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**SUBSTITUTE HOUSE BILL 1158**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Ryu, Eslick, Appleton, Lovick, Blake, Stanford, Reeves, Kirby, and Santos)

READ FIRST TIME 02/04/19.

1 AN ACT Relating to regulation of permanent cosmetics under the  
2 Washington body art, body piercing, and tattooing act; amending RCW  
3 18.300.005, 18.300.010, 18.300.020, 18.300.030, 18.300.040,  
4 18.300.050, 18.300.060, 18.300.070, 18.300.080, 18.300.090, and  
5 18.300.900; and providing an effective date.

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

7 **Sec. 1.** RCW 18.300.005 and 2009 c 412 s 1 are each amended to  
8 read as follows:

9 The legislature finds and declares that the practices of body  
10 piercing, tattooing, permanent cosmetics, and other forms of body art  
11 involve an invasive procedure with the use of needles, sharps,  
12 instruments, and jewelry. These practices may be dangerous when  
13 improper sterilization techniques are used, presenting a risk of  
14 infecting the client with blood-borne pathogens including, but not  
15 limited to, HIV, hepatitis B, and hepatitis C. It is in the interests  
16 of the public health, safety, and welfare to establish requirements  
17 in the commercial practice of these activities in this state.

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

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

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

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

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

23 (4) "Individual license" means a body art, body piercing, ((~~or~~))  
24 tattoo, or permanent cosmetics practitioner license issued under this  
25 chapter.

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

28 (6) "Permanent cosmetics" means the process of using tattooing  
29 techniques to apply permanent eyebrows, eyeliner, lip liner, lip  
30 color, hair follicles, or scar camouflage, to improve or restore a  
31 person's appearance. "Permanent cosmetics" includes the  
32 repigmentation of skin by a permanent cosmetics artist following an  
33 initial application of permanent eyebrows, eyeliner, lip liner, lip  
34 color, hair follicles, or scar camouflage through the use of  
35 tattooing techniques. "Permanent cosmetics" is a form of tattooing.

36 (7) "Permanent cosmetics artist" means a person who uses  
37 tattooing techniques to apply permanent eyebrows, eyeliner, lip  
38 liner, lip color, hair follicles, or scar camouflage, to improve or  
39 restore a person's appearance.

1       (8) "Permanent cosmetics curriculum" means training required  
2 pursuant to rules adopted by the director that includes a minimum of  
3 one hundred hours of training on permanent cosmetics taught by a  
4 permanent cosmetics trainer who is approved by the director.

5       (9) "Permanent cosmetics trainer" means a person who:

6       (a) Provides training on permanent cosmetics to an individual in  
7 a permanent cosmetics curriculum approved by the director;

8       (b) Holds a current license as a permanent cosmetics artist; and

9       (c) Has held the permanent cosmetics artist license for at least  
10 five consecutive years.

11       (10) "Shop or business" means a body art, body piercing, ~~((~~o~~))~~  
12 tattooing, or permanent cosmetics shop or business.

13       ~~((~~7~~))~~ (11) "Tattoo artist" means a person who pierces or  
14 punctures the human skin with a needle or other instrument for the  
15 purpose of ~~((implanting an indelible mark, or pigment, into the~~  
16 skin)) tattooing for a fee.

17       ~~((~~8~~))~~ (12) "Tattooing" means to pierce or puncture the human  
18 skin with a needle or other instrument for the purpose of implanting  
19 an indelible mark, or pigment, into the skin.

20       **Sec. 3.** RCW 18.300.020 and 2009 c 412 s 3 are each amended to  
21 read as follows:

22       In addition to any other duties imposed by law, including RCW  
23 18.235.030 and 18.235.040, the director has the following powers and  
24 duties:

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

27       (2) To adopt rules necessary to implement this chapter;

28       (3) To prepare and administer or approve the preparation and  
29 administration of licensing;

30       (4) To establish minimum safety and sanitation standards for  
31 practitioners of body art, body piercing, ~~((~~o~~))~~ tattooing, and  
32 permanent cosmetics as determined by the department of health;

33       (5) To maintain the official department record of applicants and  
34 licensees;

35       (6) To set license expiration dates and renewal periods for all  
36 licenses consistent with this chapter;

37       (7) To ensure that all informational notices produced and mailed  
38 by the department regarding statutory and regulatory changes  
39 affecting any particular class of licensees are mailed to each

1 licensee in good standing in the affected class whose mailing address  
2 on record with the department has not resulted in mail being returned  
3 as undeliverable for any reason; and

4 (8) To make information available to the department of revenue to  
5 assist in collecting taxes from persons and businesses required to be  
6 licensed under this chapter.

7 **Sec. 4.** RCW 18.300.030 and 2009 c 412 s 4 are each amended to  
8 read as follows:

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

13 (a) The license has expired or has been canceled and has not been  
14 renewed in accordance with RCW 18.300.050;

15 (b) The license has been denied, revoked, or suspended under RCW  
16 18.300.110 or 18.300.130, and has not been reinstated; or

17 (c) The license is held by a person who has not fully complied  
18 with an order of the director issued under RCW 18.300.110 requiring  
19 the licensee to pay restitution or a fine, or to acquire additional  
20 training.

21 (2) The director may take action under RCW 18.235.150 and  
22 18.235.160 against any person who does any of the following without  
23 first obtaining, and maintaining in good standing, the license  
24 required by this chapter:

25 (a) Engages in the practice of body art, body piercing, ~~((~~or~~))~~  
26 tattooing, or permanent cosmetics; or

27 (b) Operates a shop or business.

28 **Sec. 5.** RCW 18.300.040 and 2009 c 412 s 5 are each amended to  
29 read as follows:

30 Upon completion of an application approved by the department and  
31 payment of the proper fee, the director shall:

32 (1) Issue the appropriate location license to any person who  
33 completes an application approved by the department~~((~~and~~))~~ and provides  
34 certification of insurance~~((~~and provides payment of the proper~~~~  
35 ~~fee))~~;

36 (2) Issue the appropriate individual body art, body piercing, or  
37 tattoo practitioner license to any person who is age eighteen or  
38 older and provides proof the person holds a blood-borne pathogens

1 certification from a training course with standards in compliance  
2 with 29 C.F.R. Sec. 1910.1030 (2017); and

3 (3) Issue an individual permanent cosmetics license to any person  
4 who: (a) Is age eighteen or older; (b) provides proof the person  
5 holds a blood-borne pathogens certification from a training course  
6 with standards in compliance with 29 C.F.R. Sec. 1910.1030 (2017);  
7 and (c) completes a permanent cosmetics curriculum. However, a person  
8 with a license or endorsement to perform permanent cosmetics issued  
9 by the department, that is in good standing on the effective date of  
10 this section, is not required to complete a permanent cosmetics  
11 curriculum in order to be issued a license under this subsection (3)  
12 or to renew such a license.

13 **Sec. 6.** RCW 18.300.050 and 2009 c 412 s 6 are each amended to  
14 read as follows:

15 (1) The director shall issue the appropriate license to any  
16 applicant who meets the requirements as outlined in this chapter. The  
17 director has the authority to set appropriate licensing fees for body  
18 art, body piercing, ~~((and))~~ tattooing, and permanent cosmetics shops  
19 and businesses and body art, body piercing, ~~((and))~~ tattooing, and  
20 permanent cosmetics individual practitioners. Licensing fees for  
21 individual practitioners must be set in an amount less than licensing  
22 fees for shops and businesses.

23 (2) Failure to renew a license by its expiration date subjects  
24 the holder to a penalty fee and payment of each year's renewal fee,  
25 at the current rate.

26 (3) A person whose license has not been renewed within one year  
27 after its expiration date must have his or her license canceled and  
28 must be required to submit an application, pay the license fee, meet  
29 current licensing requirements, and pass any applicable examination  
30 or examinations, in addition to the other requirements of this  
31 chapter, before the license may be reinstated.

32 (4) Nothing in this section authorizes a person whose license has  
33 expired to engage in a practice prohibited under RCW 18.300.030 until  
34 the license is renewed or reinstated.

35 (5) Upon request and payment of an additional fee to be  
36 established by rule by the director, the director shall issue a  
37 duplicate license to an applicant.

1       **Sec. 7.** RCW 18.300.060 and 2009 c 412 s 7 are each amended to  
2 read as follows:

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

5       (a) A body art, body piercing, (~~(e)~~) tattooing, or permanent  
6 cosmetics shop or business location license expires one year from  
7 issuance or when the insurance required by RCW 18.300.070(1)(g)  
8 expires, whichever occurs first; and

9       (b) Body art, body piercing, (~~(e)~~) tattooing, or permanent  
10 cosmetics practitioner individual licenses expire one year from  
11 issuance.

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

15       **Sec. 8.** RCW 18.300.070 and 2009 c 412 s 8 are each amended to  
16 read as follows:

17       (1) A body art, body piercing, (~~(e)~~) tattooing, or permanent  
18 cosmetics shop or business shall meet the following minimum  
19 requirements:

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

22       (b) Provide and maintain for the use of its customers adequate  
23 toilet facilities located within or adjacent to the shop or business;

24       (c) Any room used wholly or in part as a shop or business may not  
25 be used for residential purposes, except that toilet facilities may  
26 be used for both residential and business purposes;

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

29       (e) Provide for safe storage and labeling of equipment and  
30 substances used in the practices under this chapter;

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

32       (g) Certify that the shop or business is covered by a public  
33 liability insurance policy in an amount not less than one hundred  
34 thousand dollars for combined bodily injury and property damage  
35 liability.

36       (2) The director may by rule determine other requirements that  
37 are necessary for safety and sanitation of shops or businesses. The  
38 director may consult with the state board of health and the

1 department of labor and industries in establishing minimum shop and  
2 business safety requirements.

3 (3) Upon receipt of a written complaint that a shop or business  
4 has violated any provisions of this chapter, chapter 18.235 RCW, or  
5 the rules adopted under either chapter, or at least once every two  
6 years for an existing shop or business, the director or the  
7 director's designee shall inspect each shop or business. If the  
8 director determines that any shop or business is not in compliance  
9 with this chapter, the director shall send written notice to the shop  
10 or business. A shop or business which fails to correct the conditions  
11 to the satisfaction of the director within a reasonable time is, upon  
12 due notice, subject to the penalties imposed by the director under  
13 RCW 18.235.110. The director may enter any shop or business during  
14 business hours for the purpose of inspection. The director may  
15 contract with health authorities of local governments to conduct the  
16 inspections under this subsection.

17 (4) A shop or business shall obtain a certificate of registration  
18 from the department of revenue.

19 (5) Shop or business location licenses issued by the department  
20 must be posted in the shop or business's reception area.

21 (6) Body art, body piercing, (~~and~~) tattooing, and permanent  
22 cosmetics practitioner individual licenses issued by the department  
23 must be posted at the licensed person's work station.

24 **Sec. 9.** RCW 18.300.080 and 2009 c 412 s 9 are each amended to  
25 read as follows:

26 The director shall prepare and provide to all licensed shops or  
27 businesses a notice to consumers. At a minimum, the notice must state  
28 that body art, body piercing, (~~and~~) tattooing, and permanent  
29 cosmetics shops or businesses are required to be licensed, that shops  
30 or businesses are required to maintain minimum safety and sanitation  
31 standards, that customer complaints regarding shops or businesses may  
32 be reported to the department, and a telephone number and address  
33 where complaints may be made.

34 **Sec. 10.** RCW 18.300.090 and 2009 c 412 s 10 are each amended to  
35 read as follows:

36 It is a violation of this chapter for any person to engage in the  
37 commercial practice of body art, body piercing, (~~or~~) tattooing, or  
38 permanent cosmetics except in a licensed shop or business with the

1 appropriate individual body art, body piercing, (~~or~~) tattooing, or  
2 permanent cosmetics license.

3       **Sec. 11.** RCW 18.300.900 and 2009 c 412 s 17 are each amended to  
4 read as follows:

5       This act shall be known and may be cited as the "Washington body  
6 art, body piercing, (~~and~~) tattooing, and permanent cosmetics" act.

7       NEW SECTION.   **Sec. 12.** This act takes effect July 1, 2020.

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