



# HOUSE BILL No. 5234

October 11, 1995, Introduced by Reps. Bennane, Anthony, DeMars, Stallworth, Hanley, Cherry and Pitoniak and referred to the Committee on Health Policy.

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

8 (B) "COMMUNICABLE DISEASE" MEANS THAT TERM AS DEFINED IN  
9 SECTION 5101.

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

2 (D) "TATTOO FACILITY" MEANS THE GEOGRAPHIC LOCATION AT WHICH  
3 AN INDIVIDUAL DOES 1 OR MORE OF THE FOLLOWING FOR COMPENSATION:

4 (i) PLACES AN INDELIBLE MARK UPON THE BODY OF ANOTHER INDI-  
5 VIDUAL BY THE INSERTION OF A PIGMENT UNDER THE SKIN.

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

8 (iii) PERFORMS BODY-PIERCING.

9 SEC. 13102. (1) AFTER THE EFFECTIVE DATE OF THE RULES  
10 PROMULGATED UNDER SECTION 13106, AN INDIVIDUAL SHALL NOT TATTOO  
11 OR PERFORM BODY-PIERCING ON ANOTHER INDIVIDUAL UNLESS EACH OF THE  
12 FOLLOWING CONDITIONS IS MET:

13 (A) THE TATTOOING OR BODY-PIERCING OCCURS AT A TATTOO FACIL-  
14 ITY LICENSED UNDER THIS PART.

15 (B) THE INDIVIDUAL RECEIVING THE TATTOO OR HAVING  
16 BODY-PIERCING PERFORMED IS 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 THE APPROPRIATE FEE UNDER SUBSECTION  
21 (3). IF THE DEPARTMENT DETERMINES THAT THE APPLICATION IS COM-  
22 PLETE AND THE TATTOO FACILITY PROPOSED OR OPERATED BY THE APPLI-  
23 CANT MEETS THE REQUIREMENTS OF THIS PART AND THE RULES PROMUL-  
24 GATED UNDER THIS PART, THE DEPARTMENT SHALL ISSUE A LICENSE TO  
25 THE APPLICANT FOR THE OPERATION OF THAT TATTOO FACILITY. THE  
26 LICENSE SHALL BE EFFECTIVE FOR A TIME PERIOD PRESCRIBED BY RULE  
27 OF THE DEPARTMENT.

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 TEMPORARY LICENSE TO OPERATE A TATTOO  
7 FACILITY AT A FIXED LOCATION FOR NOT MORE THAN A 2-WEEK  
8 PERIOD.....\$ 50.00.

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

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

15 (3) THE DEPARTMENT SHALL ISSUE A LICENSE UNDER THIS PART TO  
16 A SPECIFIC PERSON FOR A TATTOO FACILITY AT A SPECIFIC LOCATION.  
17 A LICENSE ISSUED UNDER THIS PART IS NONTRANSFERABLE.

18 SEC. 13104. THE OWNER OR OPERATOR OF A TATTOO FACILITY  
19 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR  
20 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE  
21 EXPIRES. UPON PAYMENT OF THE RENEWAL FEE PRESCRIBED BY SECTION  
22 13102(3), THE DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT  
23 IS IN COMPLIANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS  
24 PART.

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

1 (A) DISPLAY THE LICENSE ISSUED UNDER THIS PART IN A  
2 CONSPICUOUS PLACE WITHIN THE CUSTOMER SERVICE AREA OF THE TATTOO  
3 FACILITY.

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

6 (C) ENSURE THAT AN INDIVIDUAL ENGAGED IN TATTOOING IN THE  
7 TATTOO FACILITY WEARS DISPOSABLE GLOVES APPROVED BY THE DEPART-  
8 MENT WHEN TATTOOING OR CLEANING TATTOOING INSTRUMENTS AND WHEN  
9 PERFORMING BODY-PIERCING OR CLEANING BODY-PIERCING INSTRUMENTS.

10 (D) MAINTAIN A PERMANENT RECORD OF EACH INDIVIDUAL WHO HAS  
11 BEEN TATTOOED OR WHO HAS HAD BODY-PIERCING PERFORMED AT THE  
12 TATTOO FACILITY, AND MAKE THE RECORDS AVAILABLE FOR INSPECTION BY  
13 THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT. THE RECORD SHALL  
14 INCLUDE, AT A MINIMUM, THE INDIVIDUAL'S NAME, ADDRESS, AGE, AND  
15 SIGNATURE, THE DATE, THE DESIGN AND LOCATION OF THE TATTOOING OR  
16 BODY-PIERCING, AND THE NAME OF THE INDIVIDUAL PERFORMING THE TAT-  
17 TOOING OR BODY-PIERCING.

18 (E) PROHIBIT SMOKING WITHIN THE TATTOO FACILITY.

19 (F) PROVIDE EACH CUSTOMER WITH A WRITTEN INFORMATION SHEET  
20 APPROVED BY THE DEPARTMENT THAT PROVIDES INSTRUCTIONS ON TATTOO  
21 SITE AND BODY-PIERCING SITE CARE, AND THAT INCLUDES A RECOMMENDA-  
22 TION THAT A PERSON SEEK MEDICAL ATTENTION IF THE TATTOO SITE OR  
23 BODY-PIERCING SITE BECOMES INFECTED OR PAINFUL, OR IF THE PERSON  
24 DEVELOPS A FEVER SOON AFTER BEING TATTOOED OR HAVING  
25 BODY-PIERCING PERFORMED.

26 (G) WITHIN 24 HOURS OF BECOMING AWARE THAT AN INDIVIDUAL  
27 TATTOOED OR BODY-PIERCED AT THE TATTOO FACILITY IS INFECTED WITH

1 A COMMUNICABLE DISEASE, NOTIFY THE DEPARTMENT OR A LOCAL HEALTH  
2 DEPARTMENT.

3 SEC. 13106. (1) THE DEPARTMENT SHALL DO EACH OF THE  
4 FOLLOWING:

5 (A) ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS  
6 PART.

7 (B) PROMULGATE RULES NECESSARY TO IMPLEMENT THIS PART,  
8 INCLUDING, BUT NOT LIMITED TO, RULES GOVERNING EACH OF THE  
9 FOLLOWING:

10 (i) TATTOO FACILITY DESIGN AND CONSTRUCTION.

11 (ii) TATTOO AND BODY-PIERCING EQUIPMENT STANDARDS, INCLUD-  
12 ING, BUT NOT LIMITED TO, CLEANING AND STERILIZATION  
13 REQUIREMENTS.

14 (iii) TATTOO DYE STANDARDS.

15 (iv) INSPECTION OF TATTOO FACILITIES.

16 (v) TATTOO FACILITY LICENSE RENEWAL.

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

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

20 (B) AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, SUSPEND,  
21 REVOKE, OR DENY A LICENSE OR LICENSE RENEWAL UNDER THIS PART FOR  
22 A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS PART.

23 (C) PURSUANT TO SECTION 2235, AUTHORIZE A LOCAL HEALTH  
24 DEPARTMENT TO ENFORCE THIS PART AND THE RULES PROMULGATED UNDER  
25 THIS PART.

26 (3) A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS  
27 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL ENFORCE THIS

1 PART AND THE RULES PROMULGATED UNDER THIS PART PURSUANT TO  
2 SECTIONS 2461(2) AND 2462. A LOCAL HEALTH DEPARTMENT MAY ADDI-  
3 TIONALLY ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS  
4 PART THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY  
5 OTHER APPROPRIATE ACTION AUTHORIZED BY LAW.

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

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