**1158-S AMH WALJ H2265.3 - NOT FOR FLOOR USE**

**SHB 1158** - H AMD **102**

By Representative Walsh

**NOT ADOPTED 03/11/2019**

On page 8, after line 6, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 18.300 RCW to read as follows:

(1) Beginning in 2021, and every five years thereafter, the appropriate standing committees of the legislature shall review the occupational regulations for permanent cosmetics artists and prepare and submit a report electronically to the chief clerk of the house of representatives, the secretary of the senate, and each member of the house of representatives and senate by August 31st as provided in this section. Each report must include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.

(2) The committee may require the submission of information by the department of licensing and other affected or interested parties.

(3) The committee's report must include, but not be limited to, the following:

(a) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of permanent cosmetics licenses the department of licensing has issued, revoked, denied, or assessed penalties against and the reasons for the revocations, denials, and other penalties;

(b) A review of the basic assumptions underlying the creation of the occupational regulations;

(c) A statement from the department of licensing on the effectiveness of the occupational regulations; and

(d) A comparison of whether and how other states regulate the occupation.

(4) Each committee shall also analyze, and include in its report, whether the occupational regulations:

(a) Protect the fundamental right of an individual to pursue a lawful occupation;

(b) Use the least restrictive regulation necessary to protect consumers from undue risks of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and in a manner that is consistent with the public interest;

(c) Enforce occupational regulations against an individual only to the extent that the individual provided services that are included explicitly in the statutes that govern the occupation; and

(d) Construe and apply occupational regulations to increase opportunities, promote competition, and encourage innovation.

(5) The committee shall consider the following courses of action in developing any recommendations included in its report:

(a) If the need is to protect consumers against fraud, the recommended course of action is to strengthen chapter 19.86 RCW, or require disclosures that will reduce misleading attributes of the specific goods or services;

(b) If the need is to protect consumers against unclean facilities or to promote general health and safety, the recommended course of action is to require periodic inspections of such facilities;

(c) If the need is to protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the recommended course of action is to require that providers be bonded;

(d) If the need is to protect a person who is not party to a contract between the provider and consumer, the recommended course of action is to require that the provider have insurance;

(e) If the need is to protect consumers against potential damages by transient providers, the recommended course of action is to require that providers register their businesses with the state;

(f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the recommended course of action is to require government certification; and

(g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the recommended course of action is to require an occupational license.

(6) The committee shall include in its report a review and analysis of the hours or other amount of education, training, or experience required to ensure such requirements are as least restrictive as necessary to protect the public's health, safety, and welfare.

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section.

(8) For purposes of performing the committee's duties under this section, committee members may participate in a review and analysis of the occupational regulations, attend meetings, and vote, electronically or in person, on any substantive issue put to the committee by the chair of the committee."

Renumber the remaining section consecutively and correct the title.

EFFECT: Requires the appropriate legislative committees to review the regulations for permanent cosmetics artists every five years and provide recommendations regarding whether the regulations should be terminated, continued, or modified.