
Health Care & Wellness Committee

HB 1856

Brief Description: Prohibiting scleral tattooing.

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

Brief Summary of Bill

- Prohibits the practice of scleral tattooing except when performed by a licensed physician within the scope of their practice.

Hearing Date: 2/20/19

Staff: Alaura Valley (786-7291).

Background:

Tattoo Artists

Tattoo artists must possess a license in good standing from the Department of Licensing to practice tattooing. To obtain a license, tattoo artists must complete an application, provide a certificate of insurance, and pay a fee. Qualifications to obtain a license include being 18 years or older and having completed all bloodborne pathogen training courses required to receive a bloodborne pathogen certificate.

Tattoo businesses are required to maintain minimum safety and sanitation standards established by the Department of Health. Such standards include precautions against the spread of disease, including the sterilization of needles and other instruments, and precautions for infection control.

Physicians

Physicians must be licensed to practice medicine. License eligibility requires the applicant graduate from a school of medicine, complete two years post graduate medical training, be of

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good moral character, and be physically and mentally capable of safely carrying on the practice of medicine. Applicants must also successfully complete an examination to determine their professional qualification.

The scope of practice for a physician includes:

- Diagnosing, curing, advising, or prescribing for any human disease, ailment, injury, infirmity, deformity, pain or other condition by any means or instrumentality;
- Administering or prescribing drugs or medical preparations to be used by another person; and
- Severing or penetrating the tissues of human beings.

Sclera

The sclera is the white outer coating of the eye. It is tough, fibrous tissue that extends from the cornea to the optic nerve at the back of the eye. The sclera gives the eye its white color.

Summary of Bill:

Performing scleral tattoos on another person is prohibited. The only exception to this prohibition is in the case of a licensed physician acting within the scope of their practice. "Scleral tattooing" is defined as the practice of producing an indelible mark on the human eye by scarring or inserting a pigment.

Complaints may be filed against individuals who perform scleral tattoos with the Attorney General and the Attorney General may investigate and prosecute the allegations. The Attorney General may seek an injunction to prevent future tattooing, and the imposition of civil penalties. Such civil penalties may not exceed \$10,000. The Attorney General's incurred costs must be reimbursed from the civil penalty collected, and any surplus must be deposited in the State General Fund.

Appropriation: None.

Fiscal Note: Requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.