
SENATE BILL 6629

State of Washington

54th Legislature

1996 Regular Session

By Senator Roach

Read first time 01/19/96. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the regulation of body piercers; reenacting and
2 amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds it necessary to
6 regulate the activities of body piercers in order to protect the public
7 health and safety. It is the legislature's intent that only
8 individuals who meet and maintain minimum standards of competence and
9 conduct may provide these services to the public.

10 NEW SECTION. **Sec. 2.** In this chapter, unless the context
11 otherwise requires, the following meanings shall apply:

12 (1) "Committee" means the Washington state body piercing advisory
13 committee.

14 (2) "Body piercing" means the piercing of the skin and inserting an
15 object for figurative or cosmetic purposes. Body piercing does not
16 include surgery for medical or nursing purposes.

17 (3) "Certified body piercer" means a person certified under the
18 provisions of this chapter to practice body piercing.

1 (4) "Department" means the department of health.

2 (5) "Physician" means a person licensed to practice in this state
3 under chapter 18.57 or 18.71 RCW.

4 (6) "Secretary" means the secretary of health or the secretary's
5 designee.

6 NEW SECTION. **Sec. 3.** The Washington state body piercing advisory
7 committee is created. The committee shall consist of four members who
8 shall be appointed by the governor for a term of four years each.
9 Members shall be residents of this state and shall have not less than
10 three years experience in the practice of body piercing immediately
11 preceding their appointment and shall be certified under this chapter
12 and actively engaged in the practice of body piercing during their
13 incumbency.

14 In addition to the members specified in this section, the governor
15 shall appoint two consumer members of the committee who shall serve for
16 a term of four years. The consumer members of the committee shall be
17 individuals who do not derive their livelihood by providing body
18 piercing services and are not certified health professionals. Consumer
19 members shall not be employees of the state nor a present or former
20 member of another licensing entity.

21 In the event that a member cannot complete his or her term of
22 office, another appointment shall be made by the governor in accordance
23 with the procedures stated in this section to fill the remainder of the
24 term. No member may serve more than two successive terms whether full
25 or partial. The governor may remove any member of the committee for
26 neglect of duty, incompetence, or unprofessional or disorderly conduct
27 as determined under chapter 18.130 RCW.

28 Members of the committee shall be compensated in accordance with
29 RCW 43.03.240. Members shall be reimbursed for travel expenses
30 incurred in the actual performance of their duties, as provided in RCW
31 43.03.050 and 43.03.060.

32 The committee may annually elect a chair to direct the meetings of
33 the committee. The committee shall meet as called by the chair or the
34 secretary, but at least once each year. Three members of the committee
35 shall constitute a quorum of the committee.

36 NEW SECTION. **Sec. 4.** In addition to any other authority provided
37 by law, the secretary may:

1 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
2 implement this chapter;

3 (2) Define, evaluate, approve, and designate those schools,
4 programs, and apprenticeship programs including all current and
5 proposed curriculum, faculty, and health, sanitation, and facility
6 standards from which graduation will be accepted as proof of an
7 applicant's eligibility to take the examination;

8 (3) Review approved schools and programs periodically;

9 (4) Prepare, grade, administer, and supervise the grading and
10 administration of, examinations for applicants for certification;

11 (5) Determine which states have educational and regulatory
12 requirements equivalent to those of this state; and

13 (6) Seek advice and recommendations from the committee.

14 The secretary shall establish by rule the standards and procedures
15 for approving courses of study and may contract with individuals or
16 organizations having expertise in the profession or in education to
17 assist in evaluating courses of study. The standards and procedures
18 set shall apply equally to schools and training within the United
19 States of America and those in foreign jurisdictions.

20 NEW SECTION. **Sec. 5.** No person may practice or represent himself
21 or herself as a body piercer without first applying for and receiving
22 from the department a certification to practice.

23 NEW SECTION. **Sec. 6.** All certifications issued under this
24 chapter, unless otherwise provided shall expire on the annual
25 anniversary date of the individual's date of birth.

26 The secretary shall prorate the fee based on one-twelfth of the
27 annual fee for each full calendar month between the issue date and the
28 next anniversary of the applicant's birth date, a date used as the
29 expiration date of such certificate.

30 Every applicant for a certificate shall pay an examination fee
31 determined by the secretary as provided in RCW 43.70.250, which fee
32 shall accompany his or her application. Applications for certification
33 shall be submitted on forms provided by the secretary.

34 Applicants granted a certificate under this chapter shall pay to
35 the secretary a fee determined by the secretary as provided in RCW
36 43.70.250, before the issuance of their certificate, and an annual
37 renewal fee determined by the secretary as provided in RCW 43.70.250.

1 Failure to renew invalidates the certificate and all privileges granted
2 to the certificated practitioner, but such certificate may be
3 reinstated upon written application to the secretary and payment to the
4 state of all delinquent fees and penalties as determined by the
5 secretary. In the event a certificate has lapsed for a period longer
6 than three years, the certificated practitioner shall demonstrate
7 competence to the satisfaction of the secretary by proof of continuing
8 education or other standard determined by the secretary with the advice
9 of the committee.

10 NEW SECTION. **Sec. 7.** The secretary shall issue a body piercer's
11 certification to an applicant who demonstrates to the secretary's
12 satisfaction that the following requirements have been met:

13 (1) Compliance with this chapter and the applicable rules of the
14 department;

15 (2) The applicant is not less than eighteen years of age;

16 (3) The applicant has a high school diploma or equivalent
17 education;

18 (4) The applicant has submitted evidence of completion of education
19 or training, prescribed and approved by the secretary, under the direct
20 supervision of a certified body piercer; and

21 (5) The applicant has passed an examination approved, administered,
22 or recognized by the committee.

23 In addition, applicants are subject to the grounds for denial or
24 issuance of a conditional certificate under chapter 18.130 RCW.

25 The secretary may require any information and documentation that
26 reasonably relates to the need to determine whether the applicant meets
27 the criteria for certification provided for in this chapter and chapter
28 18.130 RCW. The secretary shall establish by rule what constitutes
29 adequate proof of meeting the criteria. The secretary shall give an
30 appropriate alternate form of examination for persons who cannot read
31 or speak English to determine equivalent competency.

32 NEW SECTION. **Sec. 8.** (1) A person who holds a certificate shall
33 notify the department in writing of the regular address of the place or
34 places where the person performs or intends to perform body piercing
35 and shall keep the certificate conspicuously posted in the place of
36 business at all times.

1 (2) The department shall keep a record of the place or places of
2 business of each person who holds a certificate.

3 (3) Any notice required to be given by the department to a person
4 who holds a certificate may be given by mailing the notice to the
5 address of the last place of business of which the person has notified
6 the department.

7 (4) The department shall issue to each qualified applicant a
8 certificate to operate a body piercing facility and to advertise body
9 piercing services for which the facility is certified.

10 NEW SECTION. **Sec. 9.** All body piercers shall participate in
11 continuing education, with guidelines and requirements to be
12 established by rule of the secretary.

13 NEW SECTION. **Sec. 10.** Certified practicing body piercers shall
14 meet the following standards and any others the secretary may adopt by
15 rule:

16 (1) Body piercing instruments shall be sterilized in accordance
17 with methods approved by the rules of the department;

18 (2) Practicing body piercers shall be equipped with appropriate
19 sterilizing equipment, with availability of hot and cold running water
20 and a covered waste receptacle; and

21 (3) Case history cards shall be kept for each client.

22 NEW SECTION. **Sec. 11.** The department may revoke, suspend, refuse
23 to issue a certificate or renewal, or place on probation any certified
24 practitioner upon proof that a person or certified practitioner:

25 (1) Has been convicted of a violation under this chapter;

26 (2) Has been convicted in this or any other state of a crime
27 related to the practice of body piercing;

28 (3) Has knowingly misrepresented, misstated, or failed to disclose
29 personal qualifications or other information necessary to practice body
30 piercing in any communication to the department;

31 (4) Has used, caused, or promoted the use of any advertising
32 matter, promotional literature, warranty, label, insignia, or any other
33 representation, however disseminated or published, that is false,
34 misleading, or deceptive;

35 (5) Has knowingly deceived the public by acting in a manner as to
36 mislead clients as to the person's professional status;

1 (6) Has employed directly or indirectly any suspended or
2 uncertified person to perform any body piercing covered by this
3 chapter;

4 (7) Has permitted another person to use the certificate;

5 (8) Has practiced body piercing under a false, misleading, or
6 deceptive name;

7 (9) Has failed, if a certified body piercer, to maintain a business
8 address and telephone number at which the certified practitioner may be
9 reached during business hours;

10 (10) Has failed, if a nonpracticing body piercer, to provide the
11 department with a home address and telephone number;

12 (11) Has failed to accept responsibility properly and reasonably
13 for the actions of employees;

14 (12) Has practiced body piercing with a mental or physical illness
15 that affects ability to perform or endangers the public;

16 (13) Has demonstrated gross incompetence in performing body
17 piercing; or

18 (14) Has violated any of the provisions of this chapter or rules
19 adopted under this chapter.

20 NEW SECTION. **Sec. 12.** The powers and duties of the department are
21 as follows:

22 (1) To certify persons who apply to the department and who have
23 qualified to practice body piercing;

24 (2) To adopt rules that are necessary to carry out the provisions
25 of this chapter;

26 (3) To carry out the periodic inspection of facilities of persons
27 who practice body piercing; and

28 (4) To issue a body piercing facility certificate to qualified
29 applicants upon compliance with this chapter.

30 NEW SECTION. **Sec. 13.** (1) The secretary shall adopt rules to
31 prescribe education and training standards for the practice of body
32 piercing.

33 (2) An applicant seeking certification as a body piercer shall
34 demonstrate safety, sanitation, and sterilization techniques by means
35 of an inspection conducted by the regulatory authority to test the
36 applicant's knowledge of infection control practices and requirements.

1 NEW SECTION. **Sec. 14.** The uniform disciplinary act, chapter
2 18.130 RCW, governs unlicensed practice, the issuance and denial of
3 certificates, and the discipline of certified practitioners under this
4 chapter.

5 NEW SECTION. **Sec. 15.** (1) In addition to any other authority
6 provided by law, the secretary may:

7 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
8 implement this chapter;

9 (b) Set all certification, examination, and renewal fees in
10 accordance with RCW 43.70.250;

11 (c) Establish forms and procedures necessary to administer this
12 chapter;

13 (d) Issue a certificate to any applicant who has met the education,
14 training, and examination requirements for certification; and

15 (e) Hire clerical, administrative, and investigative staff as
16 necessary to implement this chapter, and hire individuals certificated
17 under this chapter to serve as examiners for any practical
18 examinations.

19 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
20 issuance and denial of certificates and the disciplining of persons
21 under this chapter. The secretary shall be the disciplining authority
22 under this chapter.

23 (3) The secretary shall keep an official record of all proceedings
24 under this chapter, a part of which record shall consist of a register
25 of all applicants for certification under this chapter, with the result
26 of each application.

27 NEW SECTION. **Sec. 16.** An applicant holding a certificate in
28 another state or foreign jurisdiction may be granted a Washington
29 certificate without examination, if, in the opinion of the secretary,
30 the other state's or foreign jurisdiction's examination and educational
31 requirements are substantially equivalent to Washington's: PROVIDED,
32 That the applicant demonstrates to the satisfaction of the secretary a
33 working knowledge of Washington law pertaining to the practice of body
34 piercing. The applicant shall provide proof in a manner approved by
35 the department that the examination and requirements are equivalent to
36 Washington's.

1 NEW SECTION. **Sec. 17.** The provisions of this chapter relating to
2 the certification of any person shall not be exclusive, and any
3 political subdivision of the state of Washington within whose
4 jurisdiction the practice of body piercing is performed may require
5 additional registrations or licenses regulating the practice of body
6 piercing, and charge any fee for the same or similar purpose.

7 NEW SECTION. **Sec. 18.** State and local law enforcement personnel
8 have the authority to inspect the premises at any time including
9 business hours.

10 NEW SECTION. **Sec. 19.** The provisions of this chapter relating to
11 the certification of any body piercing business shall not be exclusive
12 and any political subdivision of the state of Washington within whose
13 jurisdiction the body piercing business is located may require any
14 registrations or licenses, or charge any fee for the same or similar
15 purpose; and nothing in this chapter limits or abridges the authority
16 of any political subdivision to levy and collect a general and
17 nondiscriminatory license fee levied upon all businesses, or to levy a
18 tax based upon gross business conducted by any firm within said
19 political subdivision.

20 **Sec. 20.** RCW 18.130.040 and 1995 c 336 s 2, 1995 c 323 s 16, 1995
21 c 260 s 11, and 1995 c 1 s 19 (Initiative Measure No. 607) are each
22 reenacted and amended to read as follows:

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

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

30 (i) Dispensing opticians licensed under chapter 18.34 RCW;

31 (ii) Naturopaths licensed under chapter 18.36A RCW;

32 (iii) Midwives licensed under chapter 18.50 RCW;

33 (iv) Ocularists licensed under chapter 18.55 RCW;

34 (v) Massage operators and businesses licensed under chapter 18.108
35 RCW;

36 (vi) Dental hygienists licensed under chapter 18.29 RCW;

1 (vii) Acupuncturists licensed under chapter 18.06 RCW;
2 (viii) Radiologic technologists certified and X-ray technicians
3 registered under chapter 18.84 RCW;
4 (ix) Respiratory care practitioners certified under chapter 18.89
5 RCW;
6 (x) Persons registered or certified under chapter 18.19 RCW;
7 (xi) Persons registered as nursing pool operators under chapter
8 18.52C RCW;
9 (xii) Nursing assistants registered or certified under chapter
10 18.79 RCW;
11 (xiii) Health care assistants certified under chapter 18.135 RCW;
12 (xiv) Dietitians and nutritionists certified under chapter 18.138
13 RCW;
14 (xv) Sex offender treatment providers certified under chapter
15 18.155 RCW;
16 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
17 18.71.205;
18 (xvii) Persons registered as adult family home operators under RCW
19 18.48.020; ((and))
20 (xviii) Denturists licensed under chapter 18.30 RCW; and
21 (xix) Persons certified under chapter 18.-- RCW (sections 1 through
22 19 of this act).
23 (b) The boards and commissions having authority under this chapter
24 are as follows:
25 (i) The podiatric medical board as established in chapter 18.22
26 RCW;
27 (ii) The chiropractic quality assurance commission as established
28 in chapter 18.25 RCW;
29 (iii) The dental quality assurance commission as established in
30 chapter 18.32 RCW;
31 (iv) The board on fitting and dispensing of hearing aids as
32 established in chapter 18.35 RCW;
33 (v) The board of examiners for nursing home administrators as
34 established in chapter 18.52 RCW;
35 (vi) The optometry board as established in chapter 18.54 RCW
36 governing licenses issued under chapter 18.53 RCW;
37 (vii) The board of osteopathic medicine and surgery as established
38 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
39 18.57A RCW;

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

3 (ix) The medical quality assurance commission as established in
4 chapter 18.71 RCW governing licenses and registrations issued under
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74
7 RCW;

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

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

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

14 (xiv) The veterinary board of governors as established in chapter
15 18.92 RCW.

16 (3) In addition to the authority to discipline license holders, the
17 disciplining authority has the authority to grant or deny licenses
18 based on the conditions and criteria established in this chapter and
19 the chapters specified in subsection (2) of this section. This chapter
20 also governs any investigation, hearing, or proceeding relating to
21 denial of licensure or issuance of a license conditioned on the
22 applicant's compliance with an order entered pursuant to RCW 18.130.160
23 by the disciplining authority.

24 (4) All disciplining authorities shall adopt procedures to ensure
25 substantially consistent application of this chapter, the Uniform
26 Disciplinary Act, among the disciplining authorities listed in
27 subsection (2) of this section.

28 NEW SECTION. **Sec. 21.** Sections 1 through 19 of this act shall
29 constitute a new chapter in Title 18 RCW.

30 NEW SECTION. **Sec. 22.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 23.** This act shall take effect July 1, 1996.

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