

HOUSE BILL No. 6058

September 16, 1992, Introduced by Rep. Bennane and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding part 131.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding part 131 to read as follows:

4 PART 131. TATTOO PARLORS

5 SEC. 13101. AS USED IN THIS PART:

6 (A) "SMOKING" MEANS THAT TERM AS DEFINED IN SECTION 12601.

7 (B) "TATTOO FACILITY" MEANS THE GEOGRAPHIC LOCATION AT WHICH
8 AN INDIVIDUAL DOES EITHER OF THE FOLLOWING FOR COMPENSATION:

1 (i) PLACES AN INDELIBLE MARK UPON THE BODY OF ANOTHER
2 INDIVIDUAL BY THE INSERTION OF A PIGMENT UNDER THE SKIN.

3 (ii) PLACES AN INDELIBLE DESIGN UPON THE BODY OF ANOTHER
4 INDIVIDUAL BY PRODUCTION OF SCARS.

5 SEC. 13102. (1) AN INDIVIDUAL SHALL NOT TATTOO ANOTHER
6 INDIVIDUAL UNLESS EACH OF THE FOLLOWING CONDITIONS IS MET:

7 (A) THE TATTOOING OCCURS AT A TATTOO FACILITY LICENSED UNDER
8 THIS ACT.

9 (B) THE INDIVIDUAL RECEIVING THE TATTOO IS 18 YEARS OF AGE
10 OR OLDER.

11 (2) THE OWNER OR OPERATOR OF A TATTOO FACILITY MAY APPLY TO
12 THE DEPARTMENT FOR A TATTOO FACILITY LICENSE UNDER THIS PART ON A
13 FORM PROVIDED BY THE DEPARTMENT, AND AT THE TIME OF APPLICATION
14 SHALL PAY TO THE DEPARTMENT A FEE OF \$50.00. IF THE DEPARTMENT
15 DETERMINES THAT THE APPLICATION IS COMPLETE AND THE TATTOO FACIL-
16 ITY PROPOSED OR OPERATED BY THE APPLICANT MEETS THE REQUIREMENTS
17 OF THIS PART, THE DEPARTMENT SHALL ISSUE A LICENSE TO THE APPLI-
18 CANT FOR THE OPERATION OF THAT TATTOO FACILITY. THE LICENSE
19 SHALL BE EFFECTIVE FOR A TIME PERIOD PRESCRIBED BY RULE OF THE
20 DEPARTMENT.

21 SEC. 13103. (1) BEFORE ISSUING A LICENSE TO AN APPLICANT
22 UNDER THIS PART, THE DEPARTMENT SHALL INSPECT THE PREMISES OF THE
23 TATTOO FACILITY THAT IS THE SUBJECT OF THE APPLICATION.

24 (2) THE DEPARTMENT SHALL PERIODICALLY INSPECT EACH TATTOO
25 FACILITY LICENSED UNDER THIS PART TO ENSURE COMPLIANCE WITH THIS
26 PART.

1 SEC. 13104. THE OWNER OR OPERATOR OF A TATTOO FACILITY
2 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR
3 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE
4 EXPIRES, AND PAY TO THE DEPARTMENT A RENEWAL FEE OF \$50.00. THE
5 DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT IS IN COMPLI-
6 ANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS PART.

7 SEC. 13105. A PERSON WHO OWNS OR OPERATES A TATTOO FACILITY
8 LICENSED UNDER THIS PART SHALL DO EACH OF THE FOLLOWING:

9 (A) DISPLAY THE LICENSE ISSUED UNDER THIS PART IN A CONSPIC-
10 UOUS PLACE WITHIN THE CUSTOMER AREA OF THE TATTOO FACILITY.

11 (B) ENSURE THAT THE TATTOO FACILITY IS IN COMPLIANCE WITH
12 PART 138 AND WITH RULES PROMULGATED UNDER THAT PART.

13 (C) ENSURE THAT AN INDIVIDUAL ENGAGED IN TATTOOING IN THE
14 TATTOO FACILITY WEARS DISPOSABLE GLOVES APPROVED BY THE DEPART-
15 MENT WHEN TATTOOING OR CLEANING TATTOOING INSTRUMENTS.

16 (D) PROHIBIT SMOKING WITHIN THE TATTOO FACILITY.

17 (E) PROVIDE EACH CUSTOMER WITH A WRITTEN INFORMATION SHEET
18 APPROVED BY THE DEPARTMENT THAT PROVIDES INSTRUCTIONS ON TATTOO
19 CARE, AND INCLUDES A RECOMMENDATION THAT A PERSON SEEK MEDICAL
20 ATTENTION IF THE TATTOO SITE BECOMES INFECTED OR PAINFUL, OR IF
21 THE PERSON DEVELOPS A FEVER SOON AFTER BEING TATTOOED.

22 SEC. 13106. (1) THE DEPARTMENT SHALL DO EACH OF THE
23 FOLLOWING:

24 (A) ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS
25 PART.

1 (B) PROMULGATE RULES NECESSARY TO IMPLEMENT THIS PART,
2 INCLUDING, BUT NOT LIMITED TO, RULES GOVERNING EACH OF THE
3 FOLLOWING:

4 (i) TATTOO FACILITY DESIGN AND CONSTRUCTION.

5 (ii) TATTOO EQUIPMENT STANDARDS, INCLUDING, BUT NOT LIMITED
6 TO, CLEANING AND STERILIZATION REQUIREMENTS.

7 (iii) INSPECTION OF TATTOO FACILITIES.

8 (2) THE DEPARTMENT MAY DO EACH OF THE FOLLOWING:

9 (A) APPOINT AN ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT
10 IN RULE DEVELOPMENT UNDER THIS PART.

11 (B) SUSPEND, REVOKE, OR DENY A LICENSE OR LICENSE RENEWAL
12 UNDER THIS PART.

13 (C) PURSUANT TO SECTION 2235, AUTHORIZE A LOCAL HEALTH
14 DEPARTMENT TO ENFORCE THIS PART AND THE RULES PROMULGATED UNDER
15 THIS PART.

16 (3) A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS
17 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL ENFORCE THIS
18 PART AND THE RULES PROMULGATED UNDER THIS PART PURSUANT TO SEC-
19 TIONS 2461(2) AND 2462. A LOCAL HEALTH DEPARTMENT MAY ADDITION-
20 ALLY ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART
21 THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY OTHER
22 APPROPRIATE ACTION AUTHORIZED BY LAW.

23 (4) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION AUTHORIZED
24 BY LAW, A PERSON ALLEGING A VIOLATION OF THIS PART MAY BRING A
25 CIVIL ACTION FOR APPROPRIATE INJUNCTIVE RELIEF.

26 SEC. 13107. A PERSON WHO VIOLATES THIS PART OR A RULE
27 PROMULGATED UNDER THIS PART IS GUILTY OF A MISDEMEANOR,

1 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A FINE
2 OF NOT MORE THAN \$100.00, OR BOTH, FOR EACH VIOLATION.