



HOUSE BILL No. 4253

February 11, 1993, Introduced by Reps. Bennane, DeMars, Dolan and Pitoniak 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:

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

PART 131. TATTOO PARLORS

SEC. 13101. AS USED IN THIS PART:

(A) "BODY PIERCING" MEANS THE PERFORATION OF HUMAN TISSUE,
OTHER THAN THE PERFORATION OF AN EAR OR NOSE, FOR A NONMEDICAL
PURPOSE.

1 (B) "COMMUNICABLE DISEASE" MEANS THAT TERM AS DEFINED IN
2 SECTION 5101.

3 (C) "SMOKING" MEANS THAT TERM AS DEFINED IN SECTION 12601.

4 (D) "TATTOO FACILITY" MEANS THE GEOGRAPHIC LOCATION AT WHICH
5 AN INDIVIDUAL DOES ANY OF THE FOLLOWING FOR COMPENSATION:

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

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

10 SEC. 13102. (1) AN INDIVIDUAL SHALL NOT TATTOO OR ENGAGE IN
11 THE BODY PIERCING OF ANOTHER INDIVIDUAL UNLESS EACH OF THE FOLLOWING
12 CONDITIONS IS MET:

13 (A) THE TATTOOING OR BODY PIERCING OCCURS AT A TATTOO FACILITY
14 LICENSED UNDER THIS ACT.

15 (B) THE INDIVIDUAL RECEIVING THE TATTOO OR BODY PIERCING IS
16 18 YEARS OF AGE OR OLDER.

17 (2) THE OWNER OR OPERATOR OF A TATTOO FACILITY MAY APPLY TO
18 THE DEPARTMENT FOR A TATTOO FACILITY LICENSE UNDER THIS PART ON A
19 FORM PROVIDED BY THE DEPARTMENT, AND AT THE TIME OF APPLICATION
20 SHALL PAY TO THE DEPARTMENT A FEE DESCRIBED IN SUBSECTION (3).
21 IF THE DEPARTMENT DETERMINES THAT THE APPLICATION IS COMPLETE AND
22 THE TATTOO FACILITY PROPOSED OR OPERATED BY THE APPLICANT MEETS
23 THE REQUIREMENTS OF THIS PART, THE DEPARTMENT SHALL ISSUE A
24 LICENSE TO THE APPLICANT FOR THE OPERATION OF THAT TATTOO
25 FACILITY.

1 (3) SUBJECT TO SECTION 13106, THE OWNER OR OPERATOR OF A
2 TATTOO FACILITY SHALL PAY 1 OF THE FOLLOWING FEES AT THE TIME OF
3 APPLICATION FOR A TATTOO FACILITY LICENSE:

4 (A) FOR AN INITIAL ANNUAL LICENSE.....\$250.00.

5 (B) FOR A 1-YEAR RENEWAL OF AN ANNUAL LICENSE.....\$200.00.

6 (C) FOR A LICENSE TO OPERATE A TATTOO FACILITY AT A
7 FIXED LOCATION FOR NOT MORE THAN A 2-WEEK PERIOD.....\$ 50.00.

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

11 (2) THE DEPARTMENT SHALL PERIODICALLY INSPECT EACH TATTOO
12 FACILITY LICENSED UNDER THIS PART TO ENSURE COMPLIANCE WITH THIS
13 PART.

14 SEC. 13104. THE OWNER OR OPERATOR OF A TATTOO FACILITY
15 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR
16 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE
17 EXPIRES, AND PAY TO THE DEPARTMENT A RENEWAL FEE OF \$50.00. THE
18 DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT IS IN COMPLI-
19 ANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS PART.

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

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

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

1 (C) ENSURE THAT AN INDIVIDUAL ENGAGED IN TATTOOING IN THE
2 TATTOO FACILITY WEARS DISPOSABLE GLOVES APPROVED BY THE
3 DEPARTMENT WHEN TATTOOING OR CLEANING TATTOOING INSTRUMENTS.

4 (D) PROHIBIT SMOKING WITHIN THE TATTOO FACILITY.

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

10 (F) FOR EACH PERSON TATTOOED OR SUBJECT TO BODY PIERCING,
11 MAINTAIN AND MAKE AVAILABLE TO THE DEPARTMENT AND A LOCAL HEALTH
12 DEPARTMENT ACTING PURSUANT TO SECTION 13106, RECORDS OF EACH OF
13 THE FOLLOWING:

14 (i) THE PERSON'S NAME, ADDRESS, AGE, AND SIGNATURE.

15 (ii) THE DATE OF THE TATTOO OR BODY PIERCING.

16 (iii) THE DESIGN OF THE TATTOO OR BODY PIERCING, AND ITS
17 LOCATION ON THE PERSON'S BODY.

18 (iv) THE IDENTITY OF THE PERSON PERFORMING THE TATTOOING OR
19 BODY PIERCING.

20 (G) NOTIFY THE DEPARTMENT OR LOCAL HEALTH DEPARTMENT ACTING
21 PURSUANT TO SECTION 13106 THAT A TATTOOED OR BODILY PIERCED
22 PERSON IS INFECTED WITH A COMMUNICABLE DISEASE WITHIN 24 HOURS
23 AFTER RECEIVING NOTICE OF THE INFECTION.

24 SEC. 13106. (1) THE DEPARTMENT SHALL DO EACH OF THE
25 FOLLOWING:

26 (A) ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS
27 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 (iv) DYE STANDARDS.

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

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

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

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

17 (3) A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS
18 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL ENFORCE THIS
19 PART AND THE RULES PROMULGATED UNDER THIS PART PURSUANT TO SEC-
20 TIONS 2461(2) AND 2462. A LOCAL HEALTH DEPARTMENT MAY ADDITION-
21 ALLY ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART
22 THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY OTHER
23 APPROPRIATE ACTION AUTHORIZED BY LAW. A LOCAL HEALTH DEPARTMENT
24 THAT IS IN COMPLIANCE WITH SECTION 2235 MAY IMPOSE A LICENSE
25 APPLICATION FEE IN LIEU OF THE FEES DESCRIBED IN
26 SECTION 13102(3).

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

4 SEC. 13107. A PERSON WHO VIOLATES THIS PART OR A RULE
5 PROMULGATED UNDER THIS PART IS GUILTY OF A MISDEMEANOR, PUNISH-
6 ABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A FINE OF NOT
7 MORE THAN \$100.00, OR BOTH, FOR EACH VIOLATION.