (i) Provides classroom theory training on permanent cosmetics,  
7 enhanced permanent cosmetics, or both, to an individual in a  
8 curriculum approved by the director;

9 (ii) (A) Holds a current license as a permanent cosmetics artist  
10 or enhanced permanent cosmetics artist; or (B) has held a permanent  
11 cosmetics license issued by the department for the five years prior  
12 to the effective date of this section; and

13 (iii) Is able to demonstrate five consecutive years of performing  
14 permanent cosmetics or enhanced permanent cosmetics.

15 (20) "Instructor-trainee" means a person who is currently  
16 licensed in this state as a cosmetologist, hair designer, barber,  
17 manicurist, esthetician, ~~((or))~~ master esthetician, permanent  
18 cosmetics artist, or enhanced permanent cosmetics artist and is  
19 enrolled in an instructor-trainee curriculum in a school licensed  
20 under this chapter.

21 (21) "Location license" means a license issued under this chapter  
22 for a salon/shop, school, personal services, permanent cosmetics  
23 shop, or mobile unit.

24 (22) "Manicurist" means a person licensed under this chapter to  
25 engage in the practice of manicuring.

26 (23) "Master esthetician" means a person licensed under this  
27 chapter to engage in the practice of master esthetics.

28 (24) "Mobile unit" is a location license under this chapter where  
29 the practice of cosmetology, barbering, esthetics, master esthetics,  
30 or manicuring is conducted in a mobile structure. Mobile units must  
31 conform to the health and safety standards set by rule under this  
32 chapter.

33 (25) "Online training" means theory training provided online, by  
34 a school licensed under this chapter or an approved apprenticeship  
35 program established by the Washington state apprenticeship and  
36 training council, in the areas of cosmetology, hair design, master  
37 esthetics, manicuring, barbering, esthetics, permanent cosmetics,  
38 enhanced permanent cosmetics, and instructor-training.

1 (26) "Person" means any individual, partnership, professional  
2 service corporation, joint stock association, joint venture, or any  
3 other entity authorized to do business in this state.

4 (27) "Personal services" means a location licensed under this  
5 chapter where the practice of cosmetology, hair design, barbering,  
6 manicuring, esthetics, or master esthetics is performed for clients  
7 in the client's home, office, or other location that is convenient  
8 for the client.

9 (28) "Practice of barbering" means the cutting, trimming,  
10 arranging, dressing, curling, shampooing, shaving, and mustache and  
11 beard design of the hair of the face, neck, and scalp.

12 (29) "Practice of cosmetology" means arranging, dressing,  
13 cutting, trimming, styling, shampooing, permanent waving, chemical  
14 relaxing, straightening, curling, bleaching, lightening, coloring,  
15 waxing, tweezing, shaving, and mustache and beard design of the hair  
16 of the face, neck, and scalp; temporary removal of superfluous hair  
17 by use of depilatories, waxing, or tweezing; manicuring and  
18 pedicuring, limited to cleaning, shaping, polishing, decorating, and  
19 caring for and treatment of the cuticles and nails of the hands and  
20 feet, excluding the application and removal of sculptured or  
21 otherwise artificial nails; esthetics limited to toning the skin of  
22 the scalp, stimulating the skin of the body by the use of  
23 preparations, tonics, lotions, or creams; and tinting eyelashes and  
24 eyebrows.

25 (30) "Practice of esthetics" means the care of the skin for  
26 compensation by application, use of preparations, antiseptics,  
27 tonics, essential oils, exfoliants, superficial and light peels, or  
28 by any device, except laser, or equipment, electrical or otherwise,  
29 or by wraps, compresses, cleansing, conditioning, stimulation,  
30 superficial skin stimulation, pore extraction, or product application  
31 and removal; temporary removal of superfluous hair by means of  
32 lotions, creams, appliance, waxing, threading, tweezing, or  
33 depilatories, including chemical means; and application of product to  
34 the eyelashes and eyebrows, including extensions, design and  
35 treatment, tinting and lightening of the hair, excluding the scalp.  
36 Under no circumstances does the practice of esthetics include the  
37 administration of injections.

38 (31) "Practice of manicuring" means the cleaning, shaping,  
39 polishing, decorating, and caring for and treatment of the cuticles  
40 and the nails of the hands or feet, and the application and removal

1 of sculptured or otherwise artificial nails by hand or with  
2 mechanical or electrical apparatus or appliances.

3 (32) "Practice of master esthetics" means the care of the skin  
4 for compensation including all of the methods allowed in the  
5 definition of the practice of esthetics. It also includes the  
6 performance of medium depth peels and the use of medical devices for  
7 care of the skin and permanent hair reduction. The medical devices  
8 include, but are not limited to, lasers, light, radio frequency,  
9 plasma, intense pulsed light, and ultrasound. The use of a medical  
10 device must comply with state law and rules, including any laws or  
11 rules that require delegation or supervision by a licensed health  
12 professional acting within the scope of practice of that health  
13 profession.

14 (33) "Salon/shop" means any building, structure, or any part  
15 thereof, other than a school, where the commercial practice of  
16 cosmetology, barbering, hair design, esthetics, master esthetics, or  
17 manicuring is conducted; provided that any person, except employees  
18 of a salon/shop, who operates from a salon/shop is required to meet  
19 all salon/shop licensing requirements and may participate in the  
20 apprenticeship program when certified as established by the  
21 Washington state apprenticeship and training council established in  
22 chapter 49.04 RCW.

23 (34) "School" means any establishment that offers curriculum of  
24 instruction in the practice of cosmetology, hair design, barbering,  
25 esthetics, master esthetics, manicuring, permanent cosmetics,  
26 enhanced permanent cosmetics, or instructor-trainee to students,  
27 including permanent cosmetics programs, and is licensed under this  
28 chapter.

29 (35) "Student" means ~~((a))~~: (a) A person ((sixteen)) 16 years of  
30 age or older who is enrolled in a school licensed under this chapter  
31 and receives instruction in any of the curricula of cosmetology,  
32 barbering, hair design, esthetics, master esthetics, manicuring, or  
33 instructor-training with or without tuition, fee, or cost, and who  
34 does not receive any wage or commission; and (b) for permanent  
35 cosmetics and enhanced permanent cosmetics, a person 18 years of age  
36 or older who is enrolled in a school licensed under this chapter,  
37 including a permanent cosmetics program, and receives instruction in  
38 the curricula of permanent cosmetics or enhanced permanent cosmetics  
39 with or without tuition, fee, or cost, and who does not receive any  
40 wage or commission.

1 (36) "Student monthly report" means the student record of daily  
2 activities and the number of hours completed in each course of a  
3 curriculum that is prepared monthly by the school and provided to the  
4 student, audited annually by the department, and kept on file by the  
5 school for three years.

6 (37) "Enhanced permanent cosmetics artist" means a person  
7 licensed under this chapter to engage in the practice of enhanced  
8 permanent cosmetics.

9 (38) "Permanent cosmetics artist" means a person licensed under  
10 this chapter to engage in the practice of permanent cosmetics.

11 (39) "Permanent cosmetics program" means any program that offers  
12 curriculum of instruction exclusively in the practice of permanent  
13 cosmetics or the practice of enhanced permanent cosmetics or both to  
14 students and is licensed under this chapter.

15 (40) "Permanent cosmetics shop" means any building, structure, or  
16 any part thereof, other than a school, where the commercial practice  
17 of permanent cosmetics or the commercial practice of enhanced  
18 permanent cosmetics is conducted.

19 (41) "Practice of enhanced permanent cosmetics" means the  
20 piercing or puncturing of the human skin with a needle or other  
21 instrument for all purposes allowed in the definition of the practice  
22 of permanent cosmetics. It also includes the piercing or puncturing  
23 of human skin including mucous membranes and areas adjacent to mucous  
24 membranes for purposes including the application of eyeliner, lip  
25 liner, and lip color. The practice of enhanced permanent cosmetics is  
26 prohibited on any individual under the age of 18.

27 (42) "Practice of permanent cosmetics" means the piercing or  
28 puncturing of the human skin with a needle or other instrument for  
29 the purpose of applying permanent eyebrows, hair follicles, or scar  
30 camouflage, to improve or restore a person's appearance. The practice  
31 of permanent cosmetics is prohibited on any individual under the age  
32 of 18.

33 **Sec. 3.** RCW 18.16.030 and 2019 c 442 s 7 are each amended to  
34 read as follows:

35 In addition to any other duties imposed by law, including RCW  
36 18.235.030 and 18.235.040, the director shall have the following  
37 powers and duties:

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



- 1 (2) To adopt rules necessary to implement this chapter;
- 2 (3) To prepare and administer or approve the preparation and  
3 administration of licensing examinations;
- 4 (4) To establish minimum safety and sanitation standards for  
5 schools, including permanent cosmetics programs, instructors,  
6 cosmetologists, barbers, hair designers, manicurists, estheticians,  
7 master estheticians, permanent cosmetic artists, enhanced permanent  
8 cosmetic artists, salons/shops, permanent cosmetics shops, personal  
9 services, and mobile units;
- 10 (5) To establish curricula for the training of students and  
11 apprentices under this chapter;
- 12 (6) To maintain the official department record of applicants and  
13 licensees;
- 14 (7) To establish by rule the procedures for an appeal of an  
15 examination failure;
- 16 (8) To set license expiration dates and renewal periods for all  
17 licenses consistent with this chapter; and
- 18 (9) To make information available to the department of revenue to  
19 assist in collecting taxes from persons required to be licensed under  
20 this chapter.

21 **Sec. 4.** RCW 18.16.050 and 2015 c 62 s 3 are each amended to read  
22 as follows:

- 23 (1) There is created a state cosmetology, hair design, barbering,  
24 esthetics, ~~((and))~~ master esthetics, manicuring, permanent cosmetics,  
25 and enhanced permanent cosmetics advisory board consisting of a  
26 maximum of ten members appointed by the director. These members of  
27 the board shall include: A representative of private schools licensed  
28 under this chapter; a representative from an approved apprenticeship  
29 program conducted in an approved salon/shop or permanent cosmetics  
30 shop; a representative of public vocational technical schools  
31 licensed under this chapter; a consumer who is unaffiliated with the  
32 cosmetology, hair design, barbering, esthetics, master esthetics,  
33 ~~((or))~~ manicuring, permanent cosmetics, or enhanced permanent  
34 cosmetics industry; and six members who are currently practicing  
35 licensees who have been engaged in the practice of manicuring,  
36 esthetics, master esthetics, barbering, hair design, permanent  
37 cosmetics, enhanced permanent cosmetics, or cosmetology, provided  
38 that one of the six members must be a currently practicing licensee  
39 engaged in the practice of permanent cosmetics or enhanced permanent

1 cosmetics, for at least three years. Members shall serve a term of  
2 three years. Any board member may be removed for just cause. The  
3 director may appoint a new member to fill any vacancy on the board  
4 for the remainder of the unexpired term.

5 (2) Board members shall be entitled to compensation pursuant to  
6 RCW 43.03.240 for each day spent conducting official business and to  
7 reimbursement for travel expenses as provided by RCW 43.03.050 and  
8 43.03.060.

9 (3) The board may seek the advice and input of officials from the  
10 following state agencies: (a) The workforce training and education  
11 coordinating board; (b) the employment security department; (c) the  
12 department of labor and industries; (d) the department of health; (e)  
13 the department of licensing; and (f) the department of revenue.

14 **Sec. 5.** RCW 18.16.060 and 2015 c 62 s 4 are each amended to read  
15 as follows:

16 (1) It is unlawful for any person to engage in a practice listed  
17 in subsection (2) of this section unless the person has a license in  
18 good standing as required by this chapter. A license issued under  
19 this chapter shall be considered to be "in good standing" except  
20 when:

21 (a) The license has expired or has been canceled and has not been  
22 renewed in accordance with RCW 18.16.110;

23 (b) The license has been denied, revoked, or suspended under RCW  
24 18.16.210(~~(, 18.16.230,)~~) or 18.16.240, and has not been reinstated;

25 (c) The license is held by a person who has not fully complied  
26 with an order of the director issued under RCW 18.16.210 requiring  
27 the licensee to pay restitution or a fine, or to acquire additional  
28 training; or

29 (d) The license has been placed on inactive status at the request  
30 of the licensee, and has not been reinstated in accordance with RCW  
31 18.16.110(3).

32 (2) The director may take action under RCW 18.235.150 and  
33 18.235.160 against any person who does any of the following without  
34 first obtaining, and maintaining in good standing, the license  
35 required by this chapter:

36 (a) Except as provided in subsections (3) and (4) of this  
37 section, engages in the commercial practice of cosmetology, hair  
38 design, barbering, esthetics, master esthetics, (~~or~~) manicuring,  
39 permanent cosmetics, or enhanced permanent cosmetics;

- 1 (b) Instructs in a school;  
2 (c) Operates a school; or  
3 (d) Operates a salon/shop, permanent cosmetics shop, personal  
4 services, or mobile unit.

5 (3) A person who receives a license as an instructor may engage  
6 in the commercial practice for which he or she held a license when  
7 applying for the instructor license without also renewing the  
8 previously held license. However, a person licensed as an instructor  
9 whose license to engage in a commercial practice is not or at any  
10 time was not renewed may not engage in the commercial practice  
11 previously permitted under that license unless that person renews the  
12 previously held license.

13 (4) An apprentice actively enrolled in an apprenticeship program  
14 for cosmetology, barbering, hair design, esthetics, master esthetics,  
15 or manicuring may engage in the commercial practice as required for  
16 the apprenticeship program.

17 **Sec. 6.** RCW 18.16.100 and 2008 c 20 s 5 are each amended to read  
18 as follows:

19 (1) Upon completion of an application approved by the department  
20 and payment of the proper fee, the director shall issue the  
21 appropriate license, except a permanent cosmetics artist license or  
22 enhanced permanent cosmetics artist license, to any person who:

23 (a) Is at least (~~seventeen~~) 17 years of age or older;

24 (b) (i) Has completed and graduated from a school licensed under  
25 this chapter in a curriculum approved by the director consisting of  
26 the hours of training required under this chapter for a school  
27 curriculum, or has met the requirements in RCW 18.16.020 or  
28 18.16.130; or

29 (ii) Has successfully completed a state-approved apprenticeship  
30 program consisting of the hours of training required under this  
31 chapter for the apprentice training curriculum; and

32 (c) Has received a passing grade on the appropriate licensing  
33 examination approved or administered by the director.

34 (2) A person currently licensed under this chapter may qualify  
35 for examination and licensure, after the required examination is  
36 passed, in another category if he or she has completed the crossover  
37 training course.

1       (3) Upon completion of an application and payment of the proper  
2 fee, the director shall issue a permanent cosmetics artist license or  
3 enhanced permanent cosmetics artist license to any person who:

4       (a) Is at least 18 years old or older;

5       (b) Has completed and graduated from a school, including a  
6 permanent cosmetics program, licensed under this chapter in a  
7 curriculum approved by the director consisting of the hours of  
8 training required under this chapter;

9       (c) Provides proof of blood-borne pathogen certification; and

10       (d) Has received a passing grade on the appropriate licensing  
11 examination approved or administered by the department.

12       (4) Upon completion of an application approved by the department,  
13 certification of insurance, and payment of the proper fee, the  
14 director shall issue a location license to the applicant.

15       (~~(4)~~) (5) The director may consult with the state board of  
16 health and the department of labor and industries in establishing  
17 training, apprenticeship, and examination requirements.

18       **Sec. 7.** RCW 18.16.130 and 2015 c 62 s 5 are each amended to read  
19 as follows:

20       (1) Any person who is properly licensed in any state, territory,  
21 or possession of the United States, or foreign country shall be  
22 eligible for examination if the applicant submits the approved  
23 application and fee and provides proof to the director that he or she  
24 is currently licensed in good standing as a cosmetologist, hair  
25 designer, barber, manicurist, esthetician, master esthetician,  
26 permanent cosmetics artist, enhanced permanent cosmetics artist,  
27 instructor, or the equivalent in that jurisdiction. Upon passage of  
28 the required examinations the appropriate license will be issued.

29       (2)(a) The director shall, upon passage of the required  
30 examinations, issue a license as master esthetician to an applicant  
31 who submits the approved application and fee and provides proof to  
32 the director that the applicant is currently licensed in good  
33 standing in esthetics in any state, territory, or possession of the  
34 United States, or foreign country and holds a diplomate of the comite  
35 international d'esthetique et de cosmetologie diploma, or an  
36 international therapy examination council diploma, or a certified  
37 credential awarded by the national coalition of estheticians,  
38 manufacturers/distributors & associations.

1 (b) The director may upon passage of the required examinations,  
2 issue a master esthetician license to an applicant that is currently  
3 licensed in esthetics in any other state, territory, or possession of  
4 the United States, or foreign country and submits an approved  
5 application and fee and provides proof to the director that he or she  
6 is licensed in good standing and:

7 (i) The licensing state, territory, or possession of the United  
8 States, or foreign country has licensure requirements that the  
9 director determines are substantially equivalent to a master  
10 esthetician license in this state; or

11 (ii) The applicant has certification or a diploma or other  
12 credentials that the director determines has licensure requirements  
13 that are substantially equivalent to the degree listed in (a) of this  
14 subsection.

15 **Sec. 8.** RCW 18.16.170 and 2015 c 62 s 6 are each amended to read  
16 as follows:

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

19 (a) A salon/shop, permanent cosmetics shop, personal services, or  
20 mobile unit license expires one year from issuance or when the  
21 insurance required by RCW 18.16.175(1)(g) expires, whichever occurs  
22 first;

23 (b) A school license expires one year from issuance; and

24 (c) Cosmetologist, hair designer, barber, manicurist,  
25 esthetician, master esthetician, permanent cosmetics artist, enhanced  
26 permanent cosmetics artist, and instructor licenses expire two years  
27 from issuance.

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

31 **Sec. 9.** RCW 18.16.190 and 2015 c 62 s 9 are each amended to read  
32 as follows:

33 (1) It is a violation of this chapter for any person to engage in  
34 the commercial practice of cosmetology, hair design, barbering,  
35 esthetics, master esthetics, or manicuring, except in a licensed  
36 salon/shop or the home, office, or other location selected by the  
37 client for obtaining the services of a personal service operator, or  
38 with the appropriate individual license when delivering services to

1 placebo clients. Placebo clients are defined as persons who are  
2 ill, disabled, or otherwise unable to travel to a salon/shop.

3 (2) It is a violation of this chapter for any person to engage in  
4 the commercial practice of permanent cosmetics or enhanced permanent  
5 cosmetics (a) except in a licensed permanent cosmetics shop, (b) in  
6 violation of RCW 26.28.085, or (c) in violation of RCW 70.54.350.

7 **Sec. 10.** RCW 18.16.200 and 2015 c 62 s 10 are each amended to  
8 read as follows:

9 In addition to the unprofessional conduct described in RCW  
10 18.235.130, the director may take disciplinary action against any  
11 applicant or licensee under this chapter if the licensee or  
12 applicant:

13 (1) Has been found to have violated any provisions of chapter  
14 19.86 RCW;

15 (2) Has engaged in a practice prohibited under RCW 18.16.060  
16 without first obtaining, and maintaining in good standing, the  
17 license required by this chapter;

18 (3) Has engaged in the commercial practice of cosmetology, hair  
19 design, barbering, manicuring, esthetics, ~~(( $\oplus$ ))~~ master esthetics,  
20 permanent cosmetics, or enhanced permanent cosmetics in a school;

21 (4) Has not provided a safe, sanitary, and good moral environment  
22 for students in a school or the public;

23 (5) Has failed to display licenses required in this chapter;  
24 ~~(( $\oplus$ ))~~

25 (6) Has performed the practice of permanent cosmetics or the  
26 practice of enhanced permanent cosmetics on an individual under the  
27 age of 18; or

28 (7) Has violated any provision of this chapter or any rule  
29 adopted under it.

30 **Sec. 11.** RCW 18.16.260 and 2013 c 187 s 11 are each amended to  
31 read as follows:

32 (1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held  
33 a license in good standing between June 30, 1999, and June 30, 2003,  
34 may request a renewal of the license or an additional license in  
35 barbering, manicuring, and/or esthetics; and (ii) a licensee who held  
36 a barber, manicurist, or esthetics license between June 30, 1999, and  
37 June 30, 2003, may request a renewal of such licenses held during  
38 that period.

1 (b) A license renewal fee, including, if applicable, a renewal  
2 fee, at the current rate, for each year the licensee did not hold a  
3 license in good standing between July 1, 2001, and the date of the  
4 renewal request, must be paid prior to issuance of each type of  
5 license requested. After June 30, 2005, any cosmetology licensee  
6 wishing to renew an expired license or obtain additional licenses  
7 must meet the applicable renewal, training, and examination  
8 requirements of this chapter.

9 (2)(a) Any person holding an active license in good standing as  
10 an esthetician prior to January 1, 2015, may be licensed as an  
11 esthetician licensee after paying the appropriate license fee.

12 (b) Prior to January 1, 2015, an applicant for a master  
13 esthetician license must have an active license in good standing as  
14 an esthetician, pay the appropriate license fee, and provide the  
15 department with proof of having satisfied one or more of the  
16 following requirements:

17 (i)(A)(I) A minimum of thirty-five hours employment as a provider  
18 of medium depth peels under the delegation or supervision of a  
19 licensed physician, advanced registered nurse practitioner, or  
20 physician assistant, or other licensed professional whose licensure  
21 permits such delegation or supervision; or

22 (II) Seven hours of training in theory and application of medium  
23 depth peels; and

24 (B)(I) A minimum of one hundred fifty hours employment as a laser  
25 operator under the delegation or supervision of a licensed physician,  
26 advanced registered nurse practitioner, or physician assistant, or  
27 other licensed professional whose licensure permits such delegation  
28 or supervision; or

29 (II) Seventy-five hours of laser training;

30 (ii) A national or international diploma or certification in  
31 esthetics that is recognized by the department by rule;

32 (iii) An instructor in esthetics who has been licensed as an  
33 instructor in esthetics by the department for a minimum of three  
34 years; or

35 (iv) Completion of one thousand two hundred hours of an esthetic  
36 curriculum approved by the department.

37 (3)(a) Prior to December 31, 2026, any person holding an active  
38 license in good standing issued under chapter 18.300 RCW may be  
39 licensed as a permanent cosmetics artist under this chapter after  
40 paying the appropriate license fee and demonstrating the applicant

1 has held the license in good standing for the prior three consecutive  
2 years.

3 (b) Any permanent cosmetics or enhanced permanent cosmetics  
4 licensee wishing to renew a license granted under this subsection (3)  
5 must provide proof acceptable to the department of the individual's  
6 certifications to perform the procedures the licensee performs either  
7 as a permanent cosmetics artist or enhanced permanent cosmetics  
8 artist, recognized by the department by rule.

9 (4) The director may, as provided in RCW 43.24.140, modify the  
10 duration of any additional license granted under this section to make  
11 all licenses issued to a person expire on the same date.

12 **Sec. 12.** RCW 18.16.290 and 2015 c 62 s 11 are each amended to  
13 read as follows:

14 (1) If the holder of an individual license in good standing  
15 submits a written and notarized request that the licensee's  
16 cosmetology, hair design, barber, manicurist, esthetician and master  
17 esthetician, permanent cosmetics artist, enhanced permanent cosmetics  
18 artist, or instructor license be placed on inactive status, together  
19 with a fee equivalent to that established by rule for a duplicate  
20 license, the department shall place the license on inactive status  
21 until the expiration date of the license. If the date of the request  
22 is no more than six months before the expiration date of the license,  
23 a request for a two-year extension of the inactive status, as  
24 provided under subsection (2) of this section, may be submitted at  
25 the same time as the request under this subsection.

26 (2) If the holder of a license placed on inactive status under  
27 this section submits, by the expiration date of the license, a  
28 written and notarized request to extend that status for an additional  
29 two years, the department shall, without additional fee, extend the  
30 expiration date of: (a) The licensee's individual license; and (b)  
31 the inactive status for two years from the expiration date of the  
32 license.

33 (3) A license placed on inactive status under this section may  
34 not be extended more frequently than once in any twenty-four month  
35 period or for more than six consecutive years.

36 (4) If, by the expiration date of a license placed on inactive  
37 status under this section, a licensee is unable, or fails, to request  
38 that the status be extended and the license is not renewed, the  
39 license shall be canceled.



1       **Sec. 13.** RCW 18.16.900 and 2015 c 62 s 12 are each amended to  
2 read as follows:

3       This chapter shall be known and may be cited as the "Washington  
4 cosmetologists, hair designers, barbers, manicurists, ~~((and))~~  
5 estheticians, and permanent cosmetics act."

6       NEW SECTION.   **Sec. 14.** A new section is added to chapter 18.16  
7 RCW to read as follows:

8       (1) A permanent cosmetics shop shall, at a minimum:

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

11       (b) Provide and maintain for the use of its customers adequate  
12 toilet facilities located within or adjacent to the permanent  
13 cosmetics shop;

14       (c) Ensure any room used wholly or in part as a permanent  
15 cosmetics shop is not used for residential purposes, except that  
16 toilet facilities may be used for both residential and business  
17 purposes;

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

20       (e) Provide for safe storage and labeling of equipment and  
21 substances used in the practice of permanent cosmetics and enhanced  
22 permanent cosmetics, as applicable;

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

24       (g) Certify that the permanent cosmetics shop is covered by a  
25 public liability insurance policy in an amount not less than \$100,000  
26 for combined bodily injury and property damage liability.

27       (2) The director may by rule determine other requirements that  
28 are necessary for safety and sanitation of permanent cosmetics shops.  
29 The director may consult with the state board of health and the  
30 department of labor and industries in establishing minimum permanent  
31 cosmetics shop safety requirements.

32       (3) Upon receipt of a written complaint that a permanent  
33 cosmetics shop has violated any provisions of this chapter, chapter  
34 18.235 RCW, or the rules adopted under either chapter, or at least  
35 once every two years for an existing permanent cosmetics shop, the  
36 director or the director's designee shall inspect each permanent  
37 cosmetics shop. If the director determines that any permanent  
38 cosmetics shop is not in compliance with this chapter, the director  
39 shall send written notice to the permanent cosmetics shop. A

1 permanent cosmetics shop which fails to correct the conditions to the  
2 satisfaction of the director within a reasonable time shall, upon due  
3 notice, be subject to the penalties imposed by the director under RCW  
4 18.235.110. The director may enter any permanent cosmetics shop  
5 during business hours for the purpose of inspection. The director may  
6 contract with health authorities of local governments to conduct the  
7 inspections under this subsection.

8 (4) A permanent cosmetics shop shall obtain a certificate of  
9 registration from the department of revenue.

10 (5) Permanent cosmetics shop location licenses issued by the  
11 department must be stored in the permanent cosmetics shop reception  
12 area.

13 (6) Permanent cosmetics licenses or enhanced permanent cosmetics  
14 licenses issued by the department must be posted at the permanent  
15 cosmetics artist's work station.

16 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.16  
17 RCW to read as follows:

18 The director shall prepare and provide to all licensed permanent  
19 cosmetics shops a notice to consumers. At a minimum, the notice must  
20 state that permanent cosmetics shops are required to be licensed,  
21 that permanent cosmetics shops are required to maintain minimum  
22 safety and sanitation standards, that customer complaints regarding  
23 permanent cosmetics shops may be reported to the department, and a  
24 telephone number and address where complaints may be made.

25 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.16  
26 RCW to read as follows:

27 The department shall immediately suspend any license under this  
28 chapter if the department receives information that the license  
29 holder has not complied with RCW 74.08.580(2). If the license holder  
30 has remained otherwise eligible to be licensed, the department may  
31 reinstate the suspended license when the holder has complied with RCW  
32 74.08.580(2).

33 **Sec. 17.** RCW 18.300.010 and 2009 c 412 s 2 are each amended to  
34 read as follows:

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

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

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

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

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

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

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

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

29 (8) "Tattooing" means to pierce or puncture the human skin with a  
30 needle or other instrument for the purpose of implanting an indelible  
31 mark, or pigment, into the skin, but excludes the practice of  
32 permanent cosmetics and the practice of enhanced permanent cosmetics  
33 as defined in RCW 18.16.020.

34 **Sec. 18.** RCW 5.40.050 and 2009 c 412 s 20 are each amended to  
35 read as follows:

36 A breach of a duty imposed by statute, ordinance, or  
37 administrative rule shall not be considered negligence per se, but  
38 may be considered by the trier of fact as evidence of negligence;  
39 however, any breach of duty as provided by statute, ordinance, or

1 administrative rule relating to: (1) Electrical fire safety, (2) the  
2 use of smoke alarms, (3) sterilization of needles and instruments  
3 used by persons engaged in the practice of body art, body piercing,  
4 tattooing, permanent cosmetics, enhanced permanent cosmetics, or  
5 electrology, or other precaution against the spread of disease, as  
6 required under RCW 70.54.350, or (4) driving while under the  
7 influence of intoxicating liquor or any drug, shall be considered  
8 negligence per se.

9       **Sec. 19.** RCW 18.235.020 and 2017 c 281 s 37 are each amended to  
10 read as follows:

11       (1) This chapter applies only to the director and the boards and  
12 commissions having jurisdiction in relation to the businesses and  
13 professions licensed under the chapters specified in this section.  
14 This chapter does not apply to any business or profession not  
15 licensed under the chapters specified in this section.

16       (2) (a) The director has authority under this chapter in relation  
17 to the following businesses and professions:

18       (i) Auctioneers under chapter 18.11 RCW;

19       (ii) Bail bond agents and bail bond recovery agents under chapter  
20 18.185 RCW;

21       (iii) Camping resorts' operators and salespersons under chapter  
22 19.105 RCW;

23       (iv) Commercial telephone solicitors under chapter 19.158 RCW;

24       (v) Cosmetologists, barbers, manicurists, (~~and~~) estheticians,  
25 master estheticians, permanent cosmetics artists, and enhanced  
26 permanent cosmetics artists under chapter 18.16 RCW;

27       (vi) Court reporters under chapter 18.145 RCW;

28       (vii) Driver training schools and instructors under chapter 46.82  
29 RCW;

30       (viii) Employment agencies under chapter 19.31 RCW;

31       (ix) For hire vehicle operators under chapter 46.72 RCW;

32       (x) Limousines under chapter 46.72A RCW;

33       (xi) Notaries public under chapter 42.45 RCW;

34       (xii) Private investigators under chapter 18.165 RCW;

35       (xiii) Professional boxing, martial arts, and wrestling under  
36 chapter 67.08 RCW;

37       (xiv) Real estate appraisers under chapter 18.140 RCW;

38       (xv) Real estate brokers and salespersons under chapters 18.85  
39 and 18.86 RCW;

1 (xvi) Scrap metal processors, scrap metal recyclers, and scrap  
2 metal suppliers under chapter 19.290 RCW;  
3 (xvii) Security guards under chapter 18.170 RCW;  
4 (xviii) Sellers of travel under chapter 19.138 RCW;  
5 (xix) Timeshares and timeshare salespersons under chapter 64.36  
6 RCW;  
7 (xx) Whitewater river outfitters under chapter 79A.60 RCW;  
8 (xxi) Home inspectors under chapter 18.280 RCW;  
9 (xxii) Body artists, body piercers, and tattoo artists, and body  
10 art, body piercing, and tattooing shops and businesses, under chapter  
11 18.300 RCW; and  
12 (xxiii) Appraisal management companies under chapter 18.310 RCW.  
13 (b) The boards and commissions having authority under this  
14 chapter are as follows:  
15 (i) The state board for architects established in chapter 18.08  
16 RCW;  
17 (ii) The Washington state collection agency board established in  
18 chapter 19.16 RCW;  
19 (iii) The state board of registration for professional engineers  
20 and land surveyors established in chapter 18.43 RCW governing  
21 licenses issued under chapters 18.43 and 18.210 RCW;  
22 (iv) The funeral and cemetery board established in chapter 18.39  
23 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;  
24 (v) The state board of licensure for landscape architects  
25 established in chapter 18.96 RCW; and  
26 (vi) The state geologist licensing board established in chapter  
27 18.220 RCW.  
28 (3) In addition to the authority to discipline license holders,  
29 the disciplinary authority may grant or deny licenses based on the  
30 conditions and criteria established in this chapter and the chapters  
31 specified in subsection (2) of this section. This chapter also  
32 governs any investigation, hearing, or proceeding relating to denial  
33 of licensure or issuance of a license conditioned on the applicant's  
34 compliance with an order entered under RCW 18.235.110 by the  
35 disciplinary authority.

36 **Sec. 20.** RCW 26.28.085 and 1995 c 373 s 1 are each amended to  
37 read as follows:

38 Every person who applies a tattoo to or performs the practice of  
39 permanent cosmetics or the practice of enhanced permanent cosmetics

1 as prescribed in chapter 18.16 RCW on, any minor under the age of  
2 eighteen is guilty of a misdemeanor. It is not a defense to a  
3 violation of this section that the person applying the tattoo or  
4 practicing permanent cosmetics or enhanced permanent cosmetics did  
5 not know the minor's age unless the person applying the tattoo or  
6 practicing permanent cosmetics or enhanced permanent cosmetics  
7 establishes by a preponderance of the evidence that he or she made a  
8 reasonable, bona fide attempt to ascertain the true age of the minor  
9 by requiring production of a driver's license or other picture  
10 identification card or paper and did not rely solely on the oral  
11 allegations or apparent age of the minor.

12 For the purposes of this section, "tattoo" includes any permanent  
13 marking or coloring of the skin with any pigment, ink, or dye, or any  
14 procedure that leaves a visible scar on the skin. Medical procedures  
15 performed by a licensed physician are exempted from this section.

16 **Sec. 21.** RCW 70.54.320 and 2001 c 194 s 1 are each amended to  
17 read as follows:

18 The legislature finds and declares that the practices of  
19 electrology ~~((and))~~, tattooing, permanent cosmetics, and enhanced  
20 permanent cosmetics involve an invasive procedure with the use of  
21 needles and instruments which may be dangerous when improperly  
22 sterilized presenting a risk of infecting the client with blood-borne  
23 pathogens such as HIV and Hepatitis B. It is in the interests of the  
24 public health, safety, and welfare to establish requirements for the  
25 sterilization procedures in the commercial practices of electrology  
26 ~~((and))~~, tattooing, permanent cosmetics, and enhanced permanent  
27 cosmetics in this state.

28 **Sec. 22.** RCW 70.54.330 and 2001 c 194 s 2 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout RCW 70.54.320,  
31 70.54.340, and 70.54.350 unless the context clearly requires  
32 otherwise.

33 (1) "Electrologist" means a person who practices the business of  
34 electrology for a fee.

35 (2) "Electrology" means the process by which hair is permanently  
36 removed through the utilization of solid needle/probe electrode  
37 epilation, including thermolysis, being of shortwave, high frequency  
38 type, and including electrolysis, being of galvanic type, or a

1 combination of both which is accomplished by a superimposed or  
2 sequential blend.

3 (3) "Practice of permanent cosmetics" and "practice of enhanced  
4 permanent cosmetics" have the same meanings as in RCW 18.16.020.

5 (4) "Tattoo artist" means a person who practices the business of  
6 tattooing for a fee.

7 ((4)) (5) "Tattooing" means the indelible mark, figure, or  
8 decorative design introduced by insertion of nontoxic dyes or  
9 pigments into or under the subcutaneous portion of the skin upon the  
10 body of a live human being for cosmetic or figurative purposes.

11 **Sec. 23.** RCW 70.54.340 and 2009 c 412 s 19 are each amended to  
12 read as follows:

13 The secretary of health shall adopt by rule requirements, in  
14 accordance with nationally recognized professional standards, for  
15 precautions against the spread of disease, including the  
16 sterilization of needles and other instruments, including sharps and  
17 jewelry, employed by electrologists, persons engaged in the practice  
18 of body art, body piercing, permanent cosmetics, or enhanced  
19 permanent cosmetics, and tattoo artists. The secretary shall consider  
20 the standard precautions for infection control, as recommended by the  
21 United States centers for disease control, and guidelines for  
22 infection control, as recommended by national industry standards in  
23 the adoption of these sterilization requirements.

24 **Sec. 24.** RCW 70.54.350 and 2001 c 194 s 4 are each amended to  
25 read as follows:

26 (1) Any person who practices electrology ((~~e~~)), body art, body  
27 piercing, tattooing, permanent cosmetics, and enhanced permanent  
28 cosmetics shall comply with the rules adopted by the department of  
29 health under RCW 70.54.340.

30 (2) A violation of this section is a misdemeanor.

31 **Sec. 25.** RCW 43.24.150 and 2017 c 281 s 40 are each amended to  
32 read as follows:

33 (1) The business and professions account is created in the state  
34 treasury. All receipts from business or professional licenses,  
35 registrations, certifications, renewals, examinations, or civil  
36 penalties assessed and collected by the department from the following  
37 chapters must be deposited into the account:

- 1 (a) Chapter 18.11 RCW, auctioneers;  
2 (b) Chapter 18.16 RCW, cosmetologists, barbers, ((and))  
3 manicurists, hair designers, estheticians, master estheticians,  
4 permanent cosmetics artists, and enhanced permanent cosmetics  
5 artists;  
6 (c) Chapter 18.145 RCW, court reporters;  
7 (d) Chapter 18.165 RCW, private investigators;  
8 (e) Chapter 18.170 RCW, security guards;  
9 (f) Chapter 18.185 RCW, bail bond agents;  
10 (g) Chapter 18.280 RCW, home inspectors;  
11 (h) Chapter 19.16 RCW, collection agencies;  
12 (i) Chapter 19.31 RCW, employment agencies;  
13 (j) Chapter 19.105 RCW, camping resorts;  
14 (k) Chapter 19.138 RCW, sellers of travel;  
15 (l) Chapter 42.45 RCW, notaries public;  
16 (m) Chapter 64.36 RCW, timeshares;  
17 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;  
18 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;  
19 (p) Chapter 79A.60 RCW, whitewater river outfitters;  
20 (q) Chapter 19.158 RCW, commercial telephone solicitation; and  
21 (r) Chapter 19.290 RCW, scrap metal businesses.

22 Moneys in the account may be spent only after appropriation.  
23 Expenditures from the account may be used only for expenses incurred  
24 in carrying out these business and professions licensing activities  
25 of the department. Any residue in the account must be accumulated and  
26 may not revert to the general fund at the end of the biennium.  
27 However, during the 2013-2015 fiscal biennium the legislature may  
28 transfer to the state general fund such amounts as reflect the excess  
29 fund balance in the account.

30 (2) The director must biennially prepare a budget request based  
31 on the anticipated costs of administering the business and  
32 professions licensing activities listed in subsection (1) of this  
33 section, which must include the estimated income from these business  
34 and professions fees.

35 **Sec. 26.** RCW 74.08.580 and 2020 c 64 s 1 are each amended to  
36 read as follows:

37 (1) Any person receiving public assistance is prohibited from  
38 using electronic benefit cards or cash obtained with electronic  
39 benefit cards:



1 (a) For the purpose of participating in any of the activities  
2 authorized under chapter 9.46 RCW;

3 (b) For the purpose of parimutuel wagering authorized under  
4 chapter 67.16 RCW;

5 (c) To purchase lottery tickets or shares authorized under  
6 chapter 67.70 RCW;

7 (d) For the purpose of participating in or purchasing any  
8 activities located in a tattoo, body piercing, or body art shop  
9 licensed under chapter 18.300 RCW;

10 (e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco  
11 products as defined in RCW 82.26.010;

12 (f) To purchase any items regulated under Title 66 RCW; or

13 (g) For the purpose of purchasing or participating in any  
14 activities in any location listed in subsection (2) of this section.

15 (2) The following businesses must disable the ability of ATM and  
16 point-of-sale machines located on their business premises to accept  
17 the electronic benefit card:

18 (a) Taverns licensed under RCW 66.24.330;

19 (b) Beer/wine specialty stores licensed under RCW 66.24.371  
20 except if the licensee is an authorized supplemental nutrition  
21 assistance program or women, infants, and children retailer;

22 (c) Nightclubs licensed under RCW 66.24.600;

23 (d) Bail bond agencies regulated under chapter 18.185 RCW;

24 (e) Gambling establishments licensed under chapter 9.46 RCW;

25 (f) Tattoo, body piercing, or body art shops regulated under  
26 chapter 18.300 RCW and permanent cosmetics shops regulated under  
27 chapter 18.16 RCW;

28 (g) Adult entertainment venues with performances that contain  
29 erotic material where minors under the age of eighteen are prohibited  
30 under RCW 9.68A.150; and

31 (h) Any establishments where persons under the age of eighteen  
32 are not permitted.

33 (3) The department must notify the licensing authority of any  
34 business listed in subsection (2) of this section that such business  
35 has continued to allow the use of the electronic benefit card in  
36 violation of subsection (2) of this section.

37 (4) Only the recipient, an eligible member of the household, or  
38 the recipient's authorized representative may use an electronic  
39 benefit card or the benefit and such use shall only be for the  
40 respective benefit program purposes. Unless a recipient's family

1 member is an eligible member of the household, the recipient's  
2 authorized representative, an alternative cardholder, or has been  
3 assigned as a protective payee, no family member may use the benefit  
4 card. The recipient shall not sell, or attempt to sell, exchange, or  
5 donate an electronic benefit card or any benefits to any other person  
6 or entity.

7 (5) The first violation of subsection (1) of this section by a  
8 recipient constitutes a class 4 civil infraction under RCW 7.80.120.  
9 Second and subsequent violations of subsection (1) of this section  
10 constitute a class 3 civil infraction under RCW 7.80.120.

11 (a) The department shall notify, in writing, all recipients of  
12 electronic benefit cards that any violation of subsection (1) of this  
13 section could result in legal proceedings and forfeiture of all cash  
14 public assistance.

15 (b) Whenever the department receives notice that a person has  
16 violated subsection (1) of this section, the department shall notify  
17 the person in writing that the violation could result in legal  
18 proceedings and forfeiture of all cash public assistance.

19 (c) The department shall assign a protective payee to the person  
20 receiving public assistance who violates subsection (1) of this  
21 section two or more times.

22 (6) In assigning a personal identification number to an  
23 electronic benefit card, the department shall not routinely use any  
24 sequence of numbers that appear on the card except in circumstances  
25 resulting from in-state or national disasters. Personal  
26 identification numbers assigned to electronic benefit cards issued to  
27 support the distribution of benefits when there is a disaster may  
28 include a sequence of numbers that appears on the card.

29 **Sec. 27.** RCW 82.04.050 and 2021 c 296 s 8, 2021 c 143 s 2, and  
30 2021 c 4 s 3 are each reenacted and amended to read as follows:

31 (1)(a) "Sale at retail" or "retail sale" means every sale of  
32 tangible personal property (including articles produced, fabricated,  
33 or imprinted) to all persons irrespective of the nature of their  
34 business and including, among others, without limiting the scope  
35 hereof, persons who install, repair, clean, alter, improve,  
36 construct, or decorate real or personal property of or for consumers  
37 other than a sale to a person who:

38 (i) Purchases for the purpose of resale as tangible personal  
39 property in the regular course of business without intervening use by

1 such person, but a purchase for the purpose of resale by a regional  
2 transit authority under RCW 81.112.300 is not a sale for resale; or

3 (ii) Installs, repairs, cleans, alters, imprints, improves,  
4 constructs, or decorates real or personal property of or for  
5 consumers, if such tangible personal property becomes an ingredient  
6 or component of such real or personal property without intervening  
7 use by such person; or

8 (iii) Purchases for the purpose of consuming the property  
9 purchased in producing for sale as a new article of tangible personal  
10 property or substance, of which such property becomes an ingredient  
11 or component or is a chemical used in processing, when the primary  
12 purpose of such chemical is to create a chemical reaction directly  
13 through contact with an ingredient of a new article being produced  
14 for sale; or

15 (iv) Purchases for the purpose of consuming the property  
16 purchased in producing ferrosilicon which is subsequently used in  
17 producing magnesium for sale, if the primary purpose of such property  
18 is to create a chemical reaction directly through contact with an  
19 ingredient of ferrosilicon; or

20 (v) Purchases for the purpose of providing the property to  
21 consumers as part of competitive telephone service, as defined in RCW  
22 82.04.065; or

23 (vi) Purchases for the purpose of satisfying the person's  
24 obligations under an extended warranty as defined in subsection (7)  
25 of this section, if such tangible personal property replaces or  
26 becomes an ingredient or component of property covered by the  
27 extended warranty without intervening use by such person.

28 (b) The term includes every sale of tangible personal property  
29 that is used or consumed or to be used or consumed in the performance  
30 of any activity defined as a "sale at retail" or "retail sale" even  
31 though such property is resold or used as provided in (a)(i) through  
32 (vi) of this subsection following such use.

33 (c) The term also means every sale of tangible personal property  
34 to persons engaged in any business that is taxable under RCW  
35 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

36 (2) The term "sale at retail" or "retail sale" includes the sale  
37 of or charge made for tangible personal property consumed and/or for  
38 labor and services rendered in respect to the following:

39 (a) The installing, repairing, cleaning, altering, imprinting, or  
40 improving of tangible personal property of or for consumers,

1 including charges made for the mere use of facilities in respect  
2 thereto, but excluding charges made for the use of self-service  
3 laundry facilities, and also excluding sales of laundry service to  
4 nonprofit health care facilities, and excluding services rendered in  
5 respect to live animals, birds and insects;

6 (b) The constructing, repairing, decorating, or improving of new  
7 or existing buildings or other structures under, upon, or above real  
8 property of or for consumers, including the installing or attaching  
9 of any article of tangible personal property therein or thereto,  
10 whether or not such personal property becomes a part of the realty by  
11 virtue of installation, and also includes the sale of services or  
12 charges made for the clearing of land and the moving of earth  
13 excepting the mere leveling of land used in commercial farming or  
14 agriculture;

15 (c) The constructing, repairing, or improving of any structure  
16 upon, above, or under any real property owned by an owner who conveys  
17 the property by title, possession, or any other means to the person  
18 performing such construction, repair, or improvement for the purpose  
19 of performing such construction, repair, or improvement and the  
20 property is then reconveyed by title, possession, or any other means  
21 to the original owner;

22 (d) The cleaning, fumigating, razing, or moving of existing  
23 buildings or structures, but does not include the charge made for  
24 janitorial services; and for purposes of this section the term  
25 "janitorial services" means those cleaning and caretaking services  
26 ordinarily performed by commercial janitor service businesses  
27 including, but not limited to, wall and window washing, floor  
28 cleaning and waxing, and the cleaning in place of rugs, drapes and  
29 upholstery. The term "janitorial services" does not include painting,  
30 papering, repairing, furnace or septic tank cleaning, snow removal or  
31 sandblasting;

32 (e) Automobile towing and similar automotive transportation  
33 services, but not in respect to those required to report and pay  
34 taxes under chapter 82.16 RCW;

35 (f) The furnishing of lodging and all other services by a hotel,  
36 rooming house, tourist court, motel, trailer camp, and the granting  
37 of any similar license to use real property, as distinguished from  
38 the renting or leasing of real property, and it is presumed that the  
39 occupancy of real property for a continuous period of one month or  
40 more constitutes a rental or lease of real property and not a mere

1 license to use or enjoy the same. For the purposes of this  
2 subsection, it is presumed that the sale of and charge made for the  
3 furnishing of lodging for a continuous period of one month or more to  
4 a person is a rental or lease of real property and not a mere license  
5 to enjoy the same. For the purposes of this section, it is presumed  
6 that the sale of and charge made for the furnishing of lodging  
7 offered regularly for public occupancy for periods of less than a  
8 month constitutes a license to use or enjoy the property subject to  
9 sales and use tax and not a rental or lease of property;

10 (g) The installing, repairing, altering, or improving of digital  
11 goods for consumers;

12 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)  
13 of this subsection when such sales or charges are for property, labor  
14 and services which are used or consumed in whole or in part by such  
15 persons in the performance of any activity defined as a "sale at  
16 retail" or "retail sale" even though such property, labor and  
17 services may be resold after such use or consumption. Nothing  
18 contained in this subsection may be construed to modify subsection  
19 (1) of this section and nothing contained in subsection (1) of this  
20 section may be construed to modify this subsection.

21 (3) The term "sale at retail" or "retail sale" includes the sale  
22 of or charge made for personal, business, or professional services  
23 including amounts designated as interest, rents, fees, admission, and  
24 other service emoluments however designated, received by persons  
25 engaging in the following business activities:

26 (a) Abstract, title insurance, and escrow services;

27 (b) Credit bureau services;

28 (c) Automobile parking and storage garage services;

29 (d) Landscape maintenance and horticultural services but  
30 excluding (i) horticultural services provided to farmers and (ii)  
31 pruning, trimming, repairing, removing, and clearing of trees and  
32 brush near electric transmission or distribution lines or equipment,  
33 if performed by or at the direction of an electric utility;

34 (e) Service charges associated with tickets to professional  
35 sporting events;

36 (f) The following personal services: Tanning salon services,  
37 tattoo parlor services, steam bath services, turkish bath services,  
38 escort services, permanent cosmetics and enhanced permanent cosmetics  
39 services, and dating services; and

1 (g) (i) Operating an athletic or fitness facility, including all  
2 charges for the use of such a facility or for any associated services  
3 and amenities, except as provided in (g) (ii) of this subsection.

4 (ii) Notwithstanding anything to the contrary in (g) (i) of this  
5 subsection (3), the term "sale at retail" and "retail sale" under  
6 this subsection does not include:

7 (A) Separately stated charges for the use of an athletic or  
8 fitness facility where such use is primarily for a purpose other than  
9 engaging in or receiving instruction in a physical fitness activity;

10 (B) Separately stated charges for the use of a discrete portion  
11 of an athletic or fitness facility, other than a pool, where such  
12 discrete portion of the facility does not by itself meet the  
13 definition of "athletic or fitness facility" in this subsection;

14 (C) Separately stated charges for services, such as advertising,  
15 massage, nutritional consulting, and body composition testing, that  
16 do not require the customer to engage in physical fitness activities  
17 to receive the service. The exclusion in this subsection  
18 (3) (g) (ii) (C) does not apply to personal training services and  
19 instruction in a physical fitness activity;

20 (D) Separately stated charges for physical therapy provided by a  
21 physical therapist, as those terms are defined in RCW 18.74.010, or  
22 occupational therapy provided by an occupational therapy  
23 practitioner, as those terms are defined in RCW 18.59.020, when  
24 performed pursuant to a referral from an authorized health care  
25 practitioner or in consultation with an authorized health care  
26 practitioner. For the purposes of this subsection (3) (g) (ii) (D), an  
27 authorized health care practitioner means a health care practitioner  
28 licensed under chapter 18.83, 18.25, 18.36A, 18.57, 18.71, or 18.71A  
29 RCW, or, until July 1, 2022, chapter 18.57A RCW;

30 (E) Rent or association fees charged by a landlord or residential  
31 association to a tenant or residential owner with access to an  
32 athletic or fitness facility maintained by the landlord or  
33 residential association, unless the rent or fee varies depending on  
34 whether the tenant or owner has access to the facility;

35 (F) Services provided in the regular course of employment by an  
36 employee with access to an athletic or fitness facility maintained by  
37 the employer for use without charge by its employees or their family  
38 members;

39 (G) The provision of access to an athletic or fitness facility by  
40 an educational institution to its students and staff. However,

1 charges made by an educational institution to its alumni or other  
2 members of the public for the use of any of the educational  
3 institution's athletic or fitness facilities are a retail sale under  
4 this subsection (3)(g). For purposes of this subsection  
5 (3)(g)(ii)(G), "educational institution" has the same meaning as in  
6 RCW 82.04.170;

7 (H) Yoga, chi gong, or martial arts classes, training, or events  
8 held at a community center, park, school gymnasium, college or  
9 university, hospital or other medical facility, private residence, or  
10 any other facility that is not operated within and as part of an  
11 athletic or fitness facility.

12 (iii) Nothing in (g)(ii) of this subsection (3) may be construed  
13 to affect the taxation of sales made by the operator of an athletic  
14 or fitness facility, where such sales are defined as a retail sale  
15 under any provision of this section other than this subsection (3).

16 (iv) For the purposes of this subsection (3)(g), the following  
17 definitions apply:

18 (A) "Athletic or fitness facility" means an indoor or outdoor  
19 facility or portion of a facility that is primarily used for:  
20 Exercise classes; strength and conditioning programs; personal  
21 training services; tennis, racquetball, handball, squash, or  
22 pickleball; or other activities requiring the use of exercise or  
23 strength training equipment, such as treadmills, elliptical machines,  
24 stair climbers, stationary cycles, rowing machines, pilates  
25 equipment, balls, climbing ropes, jump ropes, and weightlifting  
26 equipment.

27 (B) "Martial arts" means any of the various systems of training  
28 for physical combat or self-defense. "Martial arts" includes, but is  
29 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,  
30 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,  
31 Kendo, tai chi, and mixed martial arts.

32 (C) "Physical fitness activities" means activities that involve  
33 physical exertion for the purpose of improving or maintaining the  
34 general fitness, strength, flexibility, conditioning, or health of  
35 the participant. "Physical fitness activities" includes participating  
36 in yoga, chi gong, or martial arts.

37 (4)(a) The term also includes the renting or leasing of tangible  
38 personal property to consumers.

1 (b) The term does not include the renting or leasing of tangible  
2 personal property where the lease or rental is for the purpose of  
3 sublease or subrent.

4 (5) The term also includes the providing of "competitive  
5 telephone service," "telecommunications service," or "ancillary  
6 services," as those terms are defined in RCW 82.04.065, to consumers.

7 (6)(a) The term also includes the sale of prewritten computer  
8 software to a consumer, regardless of the method of delivery to the  
9 end user. For purposes of (a) and (b) of this subsection, the sale of  
10 prewritten computer software includes the sale of or charge made for  
11 a key or an enabling or activation code, where the key or code is  
12 required to activate prewritten computer software and put the  
13 software into use. There is no separate sale of the key or code from  
14 the prewritten computer software, regardless of how the sale may be  
15 characterized by the vendor or by the purchaser.

16 (b) The term "retail sale" does not include the sale of or charge  
17 made for:

18 (i) Custom software; or

19 (ii) The customization of prewritten computer software.

20 (c)(i) The term also includes the charge made to consumers for  
21 the right to access and use prewritten computer software, where  
22 possession of the software is maintained by the seller or a third  
23 party, regardless of whether the charge for the service is on a per  
24 use, per user, per license, subscription, or some other basis.

25 (ii)(A) The service described in (c)(i) of this subsection (6)  
26 includes the right to access and use prewritten computer software to  
27 perform data processing.

28 (B) For purposes of this subsection (6)(c)(ii), "data processing"  
29 means the systematic performance of operations on data to extract the  
30 required information in an appropriate form or to convert the data to  
31 usable information. Data processing includes check processing, image  
32 processing, form processing, survey processing, payroll processing,  
33 claim processing, and similar activities.

34 (7) The term also includes the sale of or charge made for an  
35 extended warranty to a consumer. For purposes of this subsection,  
36 "extended warranty" means an agreement for a specified duration to  
37 perform the replacement or repair of tangible personal property at no  
38 additional charge or a reduced charge for tangible personal property,  
39 labor, or both, or to provide indemnification for the replacement or  
40 repair of tangible personal property, based on the occurrence of



1 specified events. The term "extended warranty" does not include an  
2 agreement, otherwise meeting the definition of extended warranty in  
3 this subsection, if no separate charge is made for the agreement and  
4 the value of the agreement is included in the sales price of the  
5 tangible personal property covered by the agreement. For purposes of  
6 this subsection, "sales price" has the same meaning as in RCW  
7 82.08.010.

8 (8) (a) The term also includes the following sales to consumers of  
9 digital goods, digital codes, and digital automated services:

10 (i) Sales in which the seller has granted the purchaser the right  
11 of permanent use;

12 (ii) Sales in which the seller has granted the purchaser a right  
13 of use that is less than permanent;

14 (iii) Sales in which the purchaser is not obligated to make  
15 continued payment as a condition of the sale; and

16 (iv) Sales in which the purchaser is obligated to make continued  
17 payment as a condition of the sale.

18 (b) A retail sale of digital goods, digital codes, or digital  
19 automated services under this subsection (8) includes any services  
20 provided by the seller exclusively in connection with the digital  
21 goods, digital codes, or digital automated services, whether or not a  
22 separate charge is made for such services.

23 (c) For purposes of this subsection, "permanent" means perpetual  
24 or for an indefinite or unspecified length of time. A right of  
25 permanent use is presumed to have been granted unless the agreement  
26 between the seller and the purchaser specifies or the circumstances  
27 surrounding the transaction suggest or indicate that the right to use  
28 terminates on the occurrence of a condition subsequent.

29 (9) The term also includes the charge made for providing tangible  
30 personal property along with an operator for a fixed or indeterminate  
31 period of time. A consideration of this is that the operator is  
32 necessary for the tangible personal property to perform as designed.  
33 For the purpose of this subsection (9), an operator must do more than  
34 maintain, inspect, or set up the tangible personal property.

35 (10) The term does not include the sale of or charge made for  
36 labor and services rendered in respect to the building, repairing, or  
37 improving of any street, place, road, highway, easement, right-of-  
38 way, mass public transportation terminal or parking facility, bridge,  
39 tunnel, or trestle which is owned by a municipal corporation or  
40 political subdivision of the state or by the United States and which

1 is used or to be used primarily for foot or vehicular traffic  
2 including mass transportation vehicles of any kind.

3 (11) The term also does not include sales of chemical sprays or  
4 washes to persons for the purpose of postharvest treatment of fruit  
5 for the prevention of scald, fungus, mold, or decay, nor does it  
6 include sales of feed, seed, seedlings, fertilizer, agents for  
7 enhanced pollination including insects such as bees, and spray  
8 materials to: (a) Persons who participate in the federal conservation  
9 reserve program, the environmental quality incentives program, the  
10 wetlands reserve program, and the wildlife habitat incentives  
11 program, or their successors administered by the United States  
12 department of agriculture; (b) farmers for the purpose of producing  
13 for sale any agricultural product; (c) farmers for the purpose of  
14 providing bee pollination services; and (d) farmers acting under  
15 cooperative habitat development or access contracts with an  
16 organization exempt from federal income tax under 26 U.S.C. Sec.  
17 501(c)(3) of the federal internal revenue code or the Washington  
18 state department of fish and wildlife to produce or improve wildlife  
19 habitat on land that the farmer owns or leases.

20 (12) The term does not include the sale of or charge made for  
21 labor and services rendered in respect to the constructing,  
22 repairing, decorating, or improving of new or existing buildings or  
23 other structures under, upon, or above real property of or for the  
24 United States, any instrumentality thereof, or a county or city  
25 housing authority created pursuant to chapter 35.82 RCW, including  
26 the installing, or attaching of any article of tangible personal  
27 property therein or thereto, whether or not such personal property  
28 becomes a part of the realty by virtue of installation. Nor does the  
29 term include the sale of services or charges made for the clearing of  
30 land and the moving of earth of or for the United States, any  
31 instrumentality thereof, or a county or city housing authority. Nor  
32 does the term include the sale of services or charges made for  
33 cleaning up for the United States, or its instrumentalities,  
34 radioactive waste and other by-products of weapons production and  
35 nuclear research and development.

36 (13) The term does not include the sale of or charge made for  
37 labor, services, or tangible personal property pursuant to agreements  
38 providing maintenance services for bus, rail, or rail fixed guideway  
39 equipment when a regional transit authority is the recipient of the

1 labor, services, or tangible personal property, and a transit agency,  
2 as defined in RCW 81.104.015, performs the labor or services.

3 (14) The term does not include the sale for resale of any service  
4 described in this section if the sale would otherwise constitute a  
5 "sale at retail" and "retail sale" under this section.

6 (15)(a) The term "sale at retail" or "retail sale" includes  
7 amounts charged, however labeled, to consumers to engage in any of  
8 the activities listed in this subsection (15)(a), including the  
9 furnishing of any associated equipment or, except as otherwise  
10 provided in this subsection, providing instruction in such  
11 activities, where such charges are not otherwise defined as a "sale  
12 at retail" or "retail sale" in this section:

13 (i)(A) Golf, including any variant in which either golf balls or  
14 golf clubs are used, such as miniature golf, hitting golf balls at a  
15 driving range, and golf simulators, and including fees charged by a  
16 golf course to a player for using his or her own cart. However,  
17 charges for golf instruction are not a retail sale, provided that if  
18 the instruction involves the use of a golfing facility that would  
19 otherwise require the payment of a fee, such as green fees or driving  
20 range fees, such fees, including the applicable retail sales tax,  
21 must be separately identified and charged by the golfing facility  
22 operator to the instructor or the person receiving the instruction.

23 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except  
24 as otherwise provided in this subsection (15)(a)(i)(B), the term  
25 "sale at retail" or "retail sale" does not include amounts charged to  
26 participate in, or conduct, a golf tournament or other competitive  
27 event. However, amounts paid by event participants to the golf  
28 facility operator are retail sales under this subsection (15)(a)(i).  
29 Likewise, amounts paid by the event organizer to the golf facility  
30 are retail sales under this subsection (15)(a)(i), if such amounts  
31 vary based on the number of event participants;

32 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,  
33 paragliding, parasailing, and similar activities;

34 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,  
35 ping pong, and similar games;

36 (iv) Access to amusement park, theme park, and water park  
37 facilities, including but not limited to charges for admission and  
38 locker or cabana rentals. Discrete charges for rides or other  
39 attractions or entertainment that are in addition to the charge for  
40 admission are not a retail sale under this subsection (15)(a)(iv).

1 For the purposes of this subsection, an amusement park or theme park  
2 is a location that provides permanently affixed amusement rides,  
3 games, and other entertainment, but does not include parks or zoos  
4 for which the primary purpose is the exhibition of wildlife, or  
5 fairs, carnivals, and festivals as defined in (b)(i) of this  
6 subsection;

7 (v) Batting cage activities;

8 (vi) Bowling, but not including competitive events, except that  
9 amounts paid by the event participants to the bowling alley operator  
10 are retail sales under this subsection (15)(a)(vi). Likewise, amounts  
11 paid by the event organizer to the operator of the bowling alley are  
12 retail sales under this subsection (15)(a)(vi), if such amounts vary  
13 based on the number of event participants;

14 (vii) Climbing on artificial climbing structures, whether indoors  
15 or outdoors;

16 (viii) Day trips for sightseeing purposes;

17 (ix) Bungee jumping, zip lining, and riding inside a ball,  
18 whether inflatable or otherwise;

19 (x) Horseback riding offered to the public, where the seller  
20 furnishes the horse to the buyer and providing instruction is not the  
21 primary focus of the activity, including guided rides, but not  
22 including therapeutic horseback riding provided by an instructor  
23 certified by a nonprofit organization that offers national or  
24 international certification for therapeutic riding instructors;

25 (xi) Fishing, including providing access to private fishing areas  
26 and charter or guided fishing, except that fishing contests and  
27 license fees imposed by a government entity are not a retail sale  
28 under this subsection;

29 (xii) Guided hunting and hunting at game farms and shooting  
30 preserves, except that hunting contests and license fees imposed by a  
31 government entity are not a retail sale under this subsection;

32 (xiii) Swimming, but only in respect to (A) recreational or  
33 fitness swimming that is open to the public, such as open swim, lap  
34 swimming, and special events like kids night out and pool parties  
35 during open swim time, and (B) pool parties for private events, such  
36 as birthdays, family gatherings, and employee outings. Fees for  
37 swimming lessons, to participate in swim meets and other  
38 competitions, or to join a swim team, club, or aquatic facility are  
39 not retail sales under this subsection (15)(a)(xiii);

1 (xiv) Go-karting, bumper cars, and other motorized activities  
2 where the seller provides the vehicle and the premises where the  
3 buyer will operate the vehicle;

4 (xv) Indoor or outdoor playground activities, such as inflatable  
5 bounce structures and other inflatables; mazes; trampolines; slides;  
6 ball pits; games of tag, including laser tag and soft-dart tag; and  
7 human gyroscope rides, regardless of whether such activities occur at  
8 the seller's place of business, but not including playground  
9 activities provided for children by a licensed child day care center  
10 or licensed family day care provider as those terms are defined in  
11 RCW 43.216.010;

12 (xvi) Shooting sports and activities, such as target shooting,  
13 skeet, trap, sporting clays, "5" stand, and archery, but only in  
14 respect to discrete charges to members of the public to engage in  
15 these activities, but not including fees to enter a competitive  
16 event, instruction that is entirely or predominately classroom based,  
17 or to join or renew a membership at a club, range, or other facility;

18 (xvii) Paintball and airsoft activities;

19 (xviii) Skating, including ice skating, roller skating, and  
20 inline skating, but only in respect to discrete charges to members of  
21 the public to engage in skating activities, but not including skating  
22 lessons, competitive events, team activities, or fees to join or  
23 renew a membership at a skating facility, club, or other  
24 organization;

25 (xix) Nonmotorized snow sports and activities, such as downhill  
26 and cross-country skiing, snowboarding, ski jumping, sledding, snow  
27 tubing, snowshoeing, and similar snow sports and activities, whether  
28 engaged in outdoors or in an indoor facility with or without snow,  
29 but only in respect to discrete charges to the public for the use of  
30 land or facilities to engage in nonmotorized snow sports and  
31 activities, such as fees, however labeled, for the use of ski lifts  
32 and tows and daily or season passes for access to trails or other  
33 areas where nonmotorized snow sports and activities are conducted.  
34 However, fees for the following are not retail sales under this  
35 subsection (15)(a)(xix): (A) Instructional lessons; (B) permits  
36 issued by a governmental entity to park a vehicle on or access public  
37 lands; and (C) permits or leases granted by an owner of private  
38 timberland for recreational access to areas used primarily for  
39 growing and harvesting timber; and

1 (xx) Scuba diving; snorkeling; river rafting; surfing;  
2 kiteboarding; flyboarding; water slides; inflatables, such as water  
3 pillows, water trampolines, and water rollers; and similar water  
4 sports and activities.

5 (b) Notwithstanding anything to the contrary in this subsection  
6 (15), the term "sale at retail" or "retail sale" does not include  
7 charges:

8 (i) Made for admission to, and rides or attractions at, fairs,  
9 carnivals, and festivals. For the purposes of this subsection, fairs,  
10 carnivals, and festivals are events that do not exceed 21 days and a  
11 majority of the amusement rides, if any, are not affixed to real  
12 property;

13 (ii) Made by an educational institution to its students and staff  
14 for activities defined as retail sales by (a)(i) through (xx) of this  
15 subsection. However, charges made by an educational institution to  
16 its alumni or other members of the general public for these  
17 activities are a retail sale under this subsection (15). For purposes  
18 of this subsection (15)(b)(ii), "educational institution" has the  
19 same meaning as in RCW 82.04.170;

20 (iii) Made by a vocational school for commercial diver training  
21 that is licensed by the workforce training and education coordinating  
22 board under chapter 28C.10 RCW; or

23 (iv) Made for day camps offered by a nonprofit organization or  
24 state or local governmental entity that provide youth not older than  
25 age 18, or that are focused on providing individuals with  
26 disabilities or mental illness, the opportunity to participate in a  
27 variety of supervised activities.

28 (16)(a) The term "sale at retail" or "retail sale" includes the  
29 purchase or acquisition of tangible personal property and specified  
30 services by a person who receives either a qualifying grant exempt  
31 from tax under RCW 82.04.767 or 82.16.320 or a grant deductible under  
32 RCW 82.04.4339, except for transactions excluded from the definition  
33 of "sale at retail" or "retail sale" by any other provision of this  
34 section. Nothing in this subsection (16) may be construed to limit  
35 the application of any other provision of this section to purchases  
36 by a recipient of either a qualifying grant exempt from tax under RCW  
37 82.04.767 or a grant deductible under RCW 82.04.4339, or by any other  
38 person.

39 (b) For purposes of this subsection (16), "specified services"  
40 means:

- 1 (i) The constructing, repairing, decorating, or improving of new  
2 or existing buildings or other structures under, upon, or above real  
3 property, including the installing or attaching of any article of  
4 tangible personal property therein or thereto, whether or not such  
5 personal property becomes a part of the realty by virtue of  
6 installation;
- 7 (ii) The clearing of land or the moving of earth, whether or not  
8 associated with activities described in (b)(i) of this subsection  
9 (16);
- 10 (iii) The razing or moving of existing buildings or structures;  
11 and
- 12 (iv) Landscape maintenance and horticultural services.

13 NEW SECTION. **Sec. 28.** This act takes effect January 1, 2026.

--- END ---