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HOUSE BILL 2335

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Appleton, Campbell, Cody, Moeller, Green, Clibborn, Lantz, Morrell, Chase, Murray, Darneille, Santos, Wallace, Dickerson, Kenney and Schual-Berke

Prefiled 12/20/2005.      Read first time 01/09/2006.      Referred to Committee on Health Care.

1            AN ACT Relating to preventing the spread of disease in body  
2 piercing practices through standard universal precautions and  
3 sterilization requirements; amending RCW 5.40.050; adding new sections  
4 to chapter 70.54 RCW; creating a new section; and prescribing  
5 penalties.

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

7            NEW SECTION.    **Sec. 1.** The legislature finds and declares that the  
8 practices of body piercing and body art involve an invasive procedure  
9 with the use of needles, single-use disposable sharps, reusable sharps,  
10 instruments, and jewelry. These practices may be dangerous when  
11 improperly sterilized, presenting a risk of infecting the client with  
12 bloodborne pathogens including, but not limited to, HIV, hepatitis B,  
13 and hepatitis C. It is in the interests of the public health, safety,  
14 and welfare to establish requirements in the commercial practice of  
15 body piercing in this state.

16            NEW SECTION.    **Sec. 2.** A new section is added to chapter 70.54 RCW  
17 to read as follows:

1 The definitions in this section apply throughout sections 1, 3, and  
2 4 of this act and RCW 5.40.050 unless the context clearly requires  
3 otherwise.

4 (1) "Body art" means the practice of physical cosmetic body  
5 adornment including the use of branding and scarification. "Body art"  
6 also includes the intentional production of scars upon the body. "Body  
7 art" does not include medical procedures performed by a licensed  
8 physician or medical practitioner.

9 (2) "Body piercing" means the process of penetrating the skin or  
10 mucous membrane for the purpose of insertion of an object, including  
11 jewelry, for cosmetic purposes. "Body piercing" also includes any scar  
12 tissue resulting from or relating to the piercing. "Body piercing"  
13 does not include the use of stud and clasp piercing systems to pierce  
14 the earlobe in accordance with the manufacturer's directions and  
15 applicable United States food and drug administration requirements.  
16 "Body piercing" does not include any medical procedures performed by a  
17 licensed physician or medical practitioner.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.54 RCW  
19 to read as follows:

20 The secretary of health shall adopt by rule requirements for  
21 standard universal precautions, as recommended by the United States  
22 centers for disease control and prevention, for preventing the spread  
23 of disease and the sterilization of needles, single-use disposable  
24 sharps, reusable sharps, instruments, and jewelry used by a person who  
25 practices body piercing or body art.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.54 RCW  
27 to read as follows:

28 (1) A person who practices body piercing or body art must 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 2001 c 194 s 5 are each amended to read  
33 as follows:

34 A breach of a duty imposed by statute, ordinance, or administrative  
35 rule shall not be considered negligence per se, but may be considered

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 needles and instruments used in tattooing or electrology as required  
5 under RCW 70.54.350, standard universal precautions for preventing the  
6 spread of disease and sterilization of needles, single-use disposable  
7 sharps, reusable sharps, instruments, and jewelry used in body piercing  
8 or body art as required under section 3 of this act, or driving while  
9 under the influence of intoxicating liquor or any drug, shall be  
10 considered negligence per se.

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