

# SENATE BILL REPORT

## HB 1383

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As Reported By Senate Committee On:  
Health & Long-Term Care, March 29, 2007

**Title:** An act relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements.

**Brief Description:** Regulating body piercing.

**Sponsors:** Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos.

**Brief History:** Passed House: 3/13/07, 93-3.

**Committee Activity:** Health & Long-Term Care: 3/28/07, 3/29/07 [DPA-WM, w/oRec].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Pflug, Ranking Minority Member.

**Staff:** Edith Rice (786-7444)

**Background:** The Secretary of Health establishes requirements for the sterilization of needles and instruments used by electrologists and tattoo artists. These rules address both sterilization procedures and universal precautions for preventing the spread of disease. There are no similar provisions for body piercing.

**Summary of Bill:** The Secretary of Health must establish requirements for universal precautions for preventing the spread of disease and sterilizing needles, jewelry, and other instruments used for body piercing and body art. The failure to comply with the universal precautions is a misdemeanor and shall be considered negligence per se in a civil action.

The term "body art" is defined as physical cosmetic adornment, including branding and scarification. The term "body piercing" is defined as penetrating the skin to insert an object for cosmetic purposes, but does not include the use of stud and clasp piercing systems to pierce the earlobe. Neither term includes health-related procedures performed by a licensed health care practitioner.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**EFFECT OF CHANGES MADE BY RECOMMENDED STRIKING AMENDMENT(S) AS PASSED COMMITTEE (Health & Long-Term Care):** DOH is directed to adopt rules, in accordance with nationally recognized professional standards for sterilization of instruments used in body piercing or tattooing, and other precautions against the spread of disease. Violation of such rules will be a misdemeanor, and considered negligence per se.

Any person practicing body art, body piercing, or tattooing: (1) must comply with the rules adopted by DOH; (2) must register annually with the Department of Licensing (DOL); (3) may be disciplined pursuant to Uniform Regulation of Business and Professions Act; and (4) is subject to civil penalties and the consumer protection act. DOL is authorized to investigate complaints concerning persons engaging in the business of body art, body piercing, or tattooing.

A person engaging in the business of body art, body piercing, or tattooing must file a written report containing certain information to DOL and DOH within 70 hours of becoming aware of an infection or allergic reaction resulting from the person's tattooing, body piercing, or body artistry.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Very few infections are actually caused by piercing or tattooing. It is important to take a preventive approach to protect public health. Safeguards are needed. Although this bill doesn't address all issues, it is a critical first step. We need to do something now.

**Persons Testifying:** PRO: Charissa Fotinos, Seattle Public Health, Troy Amundson, Apocalypse Tattoo and Piercing.