

House Bill 4468

Sponsor: Rep. Derrick Hale

Committee: Commerce

Complete to 7-26-01

A SUMMARY OF HOUSE BILL 4468 AS INTRODUCED 3-15-01

The bill would amend Part 131 of the Public Health Code, entitled “Tattoo Parlors,” to create a tattoo facility license, establish license fees, regulate tattoo facilities, and establish penalties for violations. (“Tattoo facility” would be defined as the geographic location at which an individual performs one or more of the following: tattooing, branding, and body-piercing.) Specifically, the bill would do the following:

Tattoo facility license. After the effective date of rules required to be promulgated under the bill, an individual could not tattoo, brand, or do body-piercing unless the activity were performed in a licensed facility. Applications for a license would have to be made on a form provided by the Department of Consumer and Industry Services and accompanied by \$250 for an initial license, \$200 for a renewal license, and \$50 for a temporary license to operate a tattoo facility at a fixed location for not more than a two-week period. Initial and renewal licenses would be valid for at least one year or other time period as prescribed by departmental rule. The license would have to be issued to a specific person for a specific location and would not be transferable. License renewals would have to be made at least 30 days before the license expired. The department would have to inspect a facility before issuing a license and would have to conduct periodic inspections thereafter. The department could authorize a local health department to perform the required inspections.

Licensees. The owner or operator of a tattoo facility would have to do the following:

- *Display the license in a conspicuous place within the customer service area of the facility.
- *Ensure the facility is in compliance with Part 138 of the code, entitled “Medical Wastes”, and rules promulgated under it.
- *Ensure that a person wears department-approved disposable gloves when doing tattooing, branding, or body-piercing or cleaning the instruments used to perform those procedures.
- *Maintain a permanent record of each individual receiving a tattoo, brand, or body-piercing that includes, at a minimum, the person’s name, address, age, and signature; the date; design and location of the tattoo, brand, or body-piercing; and the name of the person who performed the procedure.
- *Prohibit smoking within the facility.

*Not tattoo, brand, or body-pierce a person under the influence of alcohol or a controlled substance.

*Give each customer a department-approved instruction sheet on the care for the site of the tattoo, brand, or body-piercing that included a recommendation for a person to seek medical attention if the site became infected or painful, or if the person developed a fever soon after the procedure.

*Notify the department within 24 hours of becoming aware that a procedure was performed on a person infected with a communicable disease.

Department requirements. The department would have to do the following:

*Enforce the bill's requirements and rules promulgated under it.

*Promulgate rules to implement the bill, including rules pertaining to tattoo facility design and construction; equipment standards, which would include cleaning and sterilization requirements; tattoo dye standards; inspection of tattoo facilities; and tattoo facility license renewal.

*Develop and distribute the information sheets on tattoo care that licensees are required to give to customers. The department could approve information sheets developed by other entities.

The department would be permitted to appoint an advisory committee to assist the department in developing rules. The department could also -- after a notice and opportunity for a hearing -- suspend, revoke, or deny a license or license renewal for a violation of the bill or rules promulgated under it.

Penalties. In addition to any other enforcement action allowed by law, a person alleging a violation of the bill could bring a civil action for appropriate injunctive relief. For violations other than performing a procedure on a minor without a parent's written consent or a person under the influence of alcohol or a controlled substance, a person violating the bill's provisions would be guilty of a misdemeanor that was punishable by up to 90 days in jail or a fine of up to \$100, or both. (Under the code, a person performing a procedure on a minor or a person under the influence of alcohol or a controlled substance is guilty of a misdemeanor that is punishable by up to 90 days in jail, a fine up to \$500, or both.) Further, a person who gave or sold a body-piercing kit or other body-piercing device to a minor would be subject to a state civil infraction and a civil fine of up to \$500. This latter provision would be enforced under provisions of Chapter 88 of the Revised Judicature Act (MCL 600.8801- 600.8855).

MCL 333.13101 et al.

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