H-1203.1

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**HOUSE BILL 1856**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Tharinger, Caldier, Cody, Kloba, Wylie, Corry, Sutherland, Ybarra, Steele, Peterson, Klippert, DeBolt, Stanford, Doglio, Mead, Ryu, and Macri

AN ACT Relating to prohibiting scleral tattooing; adding a new section to chapter 70.54 RCW; and prescribing penalties.

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

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

(1)(a) Except as provided in (b) of this subsection, a person may not perform or offer to perform scleral tattooing on another person.

(b) This subsection does not apply to an act of a physician licensed under chapter 18.71 RCW when the act is performed in the scope of the physician's practice.

(2) A person who violates this section is subject to a civil penalty not to exceed ten thousand dollars for each violation, as determined by the court.

(3)(a) The attorney general may receive, investigate, and prosecute complaints against alleged violators of this section.

(b) The attorney general may institute and conduct an action in the name of the state of Washington for any of the following:

(i) An injunction in any court of this state for injunctive relief to restrain a person from continuing any activity that violates this section.

(ii) The assessment and recovery of civil penalties provided in subsection (2) of this section.

(4) The attorney general must be reimbursed through civil penalties collected under this section for the costs incurred in providing the services described in subsection (3) of this section. Any remaining funds must be deposited in the state general fund.

(5) For the purposes of this section, "scleral tattooing" means the practice of producing an indelible mark or figure on the human eye by scarring or inserting a pigment on, in, or under: (a) The fornix conjunctiva; (b) the bulbar conjunctiva; (c) the ocular conjunctiva; or (d) another ocular surface; using needles, scalpels, or other related equipment.

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