

# SENATE BILL REPORT

## SHB 2162

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As of February 20, 2014

**Title:** An act relating to body art, body piercing, tattooing, and permanent cosmetics.

**Brief Description:** Concerning body art, body piercing, tattooing, and permanent cosmetics.

**Sponsors:** House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kirby and Moscoso).

**Brief History:** Passed House: 2/11/14, 71-27.

**Committee Activity:** Commerce & Labor: 2/19/14.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Staff:** Jessica Stevenson (786-7465)

**Background:** The Department of Licensing (DOL) regulates body art, body piercing, and tattooing licenses. An applicant for a body art, body piercing, or tattooing license must complete an application, provide certification of insurance and blood-borne pathogen training, and pay the licensing fee. DOL must establish safety and sanitation standards for body art, body piercing, or tattooing practitioners as determined by the Department of Health (DOH).

Individual license is defined as a body art, body piercing, or tattooing practitioner license. Shop or business means a body art, body piercing, or tattooing shop or business. A person's license must be in good standing to engage in the practice of body art, body piercing, or tattooing or to operate a body art, body piercing, or tattooing business. DOL may take action for violations against a person who engages in these practices or operates a business for these practices without a license or with a license that is not in good standing.

DOL may set licensing fees for business and practitioner licenses for body art, body piercing, and tattooing. Business licenses must be posted in the reception area and practitioner licenses must be posted in each practitioner's work station. Business licenses expire one year from issuance or when the business's insurance expires, whichever comes first. Practitioner licenses expire one year from issuance. If a license has not been renewed within one year after its expiration date, the license must be cancelled. The person must submit an application, pay the license fee, meet the licensing requirements, and pass the examination to have the license reinstated.

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Body art, body piercing, and tattooing businesses must carry public liability insurance policies, comply with zoning and fire codes, and meet safety and sanitation standards. DOL must provide all businesses with a notice to consumers stating that all body art, body piercing, and tattoo businesses must be licensed, comply with safety and sanitation standards, and customer complaints can be made to DOL.

**Summary of Bill:** An applicant for a body art, body piercing, tattooing, or permanent cosmetics license must:

1. be at least 18 years old;
2. have a current certification of blood-borne pathogen training;
3. pay the license fee;
4. pass an examination; and
5. provide proof of:
  - a. completion of an internship training program; or
  - b. one year of experience in body art, body piercing, tattooing, or permanent cosmetics in another state, territory, or country within the past three years.

Permanent cosmetics is defined as a cosmetic technique that is used to restore or enhance skin after surgery or to produce tattoo designs that resemble makeup.

DOL must establish safety and sanitation standards for permanent cosmetics practitioners as determined by DOH and advisory committees to advise DOL on testing procedures, professional standards, and disciplinary activities. DOL may set licensing fees for permanent cosmetics business and practitioner licenses. A person must have license in good standing to practice permanent cosmetics or to operate a permanent cosmetics business, and DOL may take action for violations. Permanent cosmetics businesses are subject to all requirements that body art, body piercing, and tattooing businesses must comply with relating to insurance, zoning and fire codes, safety and sanitation, and notice to consumers.

Internship training program is defined as a training program provided by a person who has a license in good standing and has seven consecutive years of experience in body art, body piercing, tattooing, or permanent cosmetics. Body art, body piercing, tattooing, and permanent cosmetics businesses that participate in internship programs must give customers notice that the interns are in training and do not have licenses.

DOL may issue a 30-day guest artist license to a nonresident of Washington who intends to practice body art, body piercing, tattooing, or permanent cosmetics in Washington. Applicants for a guest artist license must meet Washington's licensing requirements or provide proof of a current license in good standing from another state, territory, or country. Guest artists are subject to Washington laws and regulations.

DOL has rulemaking authority to establish rules for body art, body piercing, tattooing, and permanent cosmetics examinations and for guest artist licenses.

The license of a person who has been certified by a lending agency for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship

must be suspended. Licensees are given an opportunity to challenge the suspension and may seek reinstatement.

The requirement that DOL cancel a non-renewed license and that the former licensee undergo a new licensing process is removed. The laws governing private vocational schools do not apply to body art, body piercing, tattooing, or permanent cosmetics internship training programs.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The bill is needed because permanent cosmetics conducted improperly can have huge implications on health and appearance. There are kits and inks available online that are not checked for safety or quality. Safety can be achieved by going back to the traditional way of learning a craft under a master who knows how to do the trade well. There are currently no hours required for these licenses, which is dangerous to the public. Training and internships will help improve the safety and quality of the industry. DOL has worked with the industry to build an internship program for licensing.

**Persons Testifying:** PRO: Representative Ryu, prime sponsor; Doc Elsea, Geisha Elsea, Leavenworth Tattoo & Piercing Haus; Susan Colard, DOL.