CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1042

Chapter 194, Laws of 2001

57th Legislature 2001 Regular Legislative Session

ELECTROLOGY AND TATTOOING--STERILIZATION PROCEDURES

EFFECTIVE DATE: 7/22/01

Passed by the House April 16, 2001 CERTIFICATE Yeas 93 Nays 0 We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House FRANK CHOPP of Representatives of the State of Speaker of the House of Representatives Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1042 by passed the House of Representatives and the Senate on the CLYDE BALLARD dates hereon set forth. Speaker of the House of Representatives CYNTHIA ZEHNDER Passed by the Senate April 9, 2001 Chief Clerk Yeas 49 Nays 0 TIMOTHY A. MARTIN Chief Clerk BRAD OWEN President of the Senate Approved May 7, 2001 FILED May 7, 2001 - 1:36 p.m. Secretary of State GARY LOCKE State of Washington

Governor of the State of Washington

SUBSTITUTE HOUSE BILL 1042

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

Ву House Committee on Health Care (originally sponsored by Representatives Campbell, Schual-Berke, Skinner, Haigh and Lantz)

Read first time . Referred to .

- 1 AN ACT Relating to sterilization procedures in the commercial
- 2 practices of electrology and tattooing; amending RCW 5.40.050; adding
- 3 new sections to chapter 70.54 RCW; and prescribing penalties.
- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: 4
- 5 NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW
- to read as follows: 6
- 7 legislature finds and declares that the practices
- electrology and tattooing involve an invasive procedure with the use of 8
- needles and instruments which may be dangerous when improperly 9
- 10 sterilized presenting a risk of infecting the client with bloodborne
- pathogens such as HIV and Hepatitis B. It is in the interests of the 11
- 12 public health, safety, and welfare to establish requirements for the
- 13 sterilization procedures in the commercial practices of electrology and
- 14 tattooing in this state.
- 15 <u>NEW SECTION.</u> **Sec. 2.** A new section is added to chapter 70.54 RCW
- to read as follows: 16
- The definitions in this section apply throughout sections 1, 3, and 17
- 18 4 of this act unless the context clearly requires otherwise.

- 1 (1) "Electrologist" means a person who practices the business of electrology for a fee.
 - (2) "Electrology" means the process by which hair is permanently removed through the utilization of solid needle/probe electrode epilation, including thermolysis, being of shortwave, high frequency type, and including electrolysis, being of galvanic type, or a combination of both which is accomplished by a superimposed or sequential blend.
- 9 (3) "Tattoo artist" means a person who practices the business of tattooing for a fee.
- 11 (4) "Tattooing" means the indelible mark, figure, or decorative 12 design introduced by insertion of nontoxic dyes or pigments into or 13 under the subcutaneous portion of the skin upon the body of a live 14 human being for cosmetic or figurative purposes.
- NEW SECTION. **Sec. 3.** A new section is added to chapter 70.54 RCW to read as follows:
 - The secretary of health shall adopt by rule requirements for the sterilization of needles and instruments by electrologists and tattoo artists in accordance with nationally recognized professional standards. The secretary shall consider the universal precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by the national environmental health association and the alliance of professional tattooists, in the adoption of these sterilization requirements.
- NEW SECTION. Sec. 4. A new section is added to chapter 70.54 RCW to read as follows:
- 28 (1) Any person who practices electrology or tattooing shall comply 29 with the rules adopted by the department of health under section 3 of 30 this act.
- 31 (2) A violation of this section is a misdemeanor.
- 32 **Sec. 5.** RCW 5.40.050 and 1986 c 305 s 901 are each amended to read 33 as follows:
- A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered

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- 1 by the trier of fact as evidence of negligence; however, any breach of
- 2 duty as provided by statute, ordinance, or administrative rule relating
- 3 to electrical fire safety, the use of smoke alarms, sterilization of
- 4 <u>needles and instruments used in tattooing or electrology as required</u>
- 5 <u>under section 4 of this act</u>, or driving while under the influence of
- 6 intoxicating liquor or any drug, shall be considered negligence per se.

Passed the House April 16, 2001.
Passed the Senate April 9, 2001.

Approved by the Governor May 7, 2001.

Filed in Office of Secretary of State May 7, 2001.