

SENATE BILL REPORT

SHB 1856

As of March 22, 2019

Title: An act relating to prohibiting scleral tattooing.

Brief Description: Prohibiting scleral tattooing.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Caldier, Cody, Kloba, Wylie, Corry, Sutherland, Ybarra, Steele, Peterson, Klippert, DeBolt, Stanford, Doglio, Mead, Ryu and Macri).

Brief History: Passed House: 3/08/19, 94-4.

Committee Activity: Health & Long Term Care: 3/22/19.

Brief Summary of Bill

- Prohibits the practice of scleral tattooing.
- Allows the Department of Licensing to take disciplinary actions against tattoo artists who have performed scleral tattoos.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Evan Klein (786-7483)

Background: Tattoo Artists. Tattoo artists must possess a license in good standing from the Department of Licensing (DOL) 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 eighteen 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.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Performing scleral tattoos on another person is prohibited. "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 (AG), and the AG may investigate and prosecute the allegations. The AG may seek an injunction to prevent future tattooing, and the imposition of civil penalties. Such civil penalties may not exceed \$10,000. The AG's incurred costs must be reimbursed from the civil penalty collected, and any surplus must be deposited in the state general fund.

DOL may also take disciplinary action against licensed tattoo artists who have performed scleral tattoos.

Appropriation: None.

Fiscal Note: Requested on March 20, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill was brought up by an ophthalmologist. When an ophthalmologist performs eye procedures, it is done with very precise instruments. While this has not been a problem in Washington, it has been an issue in other states and countries. This bill gets in front of the issue, and will prevent real damage to someone's eye-sight. This bill does not prohibit medical procedures on the sclera. Scleral tattooing is a cosmetic act that permanently changes the color of the eye. There is no medical or health related benefit of this procedure. However, this type of tattooing is becoming more popular and complications are on the rise. Complications can include blindness, swelling, pain, and other issues. Prohibiting this procedure could prevent further consequences. Ontario, Canada and Indiana have already banned this type of tattooing.

Persons Testifying: PRO: Representative Steve Tharinger, Prime Sponsor; Dr. Jackie Wong, Washington Academy of Eye Physicians and Surgeons.

Persons Signed In To Testify But Not Testifying: No one.