

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1042**

57th Legislature  
2001 Regular Legislative Session

Passed by the House April 16, 2001  
Yeas 93 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 9, 2001  
Yeas 49 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1042** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1042**

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AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Campbell, Schual-Berke, Skinner, Haigh and Lantz)

Read first time . Referred to .

1            AN ACT Relating to sterilization procedures in the commercial  
2 practices of electrology and tattooing; amending RCW 5.40.050; adding  
3 new sections to chapter 70.54 RCW; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 70.54 RCW  
6 to read as follows:

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

15            NEW SECTION.    **Sec. 2.** A new section is added to chapter 70.54 RCW  
16 to read as follows:

17            The definitions in this section apply throughout sections 1, 3, and  
18 4 of this act unless the context clearly requires otherwise.

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

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

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

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

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.54 RCW  
16 to read as follows:

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

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.54 RCW  
27 to read as follows:

28 (1) Any person who practices electrology or tattooing shall comply  
29 with the rules adopted by the department of health under section 3 of  
30 this act.

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

32 **Sec. 5.** RCW 5.40.050 and 1986 c 305 s 901 are each amended to read  
33 as follows:

34 A breach of a duty imposed by statute, ordinance, or administrative  
35 rule shall not be considered negligence per se, but may be considered

1 by the trier of fact as evidence of negligence; however, any breach of  
2 duty as provided by statute, ordinance, or administrative rule relating  
3 to electrical fire safety, the use of smoke alarms, sterilization of  
4 needles and instruments used in tattooing or electrology as required  
5 under section 4 of this act, or driving while under the influence of  
6 intoxicating liquor or any drug, shall be considered negligence per se.

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