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SENATE BILL 5738

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State of Washington

59th Legislature

2005 Regular Session

By Senators Roach, Weinstein, Swecker, Eide, Rasmussen, Sheldon, Schoesler, Keiser, Kastama, Mulliken and Rockefeller

Read first time 02/03/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to body piercing; amending RCW 26.28.085; and  
2 prescribing penalties.

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

4 **Sec. 1.** RCW 26.28.085 and 1995 c 373 s 1 are each amended to read  
5 as follows:

6 (1)(a) Every person who applies a tattoo to any minor under the age  
7 of eighteen is guilty of a misdemeanor. It is not a defense to a  
8 violation of this section that the person applying the tattoo did not  
9 know the minor's age unless the person applying the tattoo establishes  
10 by a preponderance of the evidence that he or she made a reasonable,  
11 bona fide attempt to ascertain the true age of the minor by requiring  
12 production of a driver's license or other picture identification card  
13 or paper and did not rely solely on the oral allegations or apparent  
14 age of the minor.

15 (b) Every person who engages in body piercing on any minor under  
16 the age of eighteen is guilty of a misdemeanor, unless a parent of, or  
17 a legal guardian of, the minor provides informed consent in writing,  
18 furnishes proof of identification, and is present when the piercing  
19 occurs.

1       (2) For the purposes of this section, (a) "tattoo" includes any  
2 permanent marking or coloring of the skin with any pigment, ink, or  
3 dye, or any procedure that leaves a visible scar on the skin; and (b)  
4 "body piercing" means the creation of an opening in the body of a human  
5 being for the purpose of inserting jewelry or other decoration. This  
6 includes, but is not limited to, piercing of a lip, tongue, nose, or  
7 eyebrow. "Body piercing" does not include the piercing of an earlobe.

8       (3) Medical procedures performed by a licensed physician are  
9 exempted from this section.

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