
SECOND SUBSTITUTE HOUSE BILL 2109

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Ryu, Eslick, Reed, and Reeves)

READ FIRST TIME 02/05/24.

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 new sections; 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, ~~((or))~~ 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 ~~((or))~~

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.

31 NEW SECTION. **Sec. 31.** If specific funding for the purposes of
32 this act, referencing this act by bill or chapter number, is not
33 provided by June 30, 2024, in the omnibus appropriations act, this
34 act is null and void.

--- END ---