



# HOUSE BILL No. 4655

April 22, 1993, Introduced by Reps. Randall, Pitoniak, Bryant, McBryde, Shugars, DeLange and McNutt 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:

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

3 (B) 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 SHALL APPLY  
12 TO THE DEPARTMENT FOR A TATTOO FACILITY LICENSE UNDER THIS PART  
13 ON A FORM PROVIDED BY THE DEPARTMENT, AND AT THE TIME OF APPLICA-  
14 TION SHALL PAY TO THE DEPARTMENT A FEE DESCRIBED IN SUBSECTION  
15 (3). IF THE DEPARTMENT DETERMINES THAT THE APPLICATION IS COM-  
16 PLETE AND THE TATTOO FACILITY PROPOSED OR OPERATED BY THE APPLI-  
17 CANT MEETS THE REQUIREMENTS OF THIS PART, THE DEPARTMENT SHALL  
18 ISSUE A LICENSE TO THE APPLICANT FOR THE OPERATION OF THAT TATTOO  
19 FACILITY. THE LICENSE SHALL BE EFFECTIVE FOR A TIME PERIOD PRE-  
20 SCRIBED BY RULE OF THE DEPARTMENT.

21 (3) THE DEPARTMENT SHALL CHARGE EACH TATTOO FACILITY LICENSE  
22 APPLICANT A FEE THAT IS NOT GREATER THAN THE REASONABLE COST OF  
23 PROVIDING A TATTOO FACILITY WITH THOSE DEPARTMENT SERVICES  
24 DESCRIBED IN SECTION 13103.

25 SEC. 13103. (1) BEFORE ISSUING A LICENSE TO AN APPLICANT  
26 UNDER THIS PART, THE DEPARTMENT SHALL INSPECT THE PREMISES OF THE

1 TATTOO FACILITY THAT IS THE SUBJECT OF THE APPLICATION, AND  
2 VERIFY EACH OF THE FOLLOWING:

3 (A) THAT EACH HORIZONTAL SURFACE OF A TATTOOING AREA AND A  
4 TATTOO EQUIPMENT CLEANING AREA IS CONSTRUCTED OF A SMOOTH, EASILY  
5 CLEANABLE, NONPOROUS, AND DURABLE MATERIAL APPROVED BY THE  
6 DEPARTMENT.

7 (B) THAT EACH TATTOOING AREA AND TATTOO EQUIPMENT CLEANING  
8 AREA IS ILLUMINATED BY 1 OR MORE SOURCES OF LIGHT TOTALING 50 OR  
9 MORE FOOT CANDLES.

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

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

16 SEC. 13104. THE OWNER OR OPERATOR OF A TATTOO FACILITY  
17 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR  
18 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE  
19 EXPIRES, AND PAY TO THE DEPARTMENT A RENEWAL FEE OF \$50.00. THE  
20 DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT IS IN COMPLI-  
21 ANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS PART. IF AN  
22 APPLICANT FOR LICENSE RENEWAL IS NOT IN COMPLIANCE WITH THIS PART  
23 OR A RULE PROMULGATED UNDER THIS PART AT THE TIME OF APPLICATION,  
24 AND THE DEPARTMENT DETERMINES THAT THE APPLICANT'S NONCOMPLIANCE  
25 IS NOT A THREAT TO PUBLIC HEALTH OR SAFETY, THE DEPARTMENT MAY  
26 ISSUE TO THAT PERSON A PROVISIONAL LICENSE FOR A PERIOD OF NOT  
27 MORE THAN 60 DAYS UPON RECEIPT OF PAYMENT OF A FEE THAT IS NOT

1 MORE THAN THE REASONABLE COST OF PROVIDING DEPARTMENT SERVICES  
2 DESCRIBED IN SECTION 13103 FOR THE 60-DAY PERIOD. IF THE APPLI-  
3 CANT FAILS TO ACHIEVE COMPLIANCE WITH THIS PART OR A RULE PROMUL-  
4 GATED UNDER THIS PART BEFORE EXPIRATION OF THE PROVISIONAL  
5 LICENSE, THE DEPARTMENT SHALL NOT ISSUE TO THAT PERSON A RENEWAL  
6 LICENSE.

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 DOES BOTH OF THE FOLLOWING WHEN TATTOOING OR  
15 CLEANING TATTOOING INSTRUMENTS:

16 (i) WEARS DISPOSABLE GLOVES APPROVED BY THE DEPARTMENT.

17 (ii) COMPLIES WITH THOSE BLOODBORNE PATHOGEN RULES DESCRIBED  
18 IN 29 C.F.R. 1910.1030.

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

24 (E) ENSURE THAT EACH NEEDLE AND EACH NEEDLE TUBE INTENDED  
25 FOR USE IN A TATTOO PROCEDURE MEET ALL OF THE FOLLOWING  
26 REQUIREMENTS:

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

5 (ii) IS RINSED AND CLEANED FOLLOWING DISINFECTING.

6 (iii) IS STERILIZED BY AUTOCLAVE FOR 30 MINUTES AT 15 TO 20  
7 POUNDS OF PRESSURE AT 255 DEGREES FAHRENHEIT OR BY DRY HEATING AT  
8 320 DEGREES FAHRENHEIT FOR 2 HOURS OR 340 DEGREES FAHRENHEIT FOR  
9 1 HOUR.

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

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

17 (G) ENSURE THAT EACH WORK SURFACE IS CLEANED IMMEDIATELY  
18 AFTER USE WITH A TUBERCULOCIDAL DISINFECTANT APPROVED BY THE  
19 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.