
HOUSE BILL 1085

State of Washington

61st Legislature

2009 Regular Session

By Representatives Appleton, Green, and Dickerson

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1 AN ACT Relating to preventing the spread of disease in body
2 piercing practices through standard universal precautions and
3 sterilization requirements; amending RCW 5.40.050; adding new sections
4 to chapter 70.54 RCW; creating a new section; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds and declares that the
8 practices of body piercing and body art involve an invasive procedure
9 with the use of needles, single-use disposable sharps, reusable sharps,
10 instruments, and jewelry. These practices may be dangerous when
11 improperly sterilized, presenting a risk of infecting the client with
12 bloodborne pathogens including, but not limited to, HIV, hepatitis B,
13 and hepatitis C. It is in the interests of the public health, safety,
14 and welfare to establish requirements in the commercial practice of
15 body piercing in this state.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54 RCW
17 to read as follows:

1 The definitions in this section apply throughout sections 1, 3, and
2 4 of this act and RCW 5.40.050 unless the context clearly requires
3 otherwise.

4 (1) "Body art" means the practice of physical cosmetic body
5 adornment including the use of branding and scarification. "Body art"
6 also includes the intentional production of scars upon the body. "Body
7 art" does not include any health-related procedures performed by
8 licensed health practitioners under their scope of practice.

9 (2) "Body piercing" means the process of penetrating the skin or
10 mucous membrane for the purpose of insertion of an object, including
11 jewelry, for cosmetic purposes. "Body piercing" also includes any scar
12 tissue resulting from or relating to the piercing. "Body piercing"
13 does not include the use of stud and clasp piercing systems to pierce
14 the earlobe in accordance with the manufacturer's directions and
15 applicable United States food and drug administration requirements.
16 "Body piercing" does not include any health-related procedures
17 performed by licensed health practitioners under their scope of
18 practice.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.54 RCW
20 to read as follows:

21 The secretary of health shall adopt by rule requirements for
22 standard universal precautions, as recommended by the United States
23 centers for disease control and prevention, for preventing the spread
24 of disease and the sterilization of needles, single-use disposable
25 sharps, reusable sharps, instruments, and jewelry used by a person who
26 practices body piercing or body art.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.54 RCW
28 to read as follows:

29 (1) A person who practices body piercing or body art must comply
30 with the rules adopted by the department of health under section 3 of
31 this act.

32 (2) A violation of this section is a misdemeanor.

33 **Sec. 5.** RCW 5.40.050 and 2001 c 194 s 5 are each amended to read
34 as follows:

35 A breach of a duty imposed by statute, ordinance, or administrative

1 rule shall not be considered negligence per se, but may be considered
2 by the trier of fact as evidence of negligence; however, any breach of
3 duty as provided by statute, ordinance, or administrative rule relating
4 to electrical fire safety, the use of smoke alarms, sterilization of
5 needles and instruments used in tattooing or electrology as required
6 under RCW 70.54.350, standard universal precautions for preventing the
7 spread of disease and sterilization of needles, single-use disposable
8 sharps, reusable sharps, instruments, and jewelry used in body piercing
9 or body art as required under section 3 of this act, or driving while
10 under the influence of intoxicating liquor or any drug, shall be
11 considered negligence per se.

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