

**SB 6639 - S AMD 599**  
By Senator Braun

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

14 For the purposes of this section, "tattoo" includes any permanent  
15 marking or coloring of the skin with any pigment, ink, or dye, or any  
16 procedure that leaves a visible scar on the skin. Medical procedures  
17 performed by a licensed physician are exempted from this section.  
18 This section does not apply to nonmedical tattoo removal procedures  
19 performed by tattoo artists licensed under chapter 18.300 RCW.  
20 "Nonmedical tattoo removal procedures" do not include the use of  
21 devices that:

- 22 (1) Use a laser, noncoherent light, intense pulsed light,  
23 radiofrequency, or plasma to topically penetrate skin and alter human  
24 tissue; and  
25 (2) Are classified by the federal food and drug administration as  
26 prescription devices.

27 **Sec. 2.** RCW 18.300.010 and 2009 c 412 s 2 are each amended to  
28 read as follows:

29 The definitions in this section apply throughout this chapter and  
30 RCW 5.40.050 and 70.54.340 unless the context clearly requires  
31 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 or removing an indelible mark, or pigment, into the skin  
29 for a fee.

30 (8) "Tattooing" means to pierce or puncture the human skin with a  
31 needle or other instrument for the purpose of implanting or removing  
32 an indelible mark, or pigment, into the skin.

33 (9) Subsections (7) and (8) of this section do not authorize the  
34 use of devices that:

35 (a) Use a laser, noncoherent light, intense pulsed light,  
36 radiofrequency, or plasma to topically penetrate skin and alter human  
37 tissue; and

38 (b) Are classified by the federal food and drug administration as  
39 prescription devices."

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1        On page 1, line 2 of the title, after "artists;" strike the  
2 remainder of the title and insert "and amending RCW 26.28.085 and  
3 18.300.010."

EFFECT: Authorizes tattoo artists to penetrate the skin in order to remove a tattoo. Clarifies that the bill does not authorize laser removal of tattoos by tattoo artists. Corrects the title.

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