

HOUSE BILL REPORT

SHB 2162

As Passed House:
February 11, 2014

Title: An act relating to body art, body piercing, tattooing, and permanent cosmetics.

Brief Description: Concerning body art, body piercing, tattooing, and permanent cosmetics.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kirby and Moscoso).

Brief History:

Committee Activity:

Business & Financial Services: 1/22/14, 1/24/14 [DPS].

Floor Activity:

Passed House: 2/11/14, 71-27.

Brief Summary of Substitute Bill

- Creates a license for practitioners of permanent cosmetics.
- Establishes individual licensing requirements for practitioners of body art, body piercing, tattooing, and permanent cosmetics, including an examination.
- Allows the Department of Licensing to issue 30-day guest licenses to out-of-state practitioners.
- Establishes requirements for internship training programs and participating shops.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Kirby, Chair; Ryu, Vice Chair; Parker, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake, Fagan, Habib, Hawkins, Hudgins, G. Hunt, Kochmar, MacEwen, Santos and Stanford.

Staff: David Rubenstein (786-7153).

Background:

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.

Practitioners of body art, body piercing, and tattooing make generally permanent changes to the bodies of their clients for cosmetic purposes. Practitioners in these fields and shops or businesses providing such services are regulated by the Department of Licensing (DOL).

Licensing Requirements.

Applicants for licensing in body art, body piercing, and tattooing must:

- be over 18 years old;
- provide information requested by the DOL;
- provide certification of insurance and blood-borne pathogen training; and
- pay a fee.

There are two kinds of licenses: (1) shop or business; and (2) individual. Shop or business license applicants must also meet other requirements, such as providing toilet facilities and separating any residential areas. Individual applicants are not subject to special additional requirements.

No training other than blood-borne pathogen training is expressly required by statute or rule.

Permanent Cosmetics.

The DOL defines permanent cosmetics as the application of permanent eyeliner, eyebrows, lip liner, lip color, and repigmentation using tattooing techniques. Currently, practitioners of permanent cosmetics are licensed through the general tattooing, body piercing, and body art statute.

Summary of Substitute Bill:

"Permanent cosmetics" is defined as a technique that includes tattoos to resemble makeup, such as eyelining. Professional licensing procedures and requirements for permanent cosmetics are created in line with existing licensing procedures for practitioners of body art, body piercing, and tattooing.

In order to obtain an individual license for body art, body piercing, tattooing, and permanent cosmetics, the applicant must:

- be at least 18 years of age;
- complete an internship training program or have one year of experience in another jurisdiction;
- obtain a current blood-borne pathogen training certification;
- pass an examination by the DOL that measures the applicant's knowledge of safe and sanitary practices and may measure the applicant's knowledge of the law; and
- pay a license fee.

The requirement that the DOL cancel a non-renewed license and that the former licensee undergo a new licensing process is eliminated.

The DOL may issue 30-day guest licenses to practitioners meeting the requirements for licensure in Washington or proving licensure in good standing in another state or foreign country.

Shops or businesses participating in an internship training program must notify customers of their participation. Internship training programs approved by the DOL for body art, body piercing, tattooing, and permanent cosmetics are excluded from the law governing private vocational schools.

If a court determines that a licensee has failed to pay child support, or if a lending agency certifies that a licensee is in nonpayment or default on student loans, the DOL must suspend the license. Licensees are given an opportunity to challenge the suspension and may seek reinstatement.

The DOL is granted rule-making authority with respect to safety and sanitation standards, internship training programs, guest artists, and examinations.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill improves safety, quality of work, and experience of customers. It used to be that sellers of equipment for tattooing and permanent cosmetics would self-regulate, selling only to people who could demonstrate skill and training. However, easy access to the tools of the trade on the Internet has changed that. Education is paramount to ensuring safety and quality; unskilled hands lead to disease and dissatisfied customers. Internships for tattooing is not a new idea. There have long been internships with mentors taking responsibility for their students work, sometimes lasting years. The inclusion of internships in this bill will help keep that process in place.

Existing statutes have no definition or training requirements for permanent cosmetics. Regulation of body art, tattoos, and piercing met with some success, but there has been trouble with no clear definition of permanent cosmetics.

Lastly, the opportunity to create a guest license will allow short-term, inexpensive licenses for visitors at, for example, tattoo trade shows. As it stands, visitors must go through an expensive licensing process in order to perform their work. This bill will reduce the burden and draw talent to the state.

(Opposed) None.

Persons Testifying: Representative Ryu, prime sponsor; Susan Colard, Department of Licensing; Ann Martin, Northwest Aestheticians Guild; Denise Lawless, Gary Manuel Aveda Institute; Penny Rudy, Chrysalis Clinic of Permanent Cosmetics; Les Johnston, The Enemy Tattoo; Geisha Elsea, Leavenworth Tattoo and Piercing Haus; Ken (Doc) Elsea, Leavenworth Tattoo Haus.

Persons Signed In To Testify But Not Testifying: None.