

Chapter 308-22 WAC

BODY ART, BODY PIERCING, AND TATTOOING RULES

WAC

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WAC 308-22-010 Definitions. For purposes of these rules, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

"Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

"Aseptic technique" means a procedure that prevents contamination of any object or person.

"Bloodborne pathogens" means microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

"Branding" means inducing a pattern of scar tissue by application of a heated material (usually metal) to the skin creating a serious burn which eventually results in a scar.

"Cleaning area" means an area, physically separated from all work stations or waiting areas, where contaminated tools or equipment are sanitized and disinfected.

"Department" means the department of licensing.

"Disinfect" or "disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

"Disinfectant" means a substance or solution, registered with the United States Environmental Protection Agency (EPA) that kills or inactivates viruses and pathogenic microorganisms, but not necessarily their spores.

"Event license" is a temporary location license to hold a body art, body piercing, or tattooing convention or event in the state of Washington. Event license holders must meet the same requirements for a location license as defined under RCW 18.300.010.

"FDA" means United States Food and Drug Administration.

"Gloves" mean single-use disposable medical grade gloves that are FDA approved.

"Hand sanitizer" means an alcohol-based sanitizer with a concentration of sixty percent to ninety-five percent ethanol or isopropanol.

"Jewelry" means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plas-

tic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

"Licensee" means a shop, business or individual licensed to practice body art, body piercing, or tattooing.

"Mobile unit" is a location license under this chapter where the practice of body art, body piercing, or tattooing is conducted in a mobile structure. Mobile units must conform to the health and safety standards as defined under chapter 18.300 RCW.

"Mucous membranes" line various body cavities that are exposed to the external environment and internal organs. They are at several places continuous with skin at the: Nostrils, lips, ears, genital area, and anus. The sticky, thick fluid secreted by the mucous membranes and glands is termed mucus. The term mucous membrane refers to where they are found in the body and not every mucous membrane secretes mucus.

"Permanent cosmetics" includes the application of permanent eyeliner, eyebrows, lip liner, full lip color, and repigmentation using tattooing techniques of placing pigment under the skin. It is a form of tattooing.

"Procedure" means a body art, body piercing, and tattooing procedure.

"Procedure area" means any surface of an inanimate object that contacts the client's skin during a procedure and all surfaces where instruments and supplies are placed during a procedure.

"Sanitize" means a procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

"Scarification" means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

"Sharps" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucous membrane including, but not limited to, pre-sterilized, single-use needles, scalpel blades, and razor blades.

"Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

"Single use" means products, instruments or items that are intended for one-time use and are disposed of after each use including, but not limited to, cotton swabs or balls, tissue or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and protective gloves.

"Sterilization" means a process that destroys all forms of microbial life, including highly resistant bacterial spores.

"Sterilizer" means an apparatus that is registered and listed with the FDA for destroying all forms of microbial life, including highly resistant bacterial spores.

"Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV) and other bloodborne pathogens.

"Work stations" means the area or room used for the purpose of performing body art, body piercing, or tattooing procedures.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-010, filed 7/1/10, effective 7/1/10.]

WAC 308-22-020 Standard universal precautions for preventing the spread of diseases by using sterilization procedures and infection control in body art, body piercing, and tattooing. Every licensee shall comply with the requirements established by the department of health under WAC 246-145-015, 246-145-050, and 246-145-060.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-020, filed 7/1/10, effective 7/1/10.]

WAC 308-22-040 Issuance of licenses—Requirements. Upon completion of an application and payment of the proper fee, the director shall issue the appropriate license to any person who:

- (1) Is at least eighteen years old or older. Minors are prohibited from working in tattoo studios or any occupation where there is a risk of exposure to fluids or transmission of infectious agents. WAC 296-125-030.
- (2) Provides proof of bloodborne pathogen certification. All bloodborne pathogen training courses must comply with OSHA 29 C.F.R. 1910.1030 standards.
- (3) No artist may apply a tattoo to any minor under the age of eighteen. RCW 26.28.085.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-040, filed 7/1/10, effective 7/1/10.]

WAC 308-22-050 Fees. The following fees shall be charged by the professional licensing division of the department of licensing. The department may require payment of fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve.

Title of Fee	Fee
Individual License:	
Tattoo	\$250
Body Art	\$250
Body Piercing	\$250
Permanent Cosmetics	\$250
Location License:	
Shop/Business	\$300
Mobile Unit	\$300
Event	\$300

Title of Fee	Fee
Individual License Renewal:	
Tattoo	\$250
Body Art	\$250
Body Piercing	\$250
Permanent Cosmetics	\$250
Location License Renewal:	
Shop/Business	\$300
Mobile Unit	\$300
Event	\$300
Individual License Late Renewal:	
Tattoo	\$350
Body Art	\$350
Body Piercing	\$350
Permanent Cosmetics	\$350
Location License Late Renewal:	
Shop/Business	\$400
Mobile Unit	\$400
Duplicate License	\$50

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-050, filed 7/1/10, effective 7/1/10.]

WAC 308-22-070 Requirements and standards—Minimum safety and sanitation standards for artists and shops, mobile units, and event locations.

(1) Every licensee shall maintain the following safety and sanitation standards:

- (a) Each location shall have a waiting area that is physically separated from the work stations and equipment cleaning area.
- (b) Locations that use only disposable equipment are exempt from having a separate equipment cleaning area.
- (c) The work stations and equipment cleaning area must be separated from living quarters by a floor to ceiling wall and closed doors during business hours.
- (d) All locations must have access to an equipment cleaning area with a sink available. Sinks must have hot and cold running water. Sinks in equipment cleaning areas are to be used for disinfecting supplies, tools, equipment, and other materials. These sinks must be labeled "not for public use."
- (e) All locations must have access to a separate hand washing sink, with hot and cold running water, for public use. Sinks must be supplied with single-use hand soap and disposable towels or an air dryer.
- (f) Creams and lotions must be dispensed using a disposable or sanitized and disinfected applicator.
- (g) After restroom use and before providing services to clients, licensees must wash hands with single-use soap and/or hand sanitizer and use disposable or single-use hand-drying towels or an air dryer.
- (h) Waste containers must be emptied, sanitized, and disinfected daily.
- (i) All locations shall be kept free of rodents and vermin and protected from infestation by insects.

(2) **Work stations.**

- (a) No two workstations should overlap or share workspace.
- (b) Each workstation must have a sealable, rigid, puncture-proof sharps container. Each container must be labeled with the international biohazard symbol.

(3) **Client records.** The shop/business must keep a record of all customers receiving services. Those records must include, but are not limited to:

- (a) Customer's name, age, and address;
- (b) Date of the procedure;
- (c) Body art, body piercing, or tattoo practitioner's name;
- (d) Location of and type of procedure;
- (e) Customer signature;
- (f) Client records must be retained for a minimum of two years and made available upon request by department personnel.

(4) **Articles in contact with a client.**

(a) All items, which come in direct contact with the client's skin that do not require disinfecting, must be sanitized.

(b) All articles, which come in direct contact with the client's skin that cannot be sanitized and disinfected, must be disposed of in a covered waste receptacle immediately after use.

(c) Disposable protective gloves must be disposed of upon removal.

(d) Liquids must be dispensed with a squeeze bottle or pump.

(5) **Refuse and waste material.**

(a) All chemical, flammable, toxic or otherwise harmful waste material must be deposited in a hands free covered waste receptacle and disposed of properly at the close of each business day.

(b) All nonchemical waste related to the performance of services must be deposited in a hands free covered waste receptacle to avoid the potential for cross contamination through release of or exposure to infectious waste materials.

(c) Containers located in the reception or office area, which do not contain waste relating to the performance of services, are exempt from having covers.

(6) **Disinfecting electrical tools and implements.** Electrical tools and implements must be disinfected after service on each client in the following order:

- (a) Remove any foreign matter or debris;
- (b) Disinfect with an EPA hospital grade disinfectant.

(7) **Storage of tools and implements.**

(a) New and/or sanitized and disinfected tools and implements must be stored separately from all others.

(b) Roller storage receptacles and contents must be sanitized and disinfected and free of foreign material.

(c) Storage cabinets, work stations, and storage drawers for sanitized and disinfected tools and implements must be clean, free of debris, and used only for sanitized and disinfected tools and implements.

(d) All used nondisposable tools and implements must be kept in a separate, puncture resistant container.

(8) **Floors, walls, and other surfaces.**

(a) All floors in work station areas must be made of a smooth, durable, nonabsorbent, nonporous material that is easily cleanable and can be maintained in a sanitary manner at all times.

(b) All other floors and floor coverings that are not in work station areas must be kept clean and in good repair or replaced so that they do not become a hazard to safety or health.

(c) All surfaces, including counters, tables, and client chairs, shall be made of smooth, nonabsorbent, and nonpo-

rous material that is easily cleanable and can be maintained in a sanitary manner at all times.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-070, filed 7/1/10, effective 7/1/10.]