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HOUSE BILL 1042

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Campbell, Schual-Berke, Skinner, Haigh and Lantz

Read first time 01/12/2001. Referred to Committee on Health Care.

1            AN ACT Relating to sterilization procedures in the commercial  
2 practices of electrology and tattooing; amending RCW 18.130.040;  
3 and adding new sections to Title 70 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to Title 70 RCW to  
6 read as follows:

7            The legislature finds and declares that the practices of  
8 electrology and tattooing involve an invasive procedure with the  
9 use of needles and instruments which may be dangerous when  
10 improperly sterilized presenting a risk of infecting the client  
11 with bloodborne pathogens such as HIV and Hepatitis B. It is in the  
12 interests of the public health, safety, and welfare to regulate  
13 the sterilization procedures in the commercial practices of  
14 electrology and tattooing in this state.

15            NEW SECTION.    **Sec. 2.** A new section is added to Title 70 RCW to  
16 read as follows:

1 The definitions in this section apply throughout sections 1, 3,  
2 and 4 of this act unless the context clearly requires otherwise.

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

5 (2) "Electrology" means the process by which hair is  
6 permanently removed through the utilization of solid needle/probe  
7 electrode epilation, including thermolysis, being of shortwave,  
8 high frequency type, and including electrolysis, being of galvanic  
9 type, or a combination of both which is accomplished by a  
10 superimposed or sequential blend.

11 (3) "Tattoo artist" means a person who practices the business  
12 of tattooing for a fee.

13 (4) "Tattooing" means the indelible mark, figure, or decorative  
14 design introduced by insertion of nontoxic dyes or pigments into  
15 or under the subcutaneous portion of the skin upon the body of a  
16 live human being for cosmetic, medical, or figurative purposes.

17 NEW SECTION. **Sec. 3.** A new section is added to Title 70 RCW to  
18 read as follows:

19 The secretary of health shall adopt by rule requirements for  
20 the sterilization of needles and instruments by electrologists and  
21 tattoo artists in accordance with nationally recognized  
22 professional standards. The secretary shall consider the universal  
23 precautions for infection control, as recommended by the United  
24 States centers for disease control, and guidelines for infection  
25 control, as recommended by the national environmental health  
26 association and the alliance of professional tattooists, in the  
27 adoption of these sterilization requirements.

28 NEW SECTION. **Sec. 4.** A new section is added to Title 70 RCW to  
29 read as follows:

30 A violation of rules adopted under section 3 of this act  
31 constitutes unprofessional conduct under RCW 18.130.180. The  
32 procedures, and sanctions to the extent appropriate, of the  
33 uniform disciplinary act, chapter 18.130 RCW, govern the  
34 discipline of persons under this section and sections 1 through 3  
35 of this act. The secretary shall act as the disciplining authority  
36 under this section and sections 1 through 3 of this act.

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**Sec. 5.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiii) Health care assistants certified under chapter 18.135 RCW;
- (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xv) Chemical dependency professionals certified under chapter 18.205 RCW;
- (xvi) Sex offender treatment providers certified under chapter 18.155 RCW;
- (xvii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

1 (xviii) Persons registered as adult family home providers and  
2 resident managers under RCW 18.48.020;

3 (xix) Denturists licensed under chapter 18.30 RCW;

4 (xx) Orthotists and prosthetists licensed under chapter 18.200  
5 RCW; (~~and~~)

6 (xxi) Surgical technologists registered under chapter 18.215  
7 RCW; and

8 (xxii) Electrologists and tattoo artists pursuant to sections 1  
9 through 4 of this act.

10 (b) The boards and commissions having authority under this  
11 chapter are as follows:

12 (i) The podiatric medical board as established in chapter 18.22  
13 RCW;

14 (ii) The chiropractic quality assurance commission as  
15 established in chapter 18.25 RCW;

16 (iii) The dental quality assurance commission as established in  
17 chapter 18.32 RCW;

18 (iv) The board of hearing and speech as established in chapter  
19 18.35 RCW;

20 (v) The board of examiners for nursing home administrators as  
21 established in chapter 18.52 RCW;

22 (vi) The optometry board as established in chapter 18.54 RCW  
23 governing licenses issued under chapter 18.53 RCW;

24 (vii) The board of osteopathic medicine and surgery as  
25 established in chapter 18.57 RCW governing licenses issued under  
26 chapters 18.57 and 18.57A RCW;

27 (viii) The board of pharmacy as established in chapter 18.64  
28 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

29 (ix) The medical quality assurance commission as established in  
30 chapter 18.71 RCW governing licenses and registrations issued  
31 under chapters 18.71 and 18.71A RCW;

32 (x) The board of physical therapy as established in chapter  
33 18.74 RCW;

34 (xi) The board of occupational therapy practice as established  
35 in chapter 18.59 RCW;

36 (xii) The nursing care quality assurance commission as  
37 established in chapter 18.79 RCW governing licenses issued under  
38 that chapter;

1 (xiii) The examining board of psychology and its disciplinary  
2 committee as established in chapter 18.83 RCW; and

3 (xiv) The veterinary board of governors as established in  
4 chapter 18.92 RCW.

5 (3) In addition to the authority to discipline license holders,  
6 the disciplining authority has the authority to grant or deny  
7 licenses based on the conditions and criteria established in this  
8 chapter and the chapters specified in subsection (2) of this  
9 section. This chapter also governs any investigation, hearing, or  
10 proceeding relating to denial of licensure or issuance of a license  
11 conditioned on the applicant's compliance with an order entered  
12 pursuant to RCW 18.130.160 by the disciplining authority.

13 (4) All disciplining authorities shall adopt procedures to  
14 ensure substantially consistent application of this chapter, the  
15 Uniform Disciplinary Act, among the disciplining authorities  
16 listed in subsection (2) of this section.

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