

Act No. 223
Public Acts of 1996
Approved by the Governor
May 24, 1996
Filed with the Secretary of State
May 28, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Dingell, Shugars and Byrum

ENROLLED SENATE BILL No. 51

AN ACT to amend Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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 an ear for a nonmedical purpose.
- (b) "Branding" means a permanent mark made on human tissue by burning with a hot iron or other instrument.
- (c) "Controlled substance" means that term as defined in section 7104.
- (d) "Minor" means an individual under 18 years of age who is not emancipated under section 4 of Act No. 293 of the Public Acts of 1968, being section 722.4 of the Michigan Compiled Laws.
- (e) "Tattoo" means 1 or more of the following:
 - (i) An indelible mark made upon the body of another individual by the insertion of a pigment under the skin.
 - (ii) An indelible design made upon the body of another individual by production of scars other than by branding.

Sec. 13102. (1) An individual shall not tattoo, brand, or perform body-piercing on a minor unless the individual obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written, informed consent required under this subsection in the presence of the individual performing the tattooing, branding, or body-piercing on the minor or in the presence of an employee or agent of that individual. For purposes of this section, "minor" does not include a minor who is emancipated pursuant to section 4 of Act No. 293 of the Public Acts of 1968, being section 722.4 of the Michigan Compiled Laws.

(2) An individual shall not tattoo, brand, or perform body-piercing on another individual if the other individual is under the influence of intoxicating liquor or a controlled substance.

Sec. 13103. (1) A person who violates section 13102 is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both, for each violation.

(2) A person who violates section 13102 is liable in a civil action for actual damages or \$1,000.00, whichever is greater, plus reasonable court costs and attorney fees.

Section 2. This amendatory act shall take effect September 1, 1996.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.