
SUBSTITUTE SENATE BILL 5860

State of Washington

60th Legislature

2008 Regular Session

By Senate Labor, Commerce, Research & Development (originally sponsored by Senators Murray, Holmquist, Keiser, Kohl-Welles, and Clements)

READ FIRST TIME 02/08/08.

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 and 3
2 through 5 of this act and RCW 5.40.050 unless the context clearly
3 requires 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 (3) "Local health jurisdiction" means a county board of health
20 organized under chapter 70.05 RCW, a health district organized under
21 70.46 RCW, or a combined city-county health department organized under
22 chapter 70.08 RCW.

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

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

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

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

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

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.54 RCW
2 to read as follows:

3 Local health jurisdictions shall develop rules and procedures to
4 monitor body piercing and tattooing facilities within their
5 jurisdictions to determine compliance with licensing, safety, infection
6 control, and sterilization requirements imposed by statute or rule of
7 the state and local boards of health.

8 **Sec. 6.** RCW 5.40.050 and 2001 c 194 s 5 are each amended to read
9 as follows:

10 A breach of a duty imposed by statute, ordinance, or administrative
11 rule shall not be considered negligence per se, but may be considered
12 by the trier of fact as evidence of negligence; however, any breach of
13 duty as provided by statute, ordinance, or administrative rule relating
14 to electrical fire safety, the use of smoke alarms, sterilization of
15 needles and instruments used in tattooing or electrology as required
16 under RCW 70.54.350, standard universal precautions for preventing the
17 spread of disease and sterilization of needles, single-use disposable
18 sharps, reusable sharps, instruments, and jewelry used in body piercing
19 or body art as required under section 3 of this act, or driving while
20 under the influence of intoxicating liquor or any drug, shall be
21 considered negligence per se.

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