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**SUBSTITUTE HOUSE BILL 2109**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Ryu, Eslick, Reed, and Reeves)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to the regulation of permanent cosmetics;  
2 amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060,  
3 18.16.090, 18.16.100, 18.16.130, 18.16.170, 18.16.190, 18.16.200,  
4 18.16.260, 18.16.290, 18.16.900, 18.300.010, 5.40.050, 18.235.020,  
5 26.28.085, 70.54.320, 70.54.330, 70.54.340, 70.54.350, 43.24.150, and  
6 74.08.580; reenacting and amending RCW 82.04.050; adding new sections  
7 to chapter 18.16 RCW; creating a new section; and providing an  
8 effective date.

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

10 **Sec. 1.** RCW 18.16.010 and 2015 c 62 s 13 are each amended to  
11 read as follows:

12 (1) The legislature recognizes that the practices of cosmetology,  
13 hair design, barbering, manicuring, (~~and~~) esthetics, and master  
14 esthetics involve the use of tools and chemicals which may be  
15 dangerous when mixed or applied improperly, and therefore finds it  
16 necessary in the interest of the public health, safety, and welfare  
17 to regulate those practices in this state.

18 (2) The legislature further recognizes that the practice of  
19 permanent cosmetics, enhanced permanent cosmetics, and corrective  
20 enhanced permanent cosmetics involves invasive procedures using  
21 needles, sharps, and instruments. This practice may be dangerous when

1 improper sterilization techniques are used, presenting a risk of  
2 infecting clients with blood-borne pathogens including, but not  
3 limited to, HIV, hepatitis B, and hepatitis C. It is in the interest  
4 of the state's public health, safety, and welfare to establish  
5 requirements in the commercial practice of this activity.

6 **Sec. 2.** RCW 18.16.020 and 2015 c 62 s 1 are each amended to read  
7 as follows:

8 As used in this chapter, the following terms have the meanings  
9 indicated unless the context clearly requires otherwise:

10 (1) "Apprentice" means a person who is engaged in a state-  
11 approved apprenticeship program and who must receive a wage or  
12 compensation while engaged in the program.

13 (2) "Apprentice monthly report" means the apprentice record of  
14 daily activities and the number of hours completed in each course of  
15 a curriculum that is prepared monthly by the approved apprenticeship  
16 program and provided to the apprentice, audited annually by the  
17 department, and kept on file by the approved apprenticeship program  
18 for three years.

19 (3) "Apprentice trainer" means a person who gives training to an  
20 apprentice in an approved apprenticeship program and who is approved  
21 under RCW 18.16.280.

22 (4) "Apprenticeship program" means a state-approved  
23 apprenticeship program pursuant to chapter 49.04 RCW and approved  
24 under RCW 18.16.280 for the training of cosmetology, hair design,  
25 barbering, esthetics, master esthetics, and manicuring.

26 (5) "Apprenticeship training committee" means a committee  
27 approved by the Washington apprenticeship and training council  
28 established in chapter 49.04 RCW.

29 (6) "Approved apprenticeship shop" means a salon/shop that has  
30 been approved under RCW 18.16.280 and chapter 49.04 RCW to  
31 participate in an apprenticeship program.

32 (7) "Approved security" means surety bond.

33 (8) "Barber" means a person licensed under this chapter to engage  
34 in the practice of barbering.

35 (9) "Board" means the cosmetology, hair design, barbering,  
36 esthetics, ~~(and)~~ master esthetics, manicuring, permanent cosmetics,  
37 enhanced permanent cosmetics, and corrective enhanced permanent  
38 cosmetics advisory board.

1 (10) "Cosmetologist" means a person licensed under this chapter  
2 to engage in the practice of cosmetology.

3 (11) "Crossover training" means training approved by the director  
4 as training hours that may be credited to current licensees for  
5 similar training received in another profession licensed under this  
6 chapter.

7 (12) "Curriculum" means the courses of study taught at a school,  
8 online training by a school, in an approved apprenticeship program  
9 established by the Washington state apprenticeship and training  
10 council and conducted in an approved salon/shop, or online training  
11 by an approved apprenticeship program, set by rule under this  
12 chapter, and approved by the department. After consulting with the  
13 board, the director may set by rule a percentage of hours in a  
14 curriculum, up to a maximum of ten percent, that could include hours  
15 a student receives while training in a salon/shop or permanent  
16 cosmetics shop under a contract approved by the department. Each  
17 curriculum must include at least the following required hours:

18 (a) School curriculum:

19 (i) Cosmetologist, (~~(one thousand six hundred)~~) 1,600 hours;

20 (ii) Hair design, (~~(one thousand four hundred)~~) 1,400 hours;

21 (iii) Barber, (~~(one thousand)~~) 1,000 hours;

22 (iv) Manicurist, (~~(six hundred)~~) 600 hours;

23 (v) Esthetician, (~~(seven hundred fifty)~~) 750 hours;

24 (vi) Master esthetician either:

25 (A) (~~(One thousand two hundred)~~) 1,200 hours; or

26 (B) Esthetician licensure plus (~~(four hundred fifty)~~) 450 hours  
27 of training;

28 (~~((vi) [(vii)])~~) (vii) Permanent cosmetics artist, 100 hours;

29 (viii) Enhanced permanent cosmetics artist, 200 hours;

30 (ix) Corrective enhanced permanent cosmetics artist, 300 hours;

31 and

32 (x) Instructor-trainee, ((five hundred)) 500 hours, except that  
33 an instructor-trainee may submit documentation that provides evidence  
34 of experience as a licensed cosmetologist, hair designer, barber,  
35 manicurist, esthetician, ((or)) master esthetician, permanent  
36 cosmetics artist, enhanced permanent cosmetics artist, or corrective  
37 enhanced permanent cosmetics artist for competency evaluation toward  
38 credit of not more than ((three hundred)) 300 hours of instructor-  
39 training.

40 (b) Apprentice training curriculum:

- 1 (i) Cosmetologist, two thousand hours;  
2 (ii) Hair design, one thousand seven hundred fifty hours;  
3 (iii) Barber, one thousand two hundred hours;  
4 (iv) Manicurist, eight hundred hours;  
5 (v) Esthetician, eight hundred hours;  
6 (vi) Master esthetician, one thousand four hundred hours.

7 (c) An individual enrolled in a curriculum under (a)(vii) through  
8 (ix) of this subsection may submit documentation that provides  
9 evidence of experience as a licensed cosmetologist, hair designer,  
10 barber, manicurist, esthetician, or master esthetician for competency  
11 evaluation toward credit of not more than 50 hours.

12 (13) "Department" means the department of licensing.

13 (14) "Director" means the director of the department of licensing  
14 or the director's designee.

15 (15) "Esthetician" means a person licensed under this chapter to  
16 engage in the practice of esthetics.

17 (16) "Hair design" means the practice of arranging, dressing,  
18 cutting, trimming, styling, shampooing, permanent waving, chemical  
19 relaxing, straightening, curling, bleaching, lightening, coloring,  
20 mustache and beard design, and superficial skin stimulation of the  
21 scalp.

22 (17) "Hair designer" means a person licensed under this chapter  
23 to engage in the practice of hair design.

24 (18) "Individual license" means a cosmetology, hair design,  
25 barber, manicurist, esthetician, master esthetician, permanent  
26 cosmetics artist, enhanced permanent cosmetics artist, corrective  
27 enhanced permanent cosmetics artist, or instructor license issued  
28 under this chapter.

29 (19) "Instructor" means a person who (~~gives~~):

30 (a) Gives instruction in cosmetology, hair design, barbering,  
31 manicuring, esthetics, and master esthetics in a school, or who  
32 provides classroom theory training to apprentices in locations other  
33 than in a school, in a curriculum in which he or she holds a license  
34 under this chapter, has completed at least five hundred hours of  
35 instruction in teaching techniques and lesson planning in a school,  
36 or who has documented experience as an instructor for more than five  
37 hundred hours in another state in the curriculum of study, and has  
38 passed a licensing examination approved or administered by the  
39 director. An applicant who holds a degree in education from an  
40 accredited postsecondary institution shall upon application be

1 licensed as an instructor to give instruction in a school, or to  
2 provide classroom theory training to apprentices in locations other  
3 than in a school, in a curriculum in which he or she holds a license  
4 under this chapter. An applicant who holds an instructional  
5 credential from an accredited community or technical college and who  
6 has passed a licensing examination approved or administered by the  
7 director shall upon application be licensed as an instructor to give  
8 instruction in a school, or to provide classroom theory training to  
9 apprentices in locations other than in a school, in a curriculum in  
10 which he or she holds a license under this chapter. To be approved as  
11 an "instructor" in an approved apprenticeship program, the instructor  
12 must be a competent instructor as defined in rules adopted under  
13 chapter 49.04 RCW; or

14 (b) (i) Provides classroom theory training on permanent cosmetics,  
15 enhanced permanent cosmetics, corrective enhanced permanent  
16 cosmetics, or any combination of the foregoing, to an individual in a  
17 curriculum approved by the director;

18 (ii) (A) Holds a current license as a permanent cosmetics artist,  
19 enhanced permanent cosmetics artist, or corrective enhanced permanent  
20 cosmetics artist; or (B) has held a license issued by the department  
21 under chapter 18.300 RCW for the five years prior to the effective  
22 date of this section; and

23 (iii) (A) Is able to demonstrate five consecutive years of  
24 performing permanent cosmetics, enhanced permanent cosmetics, or  
25 corrective enhanced permanent cosmetics; or (B) holds an instructor  
26 license under (a) of this subsection.

27 (20) "Instructor-trainee" means a person who is currently  
28 licensed in this state as a cosmetologist, hair designer, barber,  
29 manicurist, esthetician, ~~((or))~~ master esthetician, permanent  
30 cosmetics artist, enhanced permanent cosmetics artist, or corrective  
31 enhanced permanent cosmetics artist and is enrolled in an instructor-  
32 trainee curriculum in a school licensed under this chapter.

33 (21) "Location license" means a license issued under this chapter  
34 for a salon/shop, school, personal services, permanent cosmetics  
35 shop, or mobile unit.

36 (22) "Manicurist" means a person licensed under this chapter to  
37 engage in the practice of manicuring.

38 (23) "Master esthetician" means a person licensed under this  
39 chapter to engage in the practice of master esthetics.

1 (24) "Mobile unit" is a location license under this chapter where  
2 the practice of cosmetology, barbering, esthetics, master esthetics,  
3 or manicuring is conducted in a mobile structure. Mobile units must  
4 conform to the health and safety standards set by rule under this  
5 chapter.

6 (25) "Online training" means theory training provided online, by  
7 a school licensed under this chapter or an approved apprenticeship  
8 program established by the Washington state apprenticeship and  
9 training council, in the areas of cosmetology, hair design, master  
10 esthetics, manicuring, barbering, esthetics, permanent cosmetics,  
11 enhanced permanent cosmetics, corrective enhanced permanent  
12 cosmetics, and instructor-training.

13 (26) "Person" means any individual, partnership, professional  
14 service corporation, joint stock association, joint venture, or any  
15 other entity authorized to do business in this state.

16 (27) "Personal services" means a location licensed under this  
17 chapter where the practice of cosmetology, hair design, barbering,  
18 manicuring, esthetics, or master esthetics is performed for clients  
19 in the client's home, office, or other location that is convenient  
20 for the client.

21 (28) "Practice of barbering" means the cutting, trimming,  
22 arranging, dressing, curling, shampooing, shaving, and mustache and  
23 beard design of the hair of the face, neck, and scalp.

24 (29) "Practice of cosmetology" means arranging, dressing,  
25 cutting, trimming, styling, shampooing, permanent waving, chemical  
26 relaxing, straightening, curling, bleaching, lightening, coloring,  
27 waxing, tweezing, shaving, and mustache and beard design of the hair  
28 of the face, neck, and scalp; temporary removal of superfluous hair  
29 by use of depilatories, waxing, or tweezing; manicuring and  
30 pedicuring, limited to cleaning, shaping, polishing, decorating, and  
31 caring for and treatment of the cuticles and nails of the hands and  
32 feet, excluding the application and removal of sculptured or  
33 otherwise artificial nails; esthetics limited to toning the skin of  
34 the scalp, stimulating the skin of the body by the use of  
35 preparations, tonics, lotions, or creams; and tinting eyelashes and  
36 eyebrows.

37 (30) "Practice of esthetics" means the care of the skin for  
38 compensation by application, use of preparations, antiseptics,  
39 tonics, essential oils, exfoliants, superficial and light peels, or  
40 by any device, except laser, or equipment, electrical or otherwise,

1 or by wraps, compresses, cleansing, conditioning, stimulation,  
2 superficial skin stimulation, pore extraction, or product application  
3 and removal; temporary removal of superfluous hair by means of  
4 lotions, creams, appliance, waxing, threading, tweezing, or  
5 depilatories, including chemical means; and application of product to  
6 the eyelashes and eyebrows, including extensions, design and  
7 treatment, tinting and lightening of the hair, excluding the scalp.  
8 Under no circumstances does the practice of esthetics include the  
9 administration of injections.

10 (31) "Practice of manicuring" means the cleaning, shaping,  
11 polishing, decorating, and caring for and treatment of the cuticles  
12 and the nails of the hands or feet, and the application and removal  
13 of sculptured or otherwise artificial nails by hand or with  
14 mechanical or electrical apparatus or appliances.

15 (32) "Practice of master esthetics" means the care of the skin  
16 for compensation including all of the methods allowed in the  
17 definition of the practice of esthetics. It also includes the  
18 performance of medium depth peels and the use of medical devices for  
19 care of the skin and permanent hair reduction. The medical devices  
20 include, but are not limited to, lasers, light, radio frequency,  
21 plasma, intense pulsed light, and ultrasound. The use of a medical  
22 device must comply with state law and rules, including any laws or  
23 rules that require delegation or supervision by a licensed health  
24 professional acting within the scope of practice of that health  
25 profession.

26 (33) "Salon/shop" means any building, structure, or any part  
27 thereof, other than a school, where the commercial practice of  
28 cosmetology, barbering, hair design, esthetics, master esthetics, or  
29 manicuring is conducted; provided that any person, except employees  
30 of a salon/shop, who operates from a salon/shop is required to meet  
31 all salon/shop licensing requirements and may participate in the  
32 apprenticeship program when certified as established by the  
33 Washington state apprenticeship and training council established in  
34 chapter 49.04 RCW.

35 (34) "School" means any establishment that offers curriculum of  
36 instruction in the practice of cosmetology, hair design, barbering,  
37 esthetics, master esthetics, manicuring, permanent cosmetics,  
38 enhanced permanent cosmetics, corrective enhanced permanent  
39 cosmetics, or instructor-trainee to students, including permanent  
40 cosmetics programs, and is licensed under this chapter.

1 (35) "Student" means ~~((a))~~: (a) A person ~~((sixteen))~~ 16 years of  
2 age or older who is enrolled in a school licensed under this chapter  
3 and receives instruction in any of the curricula of cosmetology,  
4 barbering, hair design, esthetics, master esthetics, manicuring, or  
5 instructor-training with or without tuition, fee, or cost, and who  
6 does not receive any wage or commission; and (b) for permanent  
7 cosmetics, enhanced permanent cosmetics, and corrective enhanced  
8 permanent cosmetics, a person (i) (A) 18 years of age or older who is  
9 enrolled in a school licensed under this chapter, including a  
10 permanent cosmetics program, or (B) 16 years of age or older who is  
11 enrolled in a school licensed under this chapter which is recognized  
12 as an approved vocational education program by the department of  
13 labor and industries, and (ii) who receives instruction in the  
14 curricula of permanent cosmetics, enhanced permanent cosmetics, or  
15 corrective enhanced permanent cosmetics with or without tuition, fee,  
16 or cost, and who does not receive any wage or commission.

17 (36) "Student monthly report" means the student record of daily  
18 activities and the number of hours completed in each course of a  
19 curriculum that is prepared monthly by the school and provided to the  
20 student, audited annually by the department, and kept on file by the  
21 school for three years.

22 (37) "Corrective enhanced permanent cosmetics" means a person  
23 licensed under this chapter to engage in the practice of corrective  
24 enhanced permanent cosmetics.

25 (38) "Enhanced permanent cosmetics artist" means a person  
26 licensed under this chapter to engage in the practice of enhanced  
27 permanent cosmetics.

28 (39) "Permanent cosmetics artist" means a person licensed under  
29 this chapter to engage in the practice of permanent cosmetics.

30 (40) "Permanent cosmetics program" means any program that offers  
31 curriculum of instruction exclusively in the practice of permanent  
32 cosmetics, the practice of enhanced permanent cosmetics, the practice  
33 of corrective enhanced permanent cosmetics, or any combination of the  
34 foregoing to students and is licensed under this chapter.

35 (41) "Permanent cosmetics shop" means any building, structure, or  
36 any part thereof, other than a school, where the commercial practice  
37 of permanent cosmetics, the commercial practice of enhanced permanent  
38 cosmetics, and/or the commercial practice of corrective enhanced  
39 permanent cosmetics is conducted.



1       (42) "Practice of corrective enhanced permanent cosmetics" means  
2 the piercing or puncturing of human skin with a needle or other  
3 instrument for all purposes allowed in the definition of the practice  
4 of permanent cosmetics and the definition of the practice of enhanced  
5 permanent cosmetics. It also includes performing corrective  
6 procedures to modify previously performed enhanced or permanent  
7 cosmetics procedures. The practice of corrective enhanced permanent  
8 cosmetics is prohibited on any individual under the age of 18.

9       (43) "Practice of enhanced permanent cosmetics" means the  
10 piercing or puncturing of the human skin with a needle or other  
11 instrument for all purposes allowed in the definition of the practice  
12 of permanent cosmetics. It also includes the piercing or puncturing  
13 of human skin including mucous membranes and areas adjacent to mucous  
14 membranes for purposes including the application of eyeliner, lip  
15 liner, and lip color. The practice of enhanced permanent cosmetics is  
16 prohibited on any individual under the age of 18.

17       (44) "Practice of permanent cosmetics" means the piercing or  
18 puncturing of the human skin with a needle or other instrument for  
19 the purpose of applying permanent eyebrows, hair follicles, or scar  
20 camouflage, to improve or restore a person's appearance. The practice  
21 of permanent cosmetics is prohibited on any individual under the age  
22 of 18.

23       **Sec. 3.** RCW 18.16.030 and 2019 c 442 s 7 are each amended to  
24 read as follows:

25       In addition to any other duties imposed by law, including RCW  
26 18.235.030 and 18.235.040, the director shall have the following  
27 powers and duties:

28       (1) To set all license, examination, and renewal fees in  
29 accordance with RCW 43.24.086;

30       (2) To adopt rules necessary to implement this chapter;

31       (3) To prepare and administer or approve the preparation and  
32 administration of licensing examinations;

33       (4) To establish minimum safety and sanitation standards for  
34 schools, including permanent cosmetics programs, instructors,  
35 cosmetologists, barbers, hair designers, manicurists, estheticians,  
36 master estheticians, permanent cosmetic artists, enhanced permanent  
37 cosmetic artists, corrective enhanced permanent cosmetics artists,  
38 salons/shops, permanent cosmetics shops, personal services, and  
39 mobile units;

1 (5) To establish curricula for the training of students and  
2 apprentices under this chapter;

3 (6) To maintain the official department record of applicants and  
4 licensees;

5 (7) To establish by rule the procedures for an appeal of an  
6 examination failure;

7 (8) To set license expiration dates and renewal periods for all  
8 licenses consistent with this chapter; and

9 (9) To make information available to the department of revenue to  
10 assist in collecting taxes from persons required to be licensed under  
11 this chapter.

12 **Sec. 4.** RCW 18.16.050 and 2015 c 62 s 3 are each amended to read  
13 as follows:

14 (1) There is created a state cosmetology, hair design, barbering,  
15 esthetics, ~~((and))~~ master esthetics, manicuring, permanent cosmetics,  
16 enhanced permanent cosmetics, and corrective enhanced permanent  
17 cosmetics advisory board consisting of a maximum of ~~((ten))~~ 11  
18 members appointed by the director. These members of the board shall  
19 include: A representative of private schools licensed under this  
20 chapter; a representative from an approved apprenticeship program  
21 conducted in an approved salon/shop or permanent cosmetics shop; a  
22 representative of public vocational technical schools licensed under  
23 this chapter; a consumer who is unaffiliated with the cosmetology,  
24 hair design, barbering, esthetics, master esthetics, ~~((or))~~  
25 manicuring, permanent cosmetics, enhanced permanent cosmetics, or  
26 corrective enhanced permanent cosmetics industry; and ~~((six))~~ seven  
27 members who are currently practicing licensees who have been engaged  
28 in the practice of manicuring, esthetics, master esthetics,  
29 barbering, hair design, permanent cosmetics, enhanced permanent  
30 cosmetics, corrective enhanced permanent cosmetics, or cosmetology,  
31 provided that one of the seven members must be a currently practicing  
32 licensee engaged in the practice of permanent cosmetics, enhanced  
33 permanent cosmetics, or corrective enhanced permanent cosmetics, for  
34 at least three years. Members shall serve a term of three years. Any  
35 board member may be removed for just cause. The director may appoint  
36 a new member to fill any vacancy on the board for the remainder of  
37 the unexpired term.

38 (2) Board members shall be entitled to compensation pursuant to  
39 RCW 43.03.240 for each day spent conducting official business and to

1 reimbursement for travel expenses as provided by RCW 43.03.050 and  
2 43.03.060.

3 (3) The board may seek the advice and input of officials from the  
4 following state agencies: (a) The workforce training and education  
5 coordinating board; (b) the employment security department; (c) the  
6 department of labor and industries; (d) the department of health; (e)  
7 the department of licensing; and (f) the department of revenue.

8 **Sec. 5.** RCW 18.16.060 and 2015 c 62 s 4 are each amended to read  
9 as follows:

10 (1) It is unlawful for any person to engage in a practice listed  
11 in subsection (2) of this section unless the person has a license in  
12 good standing as required by this chapter. A license issued under  
13 this chapter shall be considered to be "in good standing" except  
14 when:

15 (a) The license has expired or has been canceled and has not been  
16 renewed in accordance with RCW 18.16.110;

17 (b) The license has been denied, revoked, or suspended under RCW  
18 18.16.210(~~(, 18.16.230,)~~) or 18.16.240, and has not been reinstated;

19 (c) The license is held by a person who has not fully complied  
20 with an order of the director issued under RCW 18.16.210 requiring  
21 the licensee to pay restitution or a fine, or to acquire additional  
22 training; or

23 (d) The license has been placed on inactive status at the request  
24 of the licensee, and has not been reinstated in accordance with RCW  
25 18.16.110(3).

26 (2) The director may take action under RCW 18.235.150 and  
27 18.235.160 against any person who does any of the following without  
28 first obtaining, and maintaining in good standing, the license  
29 required by this chapter:

30 (a) Except as provided in subsections (3) and (4) of this  
31 section, engages in the commercial practice of cosmetology, hair  
32 design, barbering, esthetics, master esthetics, (~~(or)~~) manicuring,  
33 permanent cosmetics, enhanced permanent cosmetics, or corrective  
34 enhanced permanent cosmetics;

35 (b) Instructs in a school;

36 (c) Operates a school; or

37 (d) Operates a salon/shop, permanent cosmetics shop, personal  
38 services, or mobile unit.

1 (3) A person who receives a license as an instructor may engage  
2 in the commercial practice for which he or she held a license when  
3 applying for the instructor license without also renewing the  
4 previously held license. However, a person licensed as an instructor  
5 whose license to engage in a commercial practice is not or at any  
6 time was not renewed may not engage in the commercial practice  
7 previously permitted under that license unless that person renews the  
8 previously held license.

9 (4) An apprentice actively enrolled in an apprenticeship program  
10 for cosmetology, barbering, hair design, esthetics, master esthetics,  
11 or manicuring may engage in the commercial practice as required for  
12 the apprenticeship program.

13 **Sec. 6.** RCW 18.16.090 and 2023 c 55 s 1 are each amended to read  
14 as follows:

15 (1) Examinations for licensure under this chapter shall be  
16 conducted at such times and places as the director determines  
17 appropriate. Examinations shall consist of tests designed to  
18 reasonably measure the applicant's knowledge of safe and sanitary  
19 practices and may also include the applicant's knowledge of this  
20 chapter and rules adopted pursuant to this chapter. The director may  
21 establish by rule a performance examination in addition to any other  
22 examination. The director shall establish by rule the minimum passing  
23 score for all examinations and the requirements for reexamination of  
24 applicants who fail the examination or examinations. The director may  
25 allow an independent person to conduct the examinations at the  
26 expense of the applicants.

27 (2)(a) The director shall take steps to ensure that after  
28 completion of the required course or apprenticeship program,  
29 applicants may promptly take the examination and receive the results  
30 of the examination. ~~((The))~~ Except as provided in (b) of this  
31 subsection, the director may allow an applicant to register for or  
32 take an examination before the applicant has completed the required  
33 hours of course instruction, if the applicant is within 100 hours of  
34 completion, but the applicant must complete the required hours of  
35 course instruction before licensure.

36 (b) The director may allow an applicant for a permanent cosmetics  
37 artist license, enhanced permanent cosmetics artist license, or  
38 corrective enhanced permanent cosmetics artist license to register  
39 for or take the applicable exam before the applicant has completed

1 the required hours of course instruction, if the applicant is within  
2 50 hours of completion, but the applicant must complete the required  
3 hours or course instruction before licensure.

4 **Sec. 7.** RCW 18.16.100 and 2008 c 20 s 5 are each amended to read  
5 as follows:

6 (1) Upon completion of an application approved by the department  
7 and payment of the proper fee, the director shall issue the  
8 appropriate license, except a permanent cosmetics artist license,  
9 enhanced permanent cosmetics artist license, or corrective enhanced  
10 permanent cosmetics artist license, to any person who:

11 (a) Is at least (~~seventeen~~) 17 years of age or older;

12 (b) (i) Has completed and graduated from a school licensed under  
13 this chapter in a curriculum approved by the director consisting of  
14 the hours of training required under this chapter for a school  
15 curriculum, or has met the requirements in RCW 18.16.020 or  
16 18.16.130; or

17 (ii) Has successfully completed a state-approved apprenticeship  
18 program consisting of the hours of training required under this  
19 chapter for the apprentice training curriculum; and

20 (c) Has received a passing grade on the appropriate licensing  
21 examination approved or administered by the director.

22 (2) A person currently licensed under this chapter may qualify  
23 for examination and licensure, after the required examination is  
24 passed, in another category if he or she has completed the crossover  
25 training course.

26 (3) Beginning November 1, 2027, upon completion of an application  
27 and payment of the proper fee, the director shall issue a permanent  
28 cosmetics artist license, enhanced permanent cosmetics artist  
29 license, or corrective enhanced permanent cosmetics artist license to  
30 any person who:

31 (a) Is at least 18 years old or older;

32 (b) Has completed and graduated from a school, including a  
33 permanent cosmetics program, licensed under this chapter in a  
34 curriculum approved by the director consisting of the hours of  
35 training required under this chapter;

36 (c) Provides proof of blood-borne pathogen certification; and

37 (d) Has received a passing grade on the appropriate licensing  
38 examination approved or administered by the department.

1       (4) Upon completion of an application approved by the department,  
2 certification of insurance, and payment of the proper fee, the  
3 director shall issue a location license to the applicant.

4       (~~(4)~~) (5) The director may consult with the state board of  
5 health and the department of labor and industries in establishing  
6 training, apprenticeship, and examination requirements.

7       **Sec. 8.** RCW 18.16.130 and 2015 c 62 s 5 are each amended to read  
8 as follows:

9       (1) Any person who is properly licensed in any state, territory,  
10 or possession of the United States, or foreign country shall be  
11 eligible for examination if the applicant submits the approved  
12 application and fee and provides proof to the director that he or she  
13 is currently licensed in good standing as a cosmetologist, hair  
14 designer, barber, manicurist, esthetician, master esthetician,  
15 permanent cosmetics artist, enhanced permanent cosmetics artist,  
16 corrective enhanced permanent cosmetics artist, instructor, or the  
17 equivalent in that jurisdiction. Upon passage of the required  
18 examinations the appropriate license will be issued.

19       (2)(a) The director shall, upon passage of the required  
20 examinations, issue a license as master esthetician to an applicant  
21 who submits the approved application and fee and provides proof to  
22 the director that the applicant is currently licensed in good  
23 standing in esthetics in any state, territory, or possession of the  
24 United States, or foreign country and holds a diplomate of the comite  
25 international d'esthetique et de cosmetologie diploma, or an  
26 international therapy examination council diploma, or a certified  
27 credential awarded by the national coalition of estheticians,  
28 manufacturers/distributors & associations.

29       (b) The director may upon passage of the required examinations,  
30 issue a master esthetician license to an applicant that is currently  
31 licensed in esthetics in any other state, territory, or possession of  
32 the United States, or foreign country and submits an approved  
33 application and fee and provides proof to the director that he or she  
34 is licensed in good standing and:

35       (i) The licensing state, territory, or possession of the United  
36 States, or foreign country has licensure requirements that the  
37 director determines are substantially equivalent to a master  
38 esthetician license in this state; or

1 (ii) The applicant has certification or a diploma or other  
2 credentials that the director determines has licensure requirements  
3 that are substantially equivalent to the degree listed in (a) of this  
4 subsection.

5 **Sec. 9.** RCW 18.16.170 and 2015 c 62 s 6 are each amended to read  
6 as follows:

7 (1) Subject to subsection (2) of this section, licenses issued  
8 under this chapter expire as follows:

9 (a) A salon/shop, permanent cosmetics shop, personal services, or  
10 mobile unit license expires one year from issuance or when the  
11 insurance required by RCW 18.16.175(1)(g) expires, whichever occurs  
12 first;

13 (b) A school license expires one year from issuance; and

14 (c) Cosmetologist, hair designer, barber, manicurist,  
15 esthetician, master esthetician, permanent cosmetics artist, enhanced  
16 permanent cosmetics artist, corrective enhanced permanent cosmetics  
17 artist, and instructor licenses expire two years from issuance.

18 (2) The director may provide for expiration dates other than  
19 those set forth in subsection (1) of this section for the purpose of  
20 establishing staggered renewal periods.

21 **Sec. 10.** RCW 18.16.190 and 2015 c 62 s 9 are each amended to  
22 read as follows:

23 (1) It is a violation of this chapter for any person to engage in  
24 the commercial practice of cosmetology, hair design, barbering,  
25 esthetics, master esthetics, or manicuring, except in a licensed  
26 salon/shop or the home, office, or other location selected by the  
27 client for obtaining the services of a personal service operator, or  
28 with the appropriate individual license when delivering services to  
29 placebound clients. Placebound clients are defined as persons who are  
30 ill, disabled, or otherwise unable to travel to a salon/shop.

31 (2) It is a violation of this chapter for any person to engage in  
32 the commercial practice of permanent cosmetics, enhanced permanent  
33 cosmetics, or corrective enhanced permanent cosmetics (a) except in a  
34 licensed permanent cosmetics shop, (b) in violation of RCW 26.28.085,  
35 or (c) in violation of RCW 70.54.350.

36 **Sec. 11.** RCW 18.16.200 and 2015 c 62 s 10 are each amended to  
37 read as follows:

1 In addition to the unprofessional conduct described in RCW  
2 18.235.130, the director may take disciplinary action against any  
3 applicant or licensee under this chapter if the licensee or  
4 applicant:

5 (1) Has been found to have violated any provisions of chapter  
6 19.86 RCW;

7 (2) Has engaged in a practice prohibited under RCW 18.16.060  
8 without first obtaining, and maintaining in good standing, the  
9 license required by this chapter;

10 (3) Has engaged in the commercial practice of cosmetology, hair  
11 design, barbering, manicuring, esthetics, ~~((~~o~~))~~ master esthetics,  
12 permanent cosmetics, enhanced permanent cosmetics, or corrective  
13 enhanced permanent cosmetics in a school;

14 (4) Has not provided a safe, sanitary, and good moral environment  
15 for students in a school or the public;

16 (5) Has failed to display licenses required in this chapter;  
17 ~~((~~o~~))~~

18 (6) Has performed the practice of permanent cosmetics, the  
19 practice of enhanced permanent cosmetics, or the practice of  
20 corrective enhanced permanent cosmetics on an individual under the  
21 age of 18; or

22 (7) Has violated any provision of this chapter or any rule  
23 adopted under it.

24 **Sec. 12.** RCW 18.16.260 and 2013 c 187 s 11 are each amended to  
25 read as follows:

26 (1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held  
27 a license in good standing between June 30, 1999, and June 30, 2003,  
28 may request a renewal of the license or an additional license in  
29 barbering, manicuring, and/or esthetics; and (ii) a licensee who held  
30 a barber, manicurist, or esthetics license between June 30, 1999, and  
31 June 30, 2003, may request a renewal of such licenses held during  
32 that period.

33 (b) A license renewal fee, including, if applicable, a renewal  
34 fee, at the current rate, for each year the licensee did not hold a  
35 license in good standing between July 1, 2001, and the date of the  
36 renewal request, must be paid prior to issuance of each type of  
37 license requested. After June 30, 2005, any cosmetology licensee  
38 wishing to renew an expired license or obtain additional licenses



1 must meet the applicable renewal, training, and examination  
2 requirements of this chapter.

3 (2) (a) Any person holding an active license in good standing as  
4 an esthetician prior to January 1, 2015, may be licensed as an  
5 esthetician licensee after paying the appropriate license fee.

6 (b) Prior to January 1, 2015, an applicant for a master  
7 esthetician license must have an active license in good standing as  
8 an esthetician, pay the appropriate license fee, and provide the  
9 department with proof of having satisfied one or more of the  
10 following requirements:

11 (i) (A) (I) A minimum of thirty-five hours employment as a provider  
12 of medium depth peels under the delegation or supervision of a  
13 licensed physician, advanced registered nurse practitioner, or  
14 physician assistant, or other licensed professional whose licensure  
15 permits such delegation or supervision; or

16 (II) Seven hours of training in theory and application of medium  
17 depth peels; and

18 (B) (I) A minimum of one hundred fifty hours employment as a laser  
19 operator under the delegation or supervision of a licensed physician,  
20 advanced registered nurse practitioner, or physician assistant, or  
21 other licensed professional whose licensure permits such delegation  
22 or supervision; or

23 (II) Seventy-five hours of laser training;

24 (ii) A national or international diploma or certification in  
25 esthetics that is recognized by the department by rule;

26 (iii) An instructor in esthetics who has been licensed as an  
27 instructor in esthetics by the department for a minimum of three  
28 years; or

29 (iv) Completion of one thousand two hundred hours of an esthetic  
30 curriculum approved by the department.

31 (3) (a) Beginning November 1, 2027, any person holding an active  
32 license in good standing issued under chapter 18.300 RCW may be  
33 licensed as a permanent cosmetics artist, enhanced permanent  
34 cosmetics artist, or corrective enhanced permanent cosmetics artist  
35 under this chapter after paying the appropriate license fee and  
36 demonstrating the applicant has held the license in good standing for  
37 the prior three consecutive years.

38 (b) Any permanent cosmetics, enhanced permanent cosmetics, or  
39 corrective enhanced permanent cosmetics licensee wishing to renew a  
40 license granted under this subsection (3) must provide proof

1 acceptable to the department of the individual's certifications to  
2 perform the procedures the licensee performs either as a permanent  
3 cosmetics artist, enhanced permanent cosmetics artist, or corrective  
4 enhanced permanent cosmetics artist, recognized by the department by  
5 rule.

6 (4) The director may, as provided in RCW 43.24.140, modify the  
7 duration of any additional license granted under this section to make  
8 all licenses issued to a person expire on the same date.

9 **Sec. 13.** RCW 18.16.290 and 2015 c 62 s 11 are each amended to  
10 read as follows:

11 (1) If the holder of an individual license in good standing  
12 submits a written and notarized request that the licensee's  
13 cosmetology, hair design, barber, manicurist, esthetician and master  
14 esthetician, permanent cosmetics artist, enhanced permanent cosmetics  
15 artist, corrective enhanced permanent cosmetics artist, or instructor  
16 license be placed on inactive status, together with a fee equivalent  
17 to that established by rule for a duplicate license, the department  
18 shall place the license on inactive status until the expiration date  
19 of the license. If the date of the request is no more than six months  
20 before the expiration date of the license, a request for a two-year  
21 extension of the inactive status, as provided under subsection (2) of  
22 this section, may be submitted at the same time as the request under  
23 this subsection.

24 (2) If the holder of a license placed on inactive status under  
25 this section submits, by the expiration date of the license, a  
26 written and notarized request to extend that status for an additional  
27 two years, the department shall, without additional fee, extend the  
28 expiration date of: (a) The licensee's individual license; and (b)  
29 the inactive status for two years from the expiration date of the  
30 license.

31 (3) A license placed on inactive status under this section may  
32 not be extended more frequently than once in any twenty-four month  
33 period or for more than six consecutive years.

34 (4) If, by the expiration date of a license placed on inactive  
35 status under this section, a licensee is unable, or fails, to request  
36 that the status be extended and the license is not renewed, the  
37 license shall be canceled.

1       **Sec. 14.** RCW 18.16.900 and 2015 c 62 s 12 are each amended to  
2 read as follows:

3       This chapter shall be known and may be cited as the "Washington  
4 cosmetologists, hair designers, barbers, manicurists, ~~((and))~~  
5 estheticians, and permanent cosmetics act."

6       NEW SECTION.   **Sec. 15.** A new section is added to chapter 18.16  
7 RCW to read as follows:

8       (1) A permanent cosmetics shop shall, at a minimum:

9       (a) Maintain an outside entrance separate from any rooms used for  
10 sleeping or residential purposes;

11       (b) Provide and maintain for the use of its customers adequate  
12 toilet facilities located within or adjacent to the permanent  
13 cosmetics shop;

14       (c) Ensure any room used wholly or in part as a permanent  
15 cosmetics shop is not used for residential purposes, except that  
16 toilet facilities may be used for both residential and business  
17 purposes;

18       (d) Meet the zoning requirements of the county, city, or town, as  
19 appropriate;

20       (e) Provide for safe storage and labeling of equipment and  
21 substances used in the practice of permanent cosmetics and enhanced  
22 permanent cosmetics, as applicable;

23       (f) Meet all applicable local and state fire codes; and

24       (g) Certify that the permanent cosmetics shop is covered by a  
25 public liability insurance policy in an amount not less than \$100,000  
26 for combined bodily injury and property damage liability.

27       (2) The director may by rule determine other requirements that  
28 are necessary for safety and sanitation of permanent cosmetics shops.  
29 The director may consult with the state board of health and the  
30 department of labor and industries in establishing minimum permanent  
31 cosmetics shop safety requirements.

32       (3) Upon receipt of a written complaint that a permanent  
33 cosmetics shop has violated any provisions of this chapter, chapter  
34 18.235 RCW, or the rules adopted under either chapter, or at least  
35 once every two years for an existing permanent cosmetics shop, the  
36 director or the director's designee shall inspect each permanent  
37 cosmetics shop. If the director determines that any permanent  
38 cosmetics shop is not in compliance with this chapter, the director  
39 shall send written notice to the permanent cosmetics shop. A

1 permanent cosmetics shop which fails to correct the conditions to the  
2 satisfaction of the director within a reasonable time shall, upon due  
3 notice, be subject to the penalties imposed by the director under RCW  
4 18.235.110. The director may enter any permanent cosmetics shop  
5 during business hours for the purpose of inspection. The director may  
6 contract with health authorities of local governments to conduct the  
7 inspections under this subsection.

8 (4) A permanent cosmetics shop shall obtain a certificate of  
9 registration from the department of revenue.

10 (5) Permanent cosmetics shop location licenses issued by the  
11 department must be stored in the permanent cosmetics shop reception  
12 area.

13 (6) Permanent cosmetics licenses or enhanced permanent cosmetics  
14 licenses issued by the department must be posted at the permanent  
15 cosmetics artist's work station.

16 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.16  
17 RCW to read as follows:

18 The director shall prepare and provide to all licensed permanent  
19 cosmetics shops a notice to consumers. At a minimum, the notice must  
20 state that permanent cosmetics shops are required to be licensed,  
21 that permanent cosmetics shops are required to maintain minimum  
22 safety and sanitation standards, that customer complaints regarding  
23 permanent cosmetics shops may be reported to the department, and a  
24 telephone number and address where complaints may be made.

25 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.16  
26 RCW to read as follows:

27 The department shall immediately suspend any license under this  
28 chapter if the department receives information that the license  
29 holder has not complied with RCW 74.08.580(2). If the license holder  
30 has remained otherwise eligible to be licensed, the department may  
31 reinstate the suspended license when the holder has complied with RCW  
32 74.08.580(2).

33 **Sec. 18.** RCW 18.300.010 and 2009 c 412 s 2 are each amended to  
34 read as follows:

35 The definitions in this section apply throughout this chapter and  
36 RCW 5.40.050 and 70.54.340 unless the context clearly requires  
37 otherwise.

1 (1) "Body art" means the practice of invasive cosmetic adornment  
2 including the use of branding and scarification. "Body art" also  
3 includes the intentional production of scars upon the body. "Body  
4 art" does not include any health-related procedures performed by  
5 licensed health care practitioners under their scope of practice.

6 (2) "Body piercing" means the process of penetrating the skin or  
7 mucous membrane to insert an object, including jewelry, for cosmetic  
8 purposes. "Body piercing" also includes any scar tissue resulting  
9 from or relating to the piercing. "Body piercing" does not include  
10 the use of stud and clasp piercing systems to pierce the earlobe in  
11 accordance with the manufacturer's directions and applicable United  
12 States food and drug administration requirements. "Body piercing"  
13 does not include any health-related procedures performed by licensed  
14 health care practitioners under their scope of practice, nor does  
15 anything in chapter 412, Laws of 2009 authorize a person registered  
16 to engage in the business of body piercing to implant or embed  
17 foreign objects into the human body or otherwise engage in the  
18 practice of medicine.

19 (3) "Director" means the director of the department of licensing.

20 (4) "Individual license" means a body art, body piercing, or  
21 tattoo practitioner license issued under this chapter.

22 (5) "Location license" means a license issued under this chapter  
23 for a shop or business.

24 (6) "Shop or business" means a body art, body piercing, or  
25 tattooing shop or business.

26 (7) "Tattoo artist" means a person who pierces or punctures the  
27 human skin with a needle or other instrument for the purpose of  
28 implanting an indelible mark, or pigment, into the skin for a fee.

29 (8) "Tattooing" means to pierce or puncture the human skin with a  
30 needle or other instrument for the purpose of implanting an indelible  
31 mark, or pigment, into the skin, but excludes the practice of  
32 permanent cosmetics, the practice of enhanced permanent cosmetics,  
33 and the practice of corrective enhanced permanent cosmetics as  
34 defined in RCW 18.16.020.

35 **Sec. 19.** RCW 5.40.050 and 2009 c 412 s 20 are each amended to  
36 read as follows:

37 A breach of a duty imposed by statute, ordinance, or  
38 administrative rule shall not be considered negligence per se, but  
39 may be considered by the trier of fact as evidence of negligence;

1 however, any breach of duty as provided by statute, ordinance, or  
2 administrative rule relating to: (1) Electrical fire safety, (2) the  
3 use of smoke alarms, (3) sterilization of needles and instruments  
4 used by persons engaged in the practice of body art, body piercing,  
5 tattooing, permanent cosmetics, enhanced permanent cosmetics,  
6 corrective enhanced permanent cosmetics, or electrology, or other  
7 precaution against the spread of disease, as required under RCW  
8 70.54.350, or (4) driving while under the influence of intoxicating  
9 liquor or any drug, shall be considered negligence per se.

10 **Sec. 20.** RCW 18.235.020 and 2017 c 281 s 37 are each amended to  
11 read as follows:

12 (1) This chapter applies only to the director and the boards and  
13 commissions having jurisdiction in relation to the businesses and  
14 professions licensed under the chapters specified in this section.  
15 This chapter does not apply to any business or profession not  
16 licensed under the chapters specified in this section.

17 (2) (a) The director has authority under this chapter in relation  
18 to the following businesses and professions:

19 (i) Auctioneers under chapter 18.11 RCW;

20 (ii) Bail bond agents and bail bond recovery agents under chapter  
21 18.185 RCW;

22 (iii) Camping resorts' operators and salespersons under chapter  
23 19.105 RCW;

24 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

25 (v) Cosmetologists, barbers, manicurists, ~~((and))~~ estheticians,  
26 master estheticians, permanent cosmetics artists, enhanced permanent  
27 cosmetics artists, and corrective enhanced permanent cosmetics  
28 artists under chapter 18.16 RCW;

29 (vi) Court reporters under chapter 18.145 RCW;

30 (vii) Driver training schools and instructors under chapter 46.82  
31 RCW;

32 (viii) Employment agencies under chapter 19.31 RCW;

33 (ix) For hire vehicle operators under chapter 46.72 RCW;

34 (x) Limousines under chapter 46.72A RCW;

35 (xi) Notaries public under chapter 42.45 RCW;

36 (xii) Private investigators under chapter 18.165 RCW;

37 (xiii) Professional boxing, martial arts, and wrestling under  
38 chapter 67.08 RCW;

39 (xiv) Real estate appraisers under chapter 18.140 RCW;

1 (xv) Real estate brokers and salespersons under chapters 18.85  
2 and 18.86 RCW;

3 (xvi) Scrap metal processors, scrap metal recyclers, and scrap  
4 metal suppliers under chapter 19.290 RCW;

5 (xvii) Security guards under chapter 18.170 RCW;

6 (xviii) Sellers of travel under chapter 19.138 RCW;

7 (xix) Timeshares and timeshare salespersons under chapter 64.36  
8 RCW;

9 (xx) Whitewater river outfitters under chapter 79A.60 RCW;

10 (xxi) Home inspectors under chapter 18.280 RCW;

11 (xxii) Body artists, body piercers, and tattoo artists, and body  
12 art, body piercing, and tattooing shops and businesses, under chapter  
13 18.300 RCW; and

14 (xxiii) Appraisal management companies under chapter 18.310 RCW.

15 (b) The boards and commissions having authority under this  
16 chapter are as follows:

17 (i) The state board for architects established in chapter 18.08  
18 RCW;

19 (ii) The Washington state collection agency board established in  
20 chapter 19.16 RCW;

21 (iii) The state board of registration for professional engineers  
22 and land surveyors established in chapter 18.43 RCW governing  
23 licenses issued under chapters 18.43 and 18.210 RCW;

24 (iv) The funeral and cemetery board established in chapter 18.39  
25 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

26 (v) The state board of licensure for landscape architects  
27 established in chapter 18.96 RCW; and

28 (vi) The state geologist licensing board established in chapter  
29 18.220 RCW.

30 (3) In addition to the authority to discipline license holders,  
31 the disciplinary authority may grant or deny licenses based on the  
32 conditions and criteria established in this chapter and the chapters  
33 specified in subsection (2) of this section. This chapter also  
34 governs any investigation, hearing, or proceeding relating to denial  
35 of licensure or issuance of a license conditioned on the applicant's  
36 compliance with an order entered under RCW 18.235.110 by the  
37 disciplinary authority.

38 **Sec. 21.** RCW 26.28.085 and 1995 c 373 s 1 are each amended to  
39 read as follows:

1 Every person who applies a tattoo to or performs the practice of  
2 permanent cosmetics, the practice of enhanced permanent cosmetics, or  
3 the practice of corrective enhanced permanent cosmetics as prescribed  
4 in chapter 18.16 RCW on, any minor under the age of eighteen is  
5 guilty of a misdemeanor. It is not a defense to a violation of this  
6 section that the person applying the tattoo or practicing permanent  
7 cosmetics, enhanced permanent cosmetics, or corrective enhanced  
8 permanent cosmetics did not know the minor's age unless the person  
9 applying the tattoo or practicing permanent cosmetics, enhanced  
10 permanent cosmetics, or corrective enhanced permanent cosmetics  
11 establishes by a preponderance of the evidence that he or she made a  
12 reasonable, bona fide attempt to ascertain the true age of the minor  
13 by requiring production of a driver's license or other picture  
14 identification card or paper and did not rely solely on the oral  
15 allegations or apparent age of the minor.

16 For the purposes of this section, "tattoo" includes any permanent  
17 marking or coloring of the skin with any pigment, ink, or dye, or any  
18 procedure that leaves a visible scar on the skin. Medical procedures  
19 performed by a licensed physician are exempted from this section.

20 **Sec. 22.** RCW 70.54.320 and 2001 c 194 s 1 are each amended to  
21 read as follows:

22 The legislature finds and declares that the practices of  
23 electrology ~~((and))~~, tattooing, permanent cosmetics, enhanced  
24 permanent cosmetics, and corrective enhanced permanent cosmetics  
25 involve an invasive procedure with the use of needles and instruments  
26 which may be dangerous when improperly sterilized presenting a risk  
27 of infecting the client with blood-borne pathogens such as HIV and  
28 Hepatitis B. It is in the interests of the public health, safety, and  
29 welfare to establish requirements for the sterilization procedures in  
30 the commercial practices of electrology ~~((and))~~, tattooing, permanent  
31 cosmetics, enhanced permanent cosmetics, and corrective enhanced  
32 permanent cosmetics in this state.

33 **Sec. 23.** RCW 70.54.330 and 2001 c 194 s 2 are each amended to  
34 read as follows:

35 The definitions in this section apply throughout RCW 70.54.320,  
36 70.54.340, and 70.54.350 unless the context clearly requires  
37 otherwise.



1 (1) "Electrologist" means a person who practices the business of  
2 electrology for a fee.

3 (2) "Electrology" means the process by which hair is permanently  
4 removed through the utilization of solid needle/probe electrode  
5 epilation, including thermolysis, being of shortwave, high frequency  
6 type, and including electrolysis, being of galvanic type, or a  
7 combination of both which is accomplished by a superimposed or  
8 sequential blend.

9 (3) "Practice of permanent cosmetics," "practice of enhanced  
10 permanent cosmetics," and "practice of corrective enhanced permanent  
11 cosmetics" have the same meanings as in RCW 18.16.020.

12 (4) "Tattoo artist" means a person who practices the business of  
13 tattooing for a fee.

14 ((+4)) (5) "Tattooing" means the indelible mark, figure, or  
15 decorative design introduced by insertion of nontoxic dyes or  
16 pigments into or under the subcutaneous portion of the skin upon the  
17 body of a live human being for cosmetic or figurative purposes.

18 **Sec. 24.** RCW 70.54.340 and 2009 c 412 s 19 are each amended to  
19 read as follows:

20 The secretary of health shall adopt by rule requirements, in  
21 accordance with nationally recognized professional standards, for  
22 precautions against the spread of disease, including the  
23 sterilization of needles and other instruments, including sharps and  
24 jewelry, employed by electrologists, persons engaged in the practice  
25 of body art, body piercing, permanent cosmetics, enhanced permanent  
26 cosmetics, or corrective enhanced permanent cosmetics, and tattoo  
27 artists. The secretary shall consider the standard precautions for  
28 infection control, as recommended by the United States centers for  
29 disease control, and guidelines for infection control, as recommended  
30 by national industry standards in the adoption of these sterilization  
31 requirements.

32 **Sec. 25.** RCW 70.54.350 and 2001 c 194 s 4 are each amended to  
33 read as follows:

34 (1) Any person who practices electrology ((+)), body art, body  
35 piercing, tattooing, permanent cosmetics, enhanced permanent  
36 cosmetics, and corrective enhanced permanent cosmetics shall comply  
37 with the rules adopted by the department of health under RCW  
38 70.54.340.

1 (2) A violation of this section is a misdemeanor.

2 **Sec. 26.** RCW 43.24.150 and 2017 c 281 s 40 are each amended to  
3 read as follows:

4 (1) The business and professions account is created in the state  
5 treasury. All receipts from business or professional licenses,  
6 registrations, certifications, renewals, examinations, or civil  
7 penalties assessed and collected by the department from the following  
8 chapters must be deposited into the account:

9 (a) Chapter 18.11 RCW, auctioneers;

10 (b) Chapter 18.16 RCW, cosmetologists, barbers, ~~((and))~~  
11 manicurists, hair designers, estheticians, master estheticians,  
12 permanent cosmetics artists, enhanced permanent cosmetics artists,  
13 and corrective enhanced permanent cosmetics artists;

14 (c) Chapter 18.145 RCW, court reporters;

15 (d) Chapter 18.165 RCW, private investigators;

16 (e) Chapter 18.170 RCW, security guards;

17 (f) Chapter 18.185 RCW, bail bond agents;

18 (g) Chapter 18.280 RCW, home inspectors;

19 (h) Chapter 19.16 RCW, collection agencies;

20 (i) Chapter 19.31 RCW, employment agencies;

21 (j) Chapter 19.105 RCW, camping resorts;

22 (k) Chapter 19.138 RCW, sellers of travel;

23 (l) Chapter 42.45 RCW, notaries public;

24 (m) Chapter 64.36 RCW, timeshares;

25 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;

26 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;

27 (p) Chapter 79A.60 RCW, whitewater river outfitters;

28 (q) Chapter 19.158 RCW, commercial telephone solicitation; and

29 (r) Chapter 19.290 RCW, scrap metal businesses.

30 Moneys in the account may be spent only after appropriation.  
31 Expenditures from the account may be used only for expenses incurred  
32 in carrying out these business and professions licensing activities  
33 of the department. Any residue in the account must be accumulated and  
34 may not revert to the general fund at the end of the biennium.  
35 However, during the 2013-2015 fiscal biennium the legislature may  
36 transfer to the state general fund such amounts as reflect the excess  
37 fund balance in the account.

38 (2) The director must biennially prepare a budget request based  
39 on the anticipated costs of administering the business and

1 professions licensing activities listed in subsection (1) of this  
2 section, which must include the estimated income from these business  
3 and professions fees.

4 **Sec. 27.** RCW 74.08.580 and 2020 c 64 s 1 are each amended to  
5 read as follows:

6 (1) Any person receiving public assistance is prohibited from  
7 using electronic benefit cards or cash obtained with electronic  
8 benefit cards:

9 (a) For the purpose of participating in any of the activities  
10 authorized under chapter 9.46 RCW;

11 (b) For the purpose of parimutuel wagering authorized under  
12 chapter 67.16 RCW;

13 (c) To purchase lottery tickets or shares authorized under  
14 chapter 67.70 RCW;

15 (d) For the purpose of participating in or purchasing any  
16 activities located in a tattoo, body piercing, or body art shop  
17 licensed under chapter 18.300 RCW;

18 (e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco  
19 products as defined in RCW 82.26.010;

20 (f) To purchase any items regulated under Title 66 RCW; or

21 (g) For the purpose of purchasing or participating in any  
22 activities in any location listed in subsection (2) of this section.

23 (2) The following businesses must disable the ability of ATM and  
24 point-of-sale machines located on their business premises to accept  
25 the electronic benefit card:

26 (a) Taverns licensed under RCW 66.24.330;

27 (b) Beer/wine specialty stores licensed under RCW 66.24.371  
28 except if the licensee is an authorized supplemental nutrition  
29 assistance program or women, infants, and children retailer;

30 (c) Nightclubs licensed under RCW 66.24.600;

31 (d) Bail bond agencies regulated under chapter 18.185 RCW;

32 (e) Gambling establishments licensed under chapter 9.46 RCW;

33 (f) Tattoo, body piercing, or body art shops regulated under  
34 chapter 18.300 RCW and permanent cosmetics shops regulated under  
35 chapter 18.16 RCW;

36 (g) Adult entertainment venues with performances that contain  
37 erotic material where minors under the age of eighteen are prohibited  
38 under RCW 9.68A.150; and

1 (h) Any establishments where persons under the age of eighteen  
2 are not permitted.

3 (3) The department must notify the licensing authority of any  
4 business listed in subsection (2) of this section that such business  
5 has continued to allow the use of the electronic benefit card in  
6 violation of subsection (2) of this section.

7 (4) Only the recipient, an eligible member of the household, or  
8 the recipient's authorized representative may use an electronic  
9 benefit card or the benefit and such use shall only be for the  
10 respective benefit program purposes. Unless a recipient's family  
11 member is an eligible member of the household, the recipient's  
12 authorized representative, an alternative cardholder, or has been  
13 assigned as a protective payee, no family member may use the benefit  
14 card. The recipient shall not sell, or attempt to sell, exchange, or  
15 donate an electronic benefit card or any benefits to any other person  
16 or entity.

17 (5) The first violation of subsection (1) of this section by a  
18 recipient constitutes a class 4 civil infraction under RCW 7.80.120.  
19 Second and subsequent violations of subsection (1) of this section  
20 constitute a class 3 civil infraction under RCW 7.80.120.

21 (a) The department shall notify, in writing, all recipients of  
22 electronic benefit cards that any violation of subsection (1) of this  
23 section could result in legal proceedings and forfeiture of all cash  
24 public assistance.

25 (b) Whenever the department receives notice that a person has  
26 violated subsection (1) of this section, the department shall notify  
27 the person in writing that the violation could result in legal  
28 proceedings and forfeiture of all cash public assistance.

29 (c) The department shall assign a protective payee to the person  
30 receiving public assistance who violates subsection (1) of this  
31 section two or more times.

32 (6) In assigning a personal identification number to an  
33 electronic benefit card, the department shall not routinely use any  
34 sequence of numbers that appear on the card except in circumstances  
35 resulting from in-state or national disasters. Personal  
36 identification numbers assigned to electronic benefit cards issued to  
37 support the distribution of benefits when there is a disaster may  
38 include a sequence of numbers that appears on the card.

1       **Sec. 28.** RCW 82.04.050 and 2021 c 296 s 8, 2021 c 143 s 2, and  
2 2021 c 4 s 3 are each reenacted and amended to read as follows:

3       (1)(a) "Sale at retail" or "retail sale" means every sale of  
4 tangible personal property (including articles produced, fabricated,  
5 or imprinted) to all persons irrespective of the nature of their  
6 business and including, among others, without limiting the scope  
7 hereof, persons who install, repair, clean, alter, improve,  
8 construct, or decorate real or personal property of or for consumers  
9 other than a sale to a person who:

10       (i) Purchases for the purpose of resale as tangible personal  
11 property in the regular course of business without intervening use by  
12 such person, but a purchase for the purpose of resale by a regional  
13 transit authority under RCW 81.112.300 is not a sale for resale; or

14       (ii) Installs, repairs, cleans, alters, imprints, improves,  
15 constructs, or decorates real or personal property of or for  
16 consumers, if such tangible personal property becomes an ingredient  
17 or component of such real or personal property without intervening  
18 use by such person; or

19       (iii) Purchases for the purpose of consuming the property  
20 purchased in producing for sale as a new article of tangible personal  
21 property or substance, of which such property becomes an ingredient  
22 or component or is a chemical used in processing, when the primary  
23 purpose of such chemical is to create a chemical reaction directly  
24 through contact with an ingredient of a new article being produced  
25 for sale; or

26       (iv) Purchases for the purpose of consuming the property  
27 purchased in producing ferrosilicon which is subsequently used in  
28 producing magnesium for sale, if the primary purpose of such property  
29 is to create a chemical reaction directly through contact with an  
30 ingredient of ferrosilicon; or

31       (v) Purchases for the purpose of providing the property to  
32 consumers as part of competitive telephone service, as defined in RCW  
33 82.04.065; or

34       (vi) Purchases for the purpose of satisfying the person's  
35 obligations under an extended warranty as defined in subsection (7)  
36 of this section, if such tangible personal property replaces or  
37 becomes an ingredient or component of property covered by the  
38 extended warranty without intervening use by such person.

39       (b) The term includes every sale of tangible personal property  
40 that is used or consumed or to be used or consumed in the performance

1 of any activity defined as a "sale at retail" or "retail sale" even  
2 though such property is resold or used as provided in (a)(i) through  
3 (vi) of this subsection following such use.

4 (c) The term also means every sale of tangible personal property  
5 to persons engaged in any business that is taxable under RCW  
6 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

7 (2) The term "sale at retail" or "retail sale" includes the sale  
8 of or charge made for tangible personal property consumed and/or for  
9 labor and services rendered in respect to the following:

10 (a) The installing, repairing, cleaning, altering, imprinting, or  
11 improving of tangible personal property of or for consumers,  
12 including charges made for the mere use of facilities in respect  
13 thereto, but excluding charges made for the use of self-service  
14 laundry facilities, and also excluding sales of laundry service to  
15 nonprofit health care facilities, and excluding services rendered in  
16 respect to live animals, birds and insects;

17 (b) The constructing, repairing, decorating, or improving of new  
18 or existing buildings or other structures under, upon, or above real  
19 property of or for consumers, including the installing or attaching  
20 of any article of tangible personal property therein or thereto,  
21 whether or not such personal property becomes a part of the realty by  
22 virtue of installation, and also includes the sale of services or  
23 charges made for the clearing of land and the moving of earth  
24 excepting the mere leveling of land used in commercial farming or  
25 agriculture;

26 (c) The constructing, repairing, or improving of any structure  
27 upon, above, or under any real property owned by an owner who conveys  
28 the property by title, possession, or any other means to the person  
29 performing such construction, repair, or improvement for the purpose  
30 of performing such construction, repair, or improvement and the  
31 property is then reconveyed by title, possession, or any other means  
32 to the original owner;

33 (d) The cleaning, fumigating, razing, or moving of existing  
34 buildings or structures, but does not include the charge made for  
35 janitorial services; and for purposes of this section the term  
36 "janitorial services" means those cleaning and caretaking services  
37 ordinarily performed by commercial janitor service businesses  
38 including, but not limited to, wall and window washing, floor  
39 cleaning and waxing, and the cleaning in place of rugs, drapes and  
40 upholstery. The term "janitorial services" does not include painting,

1 papering, repairing, furnace or septic tank cleaning, snow removal or  
2 sandblasting;

3 (e) Automobile towing and similar automotive transportation  
4 services, but not in respect to those required to report and pay  
5 taxes under chapter 82.16 RCW;

6 (f) The furnishing of lodging and all other services by a hotel,  
7 rooming house, tourist court, motel, trailer camp, and the granting  
8 of any similar license to use real property, as distinguished from  
9 the renting or leasing of real property, and it is presumed that the  
10 occupancy of real property for a continuous period of one month or  
11 more constitutes a rental or lease of real property and not a mere  
12 license to use or enjoy the same. For the purposes of this  
13 subsection, it is presumed that the sale of and charge made for the  
14 furnishing of lodging for a continuous period of one month or more to  
15 a person is a rental or lease of real property and not a mere license  
16 to enjoy the same. For the purposes of this section, it is presumed  
17 that the sale of and charge made for the furnishing of lodging  
18 offered regularly for public occupancy for periods of less than a  
19 month constitutes a license to use or enjoy the property subject to  
20 sales and use tax and not a rental or lease of property;

21 (g) The installing, repairing, altering, or improving of digital  
22 goods for consumers;

23 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)  
24 of this subsection when such sales or charges are for property, labor  
25 and services which are used or consumed in whole or in part by such  
26 persons in the performance of any activity defined as a "sale at  
27 retail" or "retail sale" even though such property, labor and  
28 services may be resold after such use or consumption. Nothing  
29 contained in this subsection may be construed to modify subsection  
30 (1) of this section and nothing contained in subsection (1) of this  
31 section may be construed to modify this subsection.

32 (3) The term "sale at retail" or "retail sale" includes the sale  
33 of or charge made for personal, business, or professional services  
34 including amounts designated as interest, rents, fees, admission, and  
35 other service emoluments however designated, received by persons  
36 engaging in the following business activities:

37 (a) Abstract, title insurance, and escrow services;

38 (b) Credit bureau services;

39 (c) Automobile parking and storage garage services;

1 (d) Landscape maintenance and horticultural services but  
2 excluding (i) horticultural services provided to farmers and (ii)  
3 pruning, trimming, repairing, removing, and clearing of trees and  
4 brush near electric transmission or distribution lines or equipment,  
5 if performed by or at the direction of an electric utility;

6 (e) Service charges associated with tickets to professional  
7 sporting events;

8 (f) The following personal services: Tanning salon services,  
9 tattoo parlor services, steam bath services, turkish bath services,  
10 escort services, permanent cosmetics, enhanced permanent cosmetics,  
11 and corrective enhanced permanent cosmetics services, and dating  
12 services; and

13 (g) (i) Operating an athletic or fitness facility, including all  
14 charges for the use of such a facility or for any associated services  
15 and amenities, except as provided in (g) (ii) of this subsection.

16 (ii) Notwithstanding anything to the contrary in (g) (i) of this  
17 subsection (3), the term "sale at retail" and "retail sale" under  
18 this subsection does not include:

19 (A) Separately stated charges for the use of an athletic or  
20 fitness facility where such use is primarily for a purpose other than  
21 engaging in or receiving instruction in a physical fitness activity;

22 (B) Separately stated charges for the use of a discrete portion  
23 of an athletic or fitness facility, other than a pool, where such  
24 discrete portion of the facility does not by itself meet the  
25 definition of "athletic or fitness facility" in this subsection;

26 (C) Separately stated charges for services, such as advertising,  
27 massage, nutritional consulting, and body composition testing, that  
28 do not require the customer to engage in physical fitness activities  
29 to receive the service. The exclusion in this subsection  
30 (3) (g) (ii) (C) does not apply to personal training services and  
31 instruction in a physical fitness activity;

32 (D) Separately stated charges for physical therapy provided by a  
33 physical therapist, as those terms are defined in RCW 18.74.010, or  
34 occupational therapy provided by an occupational therapy  
35 practitioner, as those terms are defined in RCW 18.59.020, when  
36 performed pursuant to a referral from an authorized health care  
37 practitioner or in consultation with an authorized health care  
38 practitioner. For the purposes of this subsection (3) (g) (ii) (D), an  
39 authorized health care practitioner means a health care practitioner



1 licensed under chapter 18.83, 18.25, 18.36A, 18.57, 18.71, or 18.71A  
2 RCW, or, until July 1, 2022, chapter 18.57A RCW;

3 (E) Rent or association fees charged by a landlord or residential  
4 association to a tenant or residential owner with access to an  
5 athletic or fitness facility maintained by the landlord or  
6 residential association, unless the rent or fee varies depending on  
7 whether the tenant or owner has access to the facility;

8 (F) Services provided in the regular course of employment by an  
9 employee with access to an athletic or fitness facility maintained by  
10 the employer for use without charge by its employees or their family  
11 members;

12 (G) The provision of access to an athletic or fitness facility by  
13 an educational institution to its students and staff. However,  
14 charges made by an educational institution to its alumni or other  
15 members of the public for the use of any of the educational  
16 institution's athletic or fitness facilities are a retail sale under  
17 this subsection (3)(g). For purposes of this subsection  
18 (3)(g)(ii)(G), "educational institution" has the same meaning as in  
19 RCW 82.04.170;

20 (H) Yoga, chi gong, or martial arts classes, training, or events  
21 held at a community center, park, school gymnasium, college or  
22 university, hospital or other medical facility, private residence, or  
23 any other facility that is not operated within and as part of an  
24 athletic or fitness facility.

25 (iii) Nothing in (g)(ii) of this subsection (3) may be construed  
26 to affect the taxation of sales made by the operator of an athletic  
27 or fitness facility, where such sales are defined as a retail sale  
28 under any provision of this section other than this subsection (3).

29 (iv) For the purposes of this subsection (3)(g), the following  
30 definitions apply:

31 (A) "Athletic or fitness facility" means an indoor or outdoor  
32 facility or portion of a facility that is primarily used for:  
33 Exercise classes; strength and conditioning programs; personal  
34 training services; tennis, racquetball, handball, squash, or  
35 pickleball; or other activities requiring the use of exercise or  
36 strength training equipment, such as treadmills, elliptical machines,  
37 stair climbers, stationary cycles, rowing machines, pilates  
38 equipment, balls, climbing ropes, jump ropes, and weightlifting  
39 equipment.

1 (B) "Martial arts" means any of the various systems of training  
2 for physical combat or self-defense. "Martial arts" includes, but is  
3 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,  
4 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,  
5 Kendo, tai chi, and mixed martial arts.

6 (C) "Physical fitness activities" means activities that involve  
7 physical exertion for the purpose of improving or maintaining the  
8 general fitness, strength, flexibility, conditioning, or health of  
9 the participant. "Physical fitness activities" includes participating  
10 in yoga, chi gong, or martial arts.

11 (4) (a) The term also includes the renting or leasing of tangible  
12 personal property to consumers.

13 (b) The term does not include the renting or leasing of tangible  
14 personal property where the lease or rental is for the purpose of  
15 sublease or subrent.

16 (5) The term also includes the providing of "competitive  
17 telephone service," "telecommunications service," or "ancillary  
18 services," as those terms are defined in RCW 82.04.065, to consumers.

19 (6) (a) The term also includes the sale of prewritten computer  
20 software to a consumer, regardless of the method of delivery to the  
21 end user. For purposes of (a) and (b) of this subsection, the sale of  
22 prewritten computer software includes the sale of or charge made for  
23 a key or an enabling or activation code, where the key or code is  
24 required to activate prewritten computer software and put the  
25 software into use. There is no separate sale of the key or code from  
26 the prewritten computer software, regardless of how the sale may be  
27 characterized by the vendor or by the purchaser.

28 (b) The term "retail sale" does not include the sale of or charge  
29 made for:

30 (i) Custom software; or

31 (ii) The customization of prewritten computer software.

32 (c) (i) The term also includes the charge made to consumers for  
33 the right to access and use prewritten computer software, where  
34 possession of the software is maintained by the seller or a third  
35 party, regardless of whether the charge for the service is on a per  
36 use, per user, per license, subscription, or some other basis.

37 (ii) (A) The service described in (c) (i) of this subsection (6)  
38 includes the right to access and use prewritten computer software to  
39 perform data processing.

1 (B) For purposes of this subsection (6)(c)(ii), "data processing"  
2 means the systematic performance of operations on data to extract the  
3 required information in an appropriate form or to convert the data to  
4 usable information. Data processing includes check processing, image  
5 processing, form processing, survey processing, payroll processing,  
6 claim processing, and similar activities.

7 (7) The term also includes the sale of or charge made for an  
8 extended warranty to a consumer. For purposes of this subsection,  
9 "extended warranty" means an agreement for a specified duration to  
10 perform the replacement or repair of tangible personal property at no  
11 additional charge or a reduced charge for tangible personal property,  
12 labor, or both, or to provide indemnification for the replacement or  
13 repair of tangible personal property, based on the occurrence of  
14 specified events. The term "extended warranty" does not include an  
15 agreement, otherwise meeting the definition of extended warranty in  
16 this subsection, if no separate charge is made for the agreement and  
17 the value of the agreement is included in the sales price of the  
18 tangible personal property covered by the agreement. For purposes of  
19 this subsection, "sales price" has the same meaning as in RCW  
20 82.08.010.

21 (8)(a) The term also includes the following sales to consumers of  
22 digital goods, digital codes, and digital automated services:

23 (i) Sales in which the seller has granted the purchaser the right  
24 of permanent use;

25 (ii) Sales in which the seller has granted the purchaser a right  
26 of use that is less than permanent;

27 (iii) Sales in which the purchaser is not obligated to make  
28 continued payment as a condition of the sale; and

29 (iv) Sales in which the purchaser is obligated to make continued  
30 payment as a condition of the sale.

31 (b) A retail sale of digital goods, digital codes, or digital  
32 automated services under this subsection (8) includes any services  
33 provided by the seller exclusively in connection with the digital  
34 goods, digital codes, or digital automated services, whether or not a  
35 separate charge is made for such services.

36 (c) For purposes of this subsection, "permanent" means perpetual  
37 or for an indefinite or unspecified length of time. A right of  
38 permanent use is presumed to have been granted unless the agreement  
39 between the seller and the purchaser specifies or the circumstances

1 surrounding the transaction suggest or indicate that the right to use  
2 terminates on the occurrence of a condition subsequent.

3 (9) The term also includes the charge made for providing tangible  
4 personal property along with an operator for a fixed or indeterminate  
5 period of time. A consideration of this is that the operator is  
6 necessary for the tangible personal property to perform as designed.  
7 For the purpose of this subsection (9), an operator must do more than  
8 maintain, inspect, or set up the tangible personal property.

9 (10) The term does not include the sale of or charge made for  
10 labor and services rendered in respect to the building, repairing, or  
11 improving of any street, place, road, highway, easement, right-of-  
12 way, mass public transportation terminal or parking facility, bridge,  
13 tunnel, or trestle which is owned by a municipal corporation or  
14 political subdivision of the state or by the United States and which  
15 is used or to be used primarily for foot or vehicular traffic  
16 including mass transportation vehicles of any kind.

17 (11) The term also does not include sales of chemical sprays or  
18 washes to persons for the purpose of postharvest treatment of fruit  
19 for the prevention of scald, fungus, mold, or decay, nor does it  
20 include sales of feed, seed, seedlings, fertilizer, agents for  
21 enhanced pollination including insects such as bees, and spray  
22 materials to: (a) Persons who participate in the federal conservation  
23 reserve program, the environmental quality incentives program, the  
24 wetlands reserve program, and the wildlife habitat incentives  
25 program, or their successors administered by the United States  
26 department of agriculture; (b) farmers for the purpose of producing  
27 for sale any agricultural product; (c) farmers for the purpose of  
28 providing bee pollination services; and (d) farmers acting under  
29 cooperative habitat development or access contracts with an  
30 organization exempt from federal income tax under 26 U.S.C. Sec.  
31 501(c)(3) of the federal internal revenue code or the Washington  
32 state department of fish and wildlife to produce or improve wildlife  
33 habitat on land that the farmer owns or leases.

34 (12) The term does not include the sale of or charge made for  
35 labor and services rendered in respect to the constructing,  
36 repairing, decorating, or improving of new or existing buildings or  
37 other structures under, upon, or above real property of or for the  
38 United States, any instrumentality thereof, or a county or city  
39 housing authority created pursuant to chapter 35.82 RCW, including  
40 the installing, or attaching of any article of tangible personal

1 property therein or thereto, whether or not such personal property  
2 becomes a part of the realty by virtue of installation. Nor does the  
3 term include the sale of services or charges made for the clearing of  
4 land and the moving of earth of or for the United States, any  
5 instrumentality thereof, or a county or city housing authority. Nor  
6 does the term include the sale of services or charges made for  
7 cleaning up for the United States, or its instrumentalities,  
8 radioactive waste and other by-products of weapons production and  
9 nuclear research and development.

10 (13) The term does not include the sale of or charge made for  
11 labor, services, or tangible personal property pursuant to agreements  
12 providing maintenance services for bus, rail, or rail fixed guideway  
13 equipment when a regional transit authority is the recipient of the  
14 labor, services, or tangible personal property, and a transit agency,  
15 as defined in RCW 81.104.015, performs the labor or services.

16 (14) The term does not include the sale for resale of any service  
17 described in this section if the sale would otherwise constitute a  
18 "sale at retail" and "retail sale" under this section.

19 (15)(a) The term "sale at retail" or "retail sale" includes  
20 amounts charged, however labeled, to consumers to engage in any of  
21 the activities listed in this subsection (15)(a), including the  
22 furnishing of any associated equipment or, except as otherwise  
23 provided in this subsection, providing instruction in such  
24 activities, where such charges are not otherwise defined as a "sale  
25 at retail" or "retail sale" in this section:

26 (i)(A) Golf, including any variant in which either golf balls or  
27 golf clubs are used, such as miniature golf, hitting golf balls at a  
28 driving range, and golf simulators, and including fees charged by a  
29 golf course to a player for using his or her own cart. However,  
30 charges for golf instruction are not a retail sale, provided that if  
31 the instruction involves the use of a golfing facility that would  
32 otherwise require the payment of a fee, such as green fees or driving  
33 range fees, such fees, including the applicable retail sales tax,  
34 must be separately identified and charged by the golfing facility  
35 operator to the instructor or the person receiving the instruction.

36 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except  
37 as otherwise provided in this subsection (15)(a)(i)(B), the term  
38 "sale at retail" or "retail sale" does not include amounts charged to  
39 participate in, or conduct, a golf tournament or other competitive  
40 event. However, amounts paid by event participants to the golf

1 facility operator are retail sales under this subsection (15)(a)(i).  
2 Likewise, amounts paid by the event organizer to the golf facility  
3 are retail sales under this subsection (15)(a)(i), if such amounts  
4 vary based on the number of event participants;

5 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,  
6 paragliding, parasailing, and similar activities;

7 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,  
8 ping pong, and similar games;

9 (iv) Access to amusement park, theme park, and water park  
10 facilities, including but not limited to charges for admission and  
11 locker or cabana rentals. Discrete charges for rides or other  
12 attractions or entertainment that are in addition to the charge for  
13 admission are not a retail sale under this subsection (15)(a)(iv).  
14 For the purposes of this subsection, an amusement park or theme park  
15 is a location that provides permanently affixed amusement rides,  
16 games, and other entertainment, but does not include parks or zoos  
17 for which the primary purpose is the exhibition of wildlife, or  
18 fairs, carnivals, and festivals as defined in (b)(i) of this  
19 subsection;

20 (v) Batting cage activities;

21 (vi) Bowling, but not including competitive events, except that  
22 amounts paid by the event participants to the bowling alley operator  
23 are retail sales under this subsection (15)(a)(vi). Likewise, amounts  
24 paid by the event organizer to the operator of the bowling alley are  
25 retail sales under this subsection (15)(a)(vi), if such amounts vary  
26 based on the number of event participants;

27 (vii) Climbing on artificial climbing structures, whether indoors  
28 or outdoors;

29 (viii) Day trips for sightseeing purposes;

30 (ix) Bungee jumping, zip lining, and riding inside a ball,  
31 whether inflatable or otherwise;

32 (x) Horseback riding offered to the public, where the seller  
33 furnishes the horse to the buyer and providing instruction is not the  
34 primary focus of the activity, including guided rides, but not  
35 including therapeutic horseback riding provided by an instructor  
36 certified by a nonprofit organization that offers national or  
37 international certification for therapeutic riding instructors;

38 (xi) Fishing, including providing access to private fishing areas  
39 and charter or guided fishing, except that fishing contests and

1 license fees imposed by a government entity are not a retail sale  
2 under this subsection;

3 (xii) Guided hunting and hunting at game farms and shooting  
4 preserves, except that hunting contests and license fees imposed by a  
5 government entity are not a retail sale under this subsection;

6 (xiii) Swimming, but only in respect to (A) recreational or  
7 fitness swimming that is open to the public, such as open swim, lap  
8 swimming, and special events like kids night out and pool parties  
9 during open swim time, and (B) pool parties for private events, such  
10 as birthdays, family gatherings, and employee outings. Fees for  
11 swimming lessons, to participate in swim meets and other  
12 competitions, or to join a swim team, club, or aquatic facility are  
13 not retail sales under this subsection (15)(a)(xiii);

14 (xiv) Go-karting, bumper cars, and other motorized activities  
15 where the seller provides the vehicle and the premises where the  
16 buyer will operate the vehicle;

17 (xv) Indoor or outdoor playground activities, such as inflatable  
18 bounce structures and other inflatables; mazes; trampolines; slides;  
19 ball pits; games of tag, including laser tag and soft-dart tag; and  
20 human gyroscope rides, regardless of whether such activities occur at  
21 the seller's place of business, but not including playground  
22 activities provided for children by a licensed child day care center  
23 or licensed family day care provider as those terms are defined in  
24 RCW 43.216.010;

25 (xvi) Shooting sports and activities, such as target shooting,  
26 skeet, trap, sporting clays, "5" stand, and archery, but only in  
27 respect to discrete charges to members of the public to engage in  
28 these activities, but not including fees to enter a competitive  
29 event, instruction that is entirely or predominately classroom based,  
30 or to join or renew a membership at a club, range, or other facility;

31 (xvii) Paintball and airsoft activities;

32 (xviii) Skating, including ice skating, roller skating, and  
33 inline skating, but only in respect to discrete charges to members of  
34 the public to engage in skating activities, but not including skating  
35 lessons, competitive events, team activities, or fees to join or  
36 renew a membership at a skating facility, club, or other  
37 organization;

38 (xix) Nonmotorized snow sports and activities, such as downhill  
39 and cross-country skiing, snowboarding, ski jumping, sledding, snow  
40 tubing, snowshoeing, and similar snow sports and activities, whether

1 engaged in outdoors or in an indoor facility with or without snow,  
2 but only in respect to discrete charges to the public for the use of  
3 land or facilities to engage in nonmotorized snow sports and  
4 activities, such as fees, however labeled, for the use of ski lifts  
5 and tows and daily or season passes for access to trails or other  
6 areas where nonmotorized snow sports and activities are conducted.  
7 However, fees for the following are not retail sales under this  
8 subsection (15)(a)(xix): (A) Instructional lessons; (B) permits  
9 issued by a governmental entity to park a vehicle on or access public  
10 lands; and (C) permits or leases granted by an owner of private  
11 timberland for recreational access to areas used primarily for  
12 growing and harvesting timber; and

13 (xx) Scuba diving; snorkeling; river rafting; surfing;  
14 kiteboarding; flyboarding; water slides; inflatables, such as water  
15 pillows, water trampolines, and water rollers; and similar water  
16 sports and activities.

17 (b) Notwithstanding anything to the contrary in this subsection  
18 (15), the term "sale at retail" or "retail sale" does not include  
19 charges:

20 (i) Made for admission to, and rides or attractions at, fairs,  
21 carnivals, and festivals. For the purposes of this subsection, fairs,  
22 carnivals, and festivals are events that do not exceed 21 days and a  
23 majority of the amusement rides, if any, are not affixed to real  
24 property;

25 (ii) Made by an educational institution to its students and staff  
26 for activities defined as retail sales by (a)(i) through (xx) of this  
27 subsection. However, charges made by an educational institution to  
28 its alumni or other members of the general public for these  
29 activities are a retail sale under this subsection (15). For purposes  
30 of this subsection (15)(b)(ii), "educational institution" has the  
31 same meaning as in RCW 82.04.170;

32 (iii) Made by a vocational school for commercial diver training  
33 that is licensed by the workforce training and education coordinating  
34 board under chapter 28C.10 RCW; or

35 (iv) Made for day camps offered by a nonprofit organization or  
36 state or local governmental entity that provide youth not older than  
37 age 18, or that are focused on providing individuals with  
38 disabilities or mental illness, the opportunity to participate in a  
39 variety of supervised activities.



1 (16)(a) The term "sale at retail" or "retail sale" includes the  
2 purchase or acquisition of tangible personal property and specified  
3 services by a person who receives either a qualifying grant exempt  
4 from tax under RCW 82.04.767 or 82.16.320 or a grant deductible under  
5 RCW 82.04.4339, except for transactions excluded from the definition  
6 of "sale at retail" or "retail sale" by any other provision of this  
7 section. Nothing in this subsection (16) may be construed to limit  
8 the application of any other provision of this section to purchases  
9 by a recipient of either a qualifying grant exempt from tax under RCW  
10 82.04.767 or a grant deductible under RCW 82.04.4339, or by any other  
11 person.

12 (b) For purposes of this subsection (16), "specified services"  
13 means:

14 (i) The constructing, repairing, decorating, or improving of new  
15 or existing buildings or other structures under, upon, or above real  
16 property, including the installing or attaching of any article of  
17 tangible personal property therein or thereto, whether or not such  
18 personal property becomes a part of the realty by virtue of  
19 installation;

20 (ii) The clearing of land or the moving of earth, whether or not  
21 associated with activities described in (b)(i) of this subsection  
22 (16);

23 (iii) The razing or moving of existing buildings or structures;  
24 and

25 (iv) Landscape maintenance and horticultural services.

26 NEW SECTION. **Sec. 29.** Sections 5 through 13, 15 through 19, 21  
27 through 23, and 25 through 28 of this act take effect November 1,  
28 2027.

29 NEW SECTION. **Sec. 30.** Rule making required by this act must be  
30 completed no later than June 30, 2025.

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