

# HOUSE BILL REPORT

## HB 1856

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**As Reported by House Committee On:**  
Health Care & Wellness

**Title:** An act relating to prohibiting scleral tattooing.

**Brief Description:** Prohibiting scleral tattooing.

**Sponsors:** Representatives Tharinger, Caldier, Cody, Kloba, Wylie, Corry, Sutherland, Ybarra, Steele, Peterson, Klippert, DeBolt, Stanford, Doglio, Mead, Ryu and Macri.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/20/19, 2/22/19 [DPS].

**Brief Summary of Substitute Bill**

- Prohibits the practice of scleral tattooing.
- Allows the Department of Licensing to take disciplinary actions against tattoo artists who have performed scleral tattoos.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, DeBolt, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

**Staff:** Alaura Valley (786-7291) and Christopher Blake (786-7392).

**Background:**

*Tattoo Artists.*

Tattoo artists must possess a license in good standing from the Department of Licensing (DOL) to practice tattooing. To obtain a license, tattoo artists must complete an application, provide a certificate of insurance, and pay a fee. Qualifications to obtain a license include being 18 years or older and having completed all bloodborne pathogen training courses required to receive a bloodborne pathogen certificate.

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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.*

Tattoo businesses are required to maintain minimum safety and sanitation standards established by the Department of Health. Such standards include precautions against the spread of disease, including the sterilization of needles and other instruments, and precautions for infection control.

*Sclera.*

The sclera is the white outer coating of the eye. It is tough, fibrous tissue that extends from the cornea to the optic nerve at the back of the eye. The sclera gives the eye its white color.

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**Summary of Substitute Bill:**

Performing scleral tattoos on another person is prohibited. "Scleral tattooing" is defined as the practice of producing an indelible mark on the human eye by scarring or inserting a pigment.

Complaints may be filed against individuals who perform scleral tattoos with the Attorney General (AG), and the AG may investigate and prosecute the allegations. The AG may seek an injunction to prevent future tattooing, and the imposition of civil penalties. Such civil penalties may not exceed \$10,000. The AG's incurred costs must be reimbursed from the civil penalty collected, and any surplus must be deposited in the State General Fund.

The DOL may also take disciplinary action against licensed tattoo artists who have performed scleral tattoos.

**Substitute Bill Compared to Original Bill:**

The substitute bill:

- removes the exception for physicians to perform scleral tattoos within the scope of their practice; and
- allows the DOL to take disciplinary action against tattoo artists who have performed scleral tattoos.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) When ophthalmologists are performing eye surgeries they have the worlds most powerful microscopes available to them. Without the use of such microscope, there is

serious risk associated with attempting to perform this procedure including retinal detachment and infection. Retinal detachment is very painful and may lead to blindness. Infection can be even more serious, potentially requiring the eye to be removed to control the infection. This procedure is increasingly covered in news media and medical literature and has already been outlawed in Canada.

(Opposed) None.

**Persons Testifying:** Representative Tharinger, prime sponsor; and Aaron Lee, Washington Academy of Eye Physicians and Surgeons.

**Persons Signed In To Testify But Not Testifying:** None.