

**SUBSTITUTE FOR
SENATE BILL NO. 593**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending the heading of part 131 and sections 13101 and 13102
(MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by
adding sections 13104, 13105, 13106, 13107, 13108, 13109, 13110,
and 13111.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 131. ~~TATTOO PARLORS~~ **BODY ART FACILITIES**

2 Sec. 13101. (1) As used in this part:

3 (A) "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN SECTION
4 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
5 436.1105.

6 (B) "BODY ART FACILITY" MEANS THE LOCATION AT WHICH AN

1 INDIVIDUAL DOES 1 OR MORE OF THE FOLLOWING FOR COMPENSATION:

2 (i) PERFORMS TATTOOING.

3 (ii) PERFORMS BRANDING.

4 (iii) PERFORMS BODY-PIERCING.

5 (C) ~~(a)~~ "Body-piercing" means the perforation of human
6 tissue other than an ear for a nonmedical purpose.

7 (D) ~~(b)~~ "Branding" means a permanent mark made on human
8 tissue by burning with a hot iron or other instrument.

9 (E) "COMMUNICABLE DISEASE" MEANS THAT TERM AS DEFINED IN
10 SECTION 5101.

11 (F) ~~(e)~~ "Controlled substance" means that term as defined in
12 section 7104.

13 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

14 (H) "LOCAL GOVERNING ENTITY" MEANS THAT TERM AS DEFINED IN
15 SECTION 2406.

16 (I) ~~(d)~~ "Minor" means an individual under 18 years of age
17 who is not emancipated under section 4 of ~~Act No. 293 of the~~
18 ~~Public Acts of 1968, being section 722.4 of the Michigan Compiled~~
19 ~~Laws 1968 PA 293, MCL 722.4.~~

20 (J) "SMOKING" MEANS THAT TERM AS DEFINED IN SECTION 12601.

21 (K) ~~(e)~~ "Tattoo" means 1 or more of the following:

22 (i) An indelible mark made upon the body of another
23 individual by the insertion of a pigment under the skin.

24 (ii) An indelible design made upon the body of another
25 individual by production of scars other than by branding.

26 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
27 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS

1 CODE.

2 Sec. 13102. (1) ~~An~~ **SUBJECT TO SECTION 13104, AN** individual
3 shall not tattoo, brand, or perform body-piercing on a minor
4 unless the individual obtains the prior written informed consent
5 of the minor's parent or legal guardian. The minor's parent or
6 legal guardian shall execute the written, informed consent
7 required under this subsection in the presence of the individual
8 performing the tattooing, branding, or body-piercing on the minor
9 or in the presence of an employee or agent of that individual.

10 ~~For purposes of this section, "minor" does not include a minor~~
11 ~~who is emancipated pursuant to section 4 of Act No. 293 of the~~
12 ~~Public Acts of 1968, being section 722.4 of the Michigan Compiled~~
13 ~~Laws.~~

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

18 **SEC. 13104. (1) BEGINNING JANUARY 1, 2009, AN INDIVIDUAL**
19 **SHALL NOT TATTOO, BRAND, OR PERFORM BODY-PIERCING ON ANOTHER**
20 **INDIVIDUAL UNLESS THE TATTOOING, BRANDING, OR BODY-PIERCING**
21 **OCCURS AT A BODY ART FACILITY LICENSED UNDER THIS PART.**

22 (2) **THE OWNER OR OPERATOR OF A BODY ART FACILITY SHALL APPLY**
23 **TO THE DEPARTMENT FOR A BODY ART FACILITY LICENSE UNDER THIS PART**
24 **ON A FORM PROVIDED BY THE DEPARTMENT AND AT THE TIME OF**
25 **APPLICATION SHALL PAY TO THE DEPARTMENT THE APPROPRIATE FEE**
26 **PRESCRIBED UNDER SUBSECTION (3). IF THE DEPARTMENT DETERMINES**
27 **THAT THE APPLICATION IS COMPLETE AND THE BODY ART FACILITY**

1 PROPOSED OR OPERATED BY THE APPLICANT MEETS THE REQUIREMENTS OF
 2 THIS PART AND ANY RULES PROMULGATED UNDER THIS PART, THE
 3 DEPARTMENT SHALL ISSUE A LICENSE TO THE APPLICANT FOR THE
 4 OPERATION OF THAT BODY ART FACILITY. EXCEPT FOR A TEMPORARY
 5 LICENSE ISSUED UNDER THIS PART, THE LICENSE IS EFFECTIVE FOR 3
 6 YEARS.

7 (3) SUBJECT TO SECTION 13108, THE OWNER OR OPERATOR OF A
 8 BODY ART FACILITY SHALL PAY 1 OF THE FOLLOWING FEES AT THE TIME
 9 OF APPLICATION FOR A BODY ART FACILITY LICENSE:

10 (A) FOR AN INITIAL 3-YEAR LICENSE..... \$ 500.00.
 11 (B) FOR A 3-YEAR RENEWAL OF A LICENSE..... \$ 300.00.
 12 (C) FOR A TEMPORARY LICENSE TO OPERATE A BODY
 13 ART FACILITY AT A FIXED LOCATION FOR NOT MORE THAN
 14 A 2-WEEK PERIOD..... \$ 100.00.

15 SEC. 13105. (1) BEFORE ISSUING A LICENSE TO AN APPLICANT
 16 UNDER THIS PART, THE DEPARTMENT SHALL RECEIVE THE RESULTS OF AN
 17 INSPECTION OF THE PREMISES OF THE BODY ART FACILITY THAT IS THE
 18 SUBJECT OF THE APPLICATION FROM THE APPROPRIATE LOCAL HEALTH
 19 DEPARTMENT. THE LOCAL HEALTH DEPARTMENT SHALL CONVEY THE RESULTS
 20 OF THE INSPECTION OF THE PREMISES OF THE BODY ART FACILITY THAT
 21 IS THE SUBJECT OF THE APPLICATION TO THE DEPARTMENT AS SOON AS
 22 PRACTICAL AFTER THE INSPECTION OCCURS.

23 (2) THE APPROPRIATE LOCAL HEALTH DEPARTMENT SHALL INSPECT
 24 EACH BODY ART FACILITY PRIOR TO BEING LICENSED UNDER THIS PART
 25 AND SHALL AT LEAST ANNUALLY INSPECT EACH BODY ART FACILITY
 26 LICENSED UNDER THIS PART TO ENSURE COMPLIANCE WITH THIS PART.

1 SUBJECT TO SECTION 13108, THE DEPARTMENT SHALL AUTHORIZE A LOCAL
2 HEALTH DEPARTMENT UNDER SECTION 2235 TO PERFORM THE INSPECTIONS
3 REQUIRED UNDER THIS SUBSECTION.

4 (3) THE DEPARTMENT SHALL ISSUE A LICENSE UNDER THIS PART TO
5 A SPECIFIC PERSON FOR A BODY ART FACILITY AT A SPECIFIC LOCATION.
6 A LICENSE ISSUED UNDER THIS PART IS NONTRANSFERABLE.

7 SEC. 13106. THE OWNER OR OPERATOR OF A BODY ART FACILITY
8 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR
9 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE
10 EXPIRES. UPON PAYMENT OF THE RENEWAL FEE PRESCRIBED BY SECTION
11 13104(3), THE DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT
12 IS IN COMPLIANCE WITH THIS PART AND ANY RULES PROMULGATED UNDER
13 THIS PART. THE DEPARTMENT SHALL CONSULT WITH THE APPROPRIATE
14 LOCAL HEALTH DEPARTMENT TO DETERMINE THAT COMPLIANCE.

15 SEC. 13107. A PERSON WHO OWNS OR OPERATES A BODY ART
16 FACILITY LICENSED UNDER THIS PART SHALL DO ALL OF THE FOLLOWING:

17 (A) DISPLAY THE LICENSE ISSUED UNDER THIS PART IN A
18 CONSPICUOUS PLACE WITHIN THE CUSTOMER SERVICE AREA OF THE BODY
19 ART FACILITY.

20 (B) COMPLY WITH AND ENSURE THAT THE BODY ART FACILITY IS IN
21 COMPLIANCE WITH THIS PART AND PART 138 AND WITH RULES PROMULGATED
22 UNDER THOSE PARTS.

23 (C) ENSURE THAT THE BODY ART FACILITY AS A WHOLE AND ANY
24 INDIVIDUAL ENGAGED IN TATTOOING, CLEANING TATTOOING INSTRUMENTS,
25 PERFORMING BRANDING OR BODY-PIERCING, OR CLEANING BRANDING OR
26 BODY-PIERCING INSTRUMENTS COMPLY WITH THE BLOODBORNE PATHOGEN
27 SAFETY STANDARDS UNDER 29 CFR 1910.1030.

1 (D) ENSURE THAT TATTOOING, BRANDING, OR BODY-PIERCING IS
2 PERFORMED IN A STERILE FIELD WITH STERILE NEEDLES AND ONLY
3 SINGLE-USE INK.

4 (E) MAINTAIN A CONFIDENTIAL RECORD OF EACH INDIVIDUAL WHO
5 HAS BEEN TATTOOED OR BRANDED OR WHO HAS HAD BODY-PIERCING
6 PERFORMED AT THE BODY ART FACILITY AND MAKE THE RECORDS AVAILABLE
7 FOR INSPECTION BY A LOCAL HEALTH DEPARTMENT. THE RECORD SHALL
8 INCLUDE, AT A MINIMUM, THE INDIVIDUAL'S NAME, ADDRESS, AGE, AND
9 SIGNATURE; THE DATE; THE DESIGN AND LOCATION OF THE TATTOOING,
10 BRANDING, OR BODY-PIERCING; THE NAME OF THE INDIVIDUAL PERFORMING
11 THE TATTOOING, BRANDING, OR BODY-PIERCING; AND ANY KNOWN
12 COMPLICATIONS THE INDIVIDUAL HAS WITH ANY TATTOOING, BRANDING, OR
13 BODY-PIERCING DONE AT THAT BODY ART FACILITY. THE OWNER,
14 OPERATOR, MANAGER, OR PERSON HAVING CONTROL OF THE BODY ART
15 FACILITY SHALL PROVIDE A COPY OF THE RECORD TO THE INDIVIDUAL AT
16 THE TIME HE OR SHE IS TATTOOED, IS BRANDED, OR HAS BODY-PIERCING
17 PERFORMED. THE DEPARTMENT SHALL DEVELOP GUIDELINES FOR THE
18 CONFIDENTIAL HANDLING OF THIS RECORD, INCLUDING, BUT NOT LIMITED
19 TO, THE MAINTENANCE, STORAGE, INSPECTION, AND DESTRUCTION OF THE
20 RECORD.

21 (F) PROHIBIT SMOKING WITHIN THE BODY ART FACILITY.

22 (G) PROVIDE EACH CUSTOMER WITH A WRITTEN INFORMATION SHEET
23 DISTRIBUTED OR APPROVED BY THE DEPARTMENT THAT PROVIDES AT LEAST
24 ALL OF THE FOLLOWING:

25 (i) INSTRUCTIONS ON THE CARE OF A TATTOO SITE, BRAND SITE, OR
26 BODY-PIERCING SITE.

27 (ii) A RECOMMENDATION THAT AN INDIVIDUAL SEEK MEDICAL

1 ATTENTION IF THE TATTOO SITE, BRAND SITE, OR BODY-PIERCING SITE
2 BECOMES INFECTED OR PAINFUL OR IF THE PERSON DEVELOPS A FEVER
3 SOON AFTER BEING TATTOOED, BRANDED, OR HAVING BODY-PIERCING
4 PERFORMED.

5 (iii) NOTICE THAT THE INDIVIDUAL MAY BE ALLOWED TO DONATE
6 BLOOD WITHIN THE STANDARD DEFERRAL PERIOD IF THE INDIVIDUAL
7 PRESENTS A COPY OF THE RECORD REQUIRED UNDER SUBDIVISION (E) TO
8 THE BLOOD DONOR FACILITY.

9 (H) MAINTAIN ON FILE ON THE PREMISES OF THE BODY ART
10 FACILITY AND HAVE AVAILABLE FOR INSPECTION BY A LOCAL HEALTH
11 DEPARTMENT ALL OF THE FOLLOWING:

12 (i) ALL OF THE FOLLOWING REGARDING EACH TECHNICIAN EMPLOYED
13 BY OR WHO PERFORMS TATTOOING, BRANDING, OR BODY PIERCING AT THE
14 BODY ART FACILITY:

15 (A) HIS OR HER FULL LEGAL NAME.

16 (B) HIS OR HER EXACT DUTIES AT THE FACILITY.

17 (C) HIS OR HER DATE OF BIRTH.

18 (D) HIS OR HER GENDER.

19 (E) HIS OR HER HOME ADDRESS.

20 (F) HIS OR HER HOME AND WORK TELEPHONE NUMBERS.

21 (G) HIS OR HER PRIOR OR OTHER CURRENT PLACES OF EMPLOYMENT
22 AS A TECHNICIAN, IF KNOWN.

23 (H) HIS OR HER TRAINING AND EXPERIENCE.

24 (I) AN IDENTIFICATION PHOTO.

25 (J) DOCUMENTATION OF COMPLIANCE WITH THE EDUCATIONAL,
26 TRAINING, OR EXPERIENCE REQUIREMENTS OF THE DEPARTMENT UNDER THIS
27 PART.

(K) DOCUMENTATION OF HBV VACCINATION STATUS OR OTHER
VACCINATION STATUS REQUIREMENTS OF THE DEPARTMENT UNDER THIS
PART.

(ii) FULL LEGAL NAME OF THE BODY ART FACILITY.

(iii) THE HOURS OF OPERATION OF THE BODY ART FACILITY.

(iv) ALL OF THE FOLLOWING REGARDING EACH OWNER AND OPERATOR
OF THE BODY ART FACILITY:

(A) HIS OR HER FULL LEGAL NAME.

(B) HIS OR HER HOME ADDRESS.

(C) HIS OR HER HOME AND WORK TELEPHONE NUMBERS.

(v) A COMPLETE DESCRIPTION OF ALL TATTOOING, BRANDING, OR
BODY PIERCING PERFORMED AT THE BODY ART FACILITY.

(vi) A COMPLETE INVENTORY OF ALL INSTRUMENTS, BODY JEWELRY,
SHARPS, AND INKS USED FOR THE TATTOOING, BRANDING, OR BODY
PIERCING PERFORMED AT THE BODY ART FACILITY. THE INVENTORY SHALL
INCLUDE THE NAME OF THE ITEM'S MANUFACTURER AND SERIAL OR LOT
NUMBER, IF APPLICABLE. THE BODY ART FACILITY MAY PROVIDE INVOICES
OR ORDERS TO SATISFY THIS REQUIREMENT IF DETERMINED APPROPRIATE
BY THE DEPARTMENT OR THE LOCAL HEALTH DEPARTMENT.

(vii) A COPY OF THIS PART AND RULES PROMULGATED UNDER THIS
PART.

SEC. 13108. (1) PURSUANT TO SECTION 2235, THE DEPARTMENT
SHALL AUTHORIZE A LOCAL HEALTH DEPARTMENT TO ENFORCE THIS PART
AND ANY RULES PROMULGATED UNDER THIS PART. A LOCAL HEALTH
DEPARTMENT AUTHORIZED TO ENFORCE THIS PART AND ANY RULES
PROMULGATED UNDER THIS PART SHALL ENFORCE THIS PART AND ANY RULES
PROMULGATED UNDER THIS PART PURSUANT TO SECTIONS 2461(2) AND

1 2462. IN ADDITION TO THE PENALTIES AND REMEDIES UNDER THIS PART,
2 A LOCAL HEALTH DEPARTMENT MAY ENFORCE THIS PART AND ANY RULES
3 PROMULGATED UNDER THIS PART THROUGH AN ACTION COMMENCED PURSUANT
4 TO SECTION 2465 OR ANY OTHER APPROPRIATE ACTION AUTHORIZED BY
5 LAW.

6 (2) IF A LOCAL HEALTH DEPARTMENT OF A COUNTY OR CITY UNDER
7 PART 24 IS UNABLE OR UNWILLING TO PERFORM THE FUNCTIONS REQUIRED
8 IN THIS SECTION AND THE COUNTY OR CITY IS NOT PART OF A DISTRICT
9 THAT HAS CREATED A DISTRICT HEALTH DEPARTMENT PURSUANT TO SECTION
10 2415, THE COUNTY OR CITY, THROUGH AN INTERGOVERNMENTAL AGREEMENT,
11 MAY CONTRACT WITH ANOTHER LOCAL GOVERNING ENTITY TO HAVE THAT
12 ENTITY'S LOCAL HEALTH DEPARTMENT PERFORM THE FUNCTIONS REQUIRED
13 IN THIS SECTION. THE CONTRACTING PARTIES UNDER THIS SUBSECTION
14 SHALL OBTAIN THE DEPARTMENT'S APPROVAL BEFORE EXECUTION OF THE
15 INTERGOVERNMENTAL AGREEMENT.

16 (3) PURSUANT TO SECTION 2444, A LOCAL GOVERNING ENTITY OF A
17 LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS PART UNDER
18 THIS SECTION MAY FIX AND REQUIRE THE PAYMENT OF FEES BY
19 APPLICANTS AND LICENSEES FOR SERVICES REQUIRED TO BE PERFORMED BY
20 THE LOCAL HEALTH DEPARTMENT UNDER THIS SECTION.

21 (4) UNLESS THEY CONFLICT WITH STANDARDS OF THIS PART OR
22 RULES ARE PROMULGATED BY THE DEPARTMENT REGARDING SAFETY
23 STANDARDS, A LOCAL HEALTH DEPARTMENT SHALL USE AS GUIDANCE IN
24 ENFORCING THIS PART THE SAFETY STANDARDS ISSUED BY THE NATIONAL
25 ENVIRONMENTAL HEALTH ASSOCIATION IN "BODY ART: A COMPREHENSIVE
26 GUIDEBOOK AND MODEL CODE".

27 (5) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION AUTHORIZED

1 BY LAW, A PERSON ALLEGING A VIOLATION OF THIS PART MAY BRING A
2 CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION FOR APPROPRIATE
3 INJUNCTIVE RELIEF.

4 SEC. 13109. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 13103
5 AND 13110, A PERSON WHO VIOLATES THIS PART OR A RULE PROMULGATED
6 UNDER THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
7 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
8 \$100.00, OR BOTH, FOR EACH VIOLATION.

9 SEC. 13110. A PERSON SHALL NOT GIVE OR SELL TO A MINOR A
10 BODY-PIERCING KIT OR OTHER BODY-PIERCING DEVICE. A PERSON WHO
11 VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION
12 AND IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$500.00. THIS
13 SECTION SHALL BE ENFORCED PURSUANT TO CHAPTER 88 OF THE REVISED
14 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8801 TO 600.8835.

15 SEC. 13111. A LOCAL GOVERNING ENTITY OF A LOCAL HEALTH
16 DEPARTMENT AUTHORIZED TO ENFORCE THIS PART UNDER SECTION 13108
17 MAY ADOPT AND ENFORCE LOCAL CODES, ORDINANCES, OR REGULATIONS
18 THAT ARE MORE STRINGENT THAN THE MINIMUM APPLICABLE STANDARDS SET
19 FORTH IN THIS PART OR RULES PROMULGATED UNDER THIS PART. THIS
20 PART SHALL NOT RELIEVE THE APPLICANT FOR A LICENSE OR A LICENSEE
21 FROM THE RESPONSIBILITY FOR SECURING A LOCAL PERMIT OR COMPLYING
22 WITH APPLICABLE LOCAL CODES, REGULATIONS, OR ORDINANCES THAT ARE
23 IN ADDITION TO THIS PART.