

HOUSE BILL No. 6078

September 16, 1992, Introduced by Reps. Randall, Bender, Dolan, Middaugh, Dalman and Gnodtke 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, "TATTOO FACILITY" MEANS
6 THE GEOGRAPHIC LOCATION AT WHICH AN INDIVIDUAL DOES EITHER OF THE
7 FOLLOWING FOR COMPENSATION:

8 (A) PLACES AN INDELIBLE MARK UPON THE BODY OF ANOTHER
9 INDIVIDUAL BY THE INSERTION OF A PIGMENT UNDER THE SKIN.

1 (B) PLACES AN INDELIBLE DESIGN UPON THE BODY OF ANOTHER
2 INDIVIDUAL BY PRODUCTION OF SCARS.

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

5 (A) THE TATTOOING OCCURS AT A TATTOO FACILITY LICENSED UNDER
6 THIS ACT.

7 (B) THE INDIVIDUAL RECEIVING THE TATTOO IS 18 YEARS OF AGE
8 OR OLDER.

9 (2) THE OWNER OR OPERATOR OF A TATTOO FACILITY SHALL APPLY
10 TO THE DEPARTMENT FOR A TATTOO FACILITY LICENSE UNDER THIS PART
11 ON A FORM PROVIDED BY THE DEPARTMENT, AND AT THE TIME OF APPLICA-
12 TION SHALL PAY TO THE DEPARTMENT A FEE OF \$50.00. IF THE DEPART-
13 MENT DETERMINES THAT THE APPLICATION IS COMPLETE AND THE TATTOO
14 FACILITY PROPOSED OR OPERATED BY THE APPLICANT MEETS THE REQUIRE-
15 MENTS OF THIS PART, THE DEPARTMENT SHALL ISSUE A LICENSE TO THE
16 APPLICANT FOR THE OPERATION OF THAT TATTOO FACILITY. THE LICENSE
17 SHALL BE EFFECTIVE FOR A TIME PERIOD PRESCRIBED BY RULE OF THE
18 DEPARTMENT.

19 SEC. 13103. (1) BEFORE ISSUING A LICENSE TO AN APPLICANT
20 UNDER THIS PART, THE DEPARTMENT SHALL INSPECT THE PREMISES OF THE
21 TATTOO FACILITY THAT IS THE SUBJECT OF THE APPLICATION, AND
22 VERIFY EACH OF THE FOLLOWING:

23 (A) THAT EACH HORIZONTAL SURFACE OF A TATTOOING AREA AND A
24 TATTOO EQUIPMENT CLEANING AREA IS CONSTRUCTED OF A NONPOROUS
25 MATERIAL.

26 (B) THAT EACH TATTOOING AREA AND TATTOO EQUIPMENT CLEANING
27 AREA IS WELL LIT.

1 (C) THAT EACH TATTOO FACILITY CONTAINS AT LEAST 1 SINK FOR
2 TATTOO EQUIPMENT CLEANING AND A SEPARATE SINK FOR EACH TATTOOING
3 AREA WITHIN THE TATTOO FACILITY.

4 (2) THE DEPARTMENT SHALL PERIODICALLY INSPECT EACH TATTOO
5 FACILITY LICENSED UNDER THIS PART TO ENSURE COMPLIANCE WITH THIS
6 PART.

7 SEC. 13104. THE OWNER OR OPERATOR OF A TATTOO FACILITY
8 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR
9 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE
10 EXPIRES, AND PAY TO THE DEPARTMENT A RENEWAL FEE OF \$50.00. THE
11 DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT IS IN COMPLI-
12 ANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS PART.

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

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

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

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

22 (D) PROVIDE EACH CUSTOMER WITH A WRITTEN INFORMATION SHEET
23 APPROVED BY THE DEPARTMENT THAT PROVIDES INSTRUCTIONS ON TATTOO
24 CARE, AND INCLUDES A RECOMMENDATION THAT AN INDIVIDUAL SEEK MEDI-
25 CAL ATTENTION IF THE TATTOO SITE BECOMES INFECTED OR PAINFUL, OR
26 IF THE INDIVIDUAL DEVELOPS A FEVER SOON AFTER BEING TATTOOED.

1 (E) ENSURE THAT EACH NEEDLE AND EACH NEEDLE TUBE INTENDED
2 FOR USE IN A TATTOO PROCEDURE MEET ALL OF THE FOLLOWING
3 REQUIREMENTS:

4 (i) IS PLACED IN A DISINFECTANT SOLUTION FOR AT LEAST 10
5 MINUTES BEFORE USE, OR IS DISINFECTED IN THE MANNER SPECIFIED BY
6 THE NEEDLE OR NEEDLE TUBE MANUFACTURER AND APPROVED BY THE
7 DEPARTMENT.

8 (ii) IS RINSED AND CLEANED FOLLOWING DISINFECTING.

9 (iii) IS STERILIZED BY AUTOCLAVE FOR 30 MINUTES AT 15 TO 20
10 POUNDS OF PRESSURE AT 255 DEGREES FAHRENHEIT OR BY DRY HEATING AT
11 320 DEGREES FAHRENHEIT FOR 2 HOURS OR 340 DEGREES FAHRENHEIT FOR
12 1 HOUR.

13 (iv) IS MAINTAINED IN A STERILE ENVIRONMENT AFTER STERILIZA-
14 TION UNTIL USED.

15 (F) TEST TEMPERATURES DURING THE PROCESSES DESCRIBED IN SUB-
16 DIVISION (E)(iii) BY USING A REGISTERED TAPE, AND IF AN AUTOCLAVE
17 IS EMPLOYED, RETAIN AN AUTOCLAVE TESTING ESTABLISHMENT APPROVED
18 BY THE DEPARTMENT TO INSPECT THAT AUTOCLAVE MONTHLY, AND FORWARD
19 A COPY OF EACH TEST RESULT TO THE DEPARTMENT.

20 SEC. 13106. (1) THE DEPARTMENT SHALL DO EACH OF THE
21 FOLLOWING:

22 (A) ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS
23 PART.

24 (B) SUBJECT TO SECTION 13105(E) AND (F), PROMULGATE RULES
25 NECESSARY TO IMPLEMENT THIS PART, INCLUDING, BUT NOT LIMITED TO,
26 RULES GOVERNING EACH OF THE FOLLOWING:

1 (i) TATTOO FACILITY DESIGN AND CONSTRUCTION.

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

4 (iii) INSPECTION OF TATTOO FACILITIES.

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

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

8 (B) SUSPEND, REVOKE, OR DENY A LICENSE OR LICENSE RENEWAL
9 UNDER THIS PART FOR A VIOLATION OF THIS PART OR A RULE PROMUL-
10 GATED UNDER THIS PART.

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

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

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