

SENATE BILL No. 593

June 19, 2007, Introduced by Senators GLEASON, KAHN, CLARKE, GEORGE, SCOTT, BIRKHOLZ, SCHAUER, JACOBS, ANDERSON, HUNTER, CROUSEY, PATTERSON, JELINEK, GILBERT, BASHAM, THOMAS, HARDIMAN, McMANUS, KUIPERS, VAN WOERKOM, JANSEN, BARCIA, CLARK-COLEMAN, RICHARDVILLE, BISHOP and SWITALSKI and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending 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, and 13110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 13101. As used in this part:

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

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

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

(D) "COMMUNICABLE DISEASE" MEANS THAT TERM AS DEFINED IN SECTION 5101.

(E) ~~(e)~~—"Controlled substance" means that term as defined in section 7104.

(F) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

(G) ~~(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~~ 1968 PA 293, MCL 722.4.

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

(I) ~~(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.

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

(i) PERFORMS TATTOOING.

(ii) PERFORMS BRANDING.

(iii) PERFORMS BODY-PIERCING.

Sec. 13102. (1) ~~An~~—SUBJECT TO SECTION 13104, 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

1 presence of an employee or agent of that individual. ~~For purposes~~
2 ~~of this section, "minor" does not include a minor who is~~
3 ~~emancipated pursuant to section 4 of Act No. 293 of the Public Acts~~
4 ~~of 1968, being section 722.4 of the Michigan Compiled Laws.~~

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

9 SEC. 13104. (1) AFTER THE EFFECTIVE DATE OF THE RULES
10 PROMULGATED UNDER SECTION 13108, AN INDIVIDUAL SHALL NOT TATTOO,
11 BRAND, OR PERFORM BODY-PIERCING ON ANOTHER INDIVIDUAL UNLESS THE
12 TATTOOING, BRANDING, OR BODY-PIERCING OCCURS AT A TATTOO FACILITY
13 LICENSED UNDER THIS PART.

14 (2) THE OWNER OR OPERATOR OF A TATTOO FACILITY MAY APPLY TO
15 THE DEPARTMENT FOR A TATTOO FACILITY LICENSE UNDER THIS PART ON A
16 FORM PROVIDED BY THE DEPARTMENT AND AT THE TIME OF APPLICATION
17 SHALL PAY TO THE DEPARTMENT THE APPROPRIATE FEE PRESCRIBED UNDER
18 SUBSECTION (3). IF THE DEPARTMENT DETERMINES THAT THE APPLICATION
19 IS COMPLETE AND THE TATTOO FACILITY PROPOSED OR OPERATED BY THE
20 APPLICANT MEETS THE REQUIREMENTS OF THIS PART AND THE RULES
21 PROMULGATED UNDER THIS PART, THE DEPARTMENT SHALL ISSUE A LICENSE
22 TO THE APPLICANT FOR THE OPERATION OF THAT TATTOO FACILITY. THE
23 LICENSE IS EFFECTIVE FOR 1 YEAR OR FOR A TIME PERIOD PRESCRIBED BY
24 RULE OF THE DEPARTMENT.

25 (3) SUBJECT TO SECTION 13108, THE OWNER OR OPERATOR OF A
26 TATTOO FACILITY SHALL PAY 1 OF THE FOLLOWING FEES AT THE TIME OF
27 APPLICATION FOR A TATTOO FACILITY LICENSE:

(A) FOR AN INITIAL ANNUAL LICENSE \$250.00.

(B) FOR A 1-YEAR, OR OTHER PERIOD OF TIME PRESCRIBED BY RULE
PROMULGATED BY THE DEPARTMENT UNDER SECTION 13108, RENEWAL OF AN
ANNUAL LICENSE \$200.00.

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

SEC. 13105. (1) BEFORE ISSUING A LICENSE TO AN APPLICANT UNDER
THIS PART, THE DEPARTMENT SHALL INSPECT THE PREMISES OF THE TATTOO
FACILITY THAT IS THE SUBJECT OF THE APPLICATION.

(2) THE DEPARTMENT SHALL PERIODICALLY INSPECT EACH TATTOO
FACILITY LICENSED UNDER THIS PART TO ENSURE COMPLIANCE WITH THIS
PART. THE DEPARTMENT MAY AUTHORIZE A LOCAL HEALTH DEPARTMENT UNDER
SECTION 2235 TO PERFORM THE INSPECTIONS REQUIRED UNDER THIS
SUBSECTION.

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

SEC. 13106. THE OWNER OR OPERATOR OF A TATTOO FACILITY
LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR RENEWAL
OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE EXPIRES.
UPON PAYMENT OF THE RENEWAL FEE PRESCRIBED BY SECTION 13104(3), THE
DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT IS IN
COMPLIANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS PART.

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

(A) DISPLAY THE LICENSE ISSUED UNDER THIS PART IN A
CONSPICUOUS PLACE WITHIN THE CUSTOMER SERVICE AREA OF THE TATTOO

1 FACILITY.

2 (B) COMPLY WITH AND ENSURE THAT THE TATTOO FACILITY IS IN
3 COMPLIANCE WITH THIS PART AND PART 138 AND WITH RULES PROMULGATED
4 UNDER THOSE PARTS.

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

10 (D) MAINTAIN A PERMANENT RECORD OF EACH INDIVIDUAL WHO HAS
11 BEEN TATTOOED OR BRANDED OR WHO HAS HAD BODY-PIERCING PERFORMED AT
12 THE TATTOO FACILITY AND MAKE THE RECORDS AVAILABLE FOR INSPECTION
13 BY 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,
16 BRANDING, OR BODY-PIERCING, AND THE NAME OF THE INDIVIDUAL
17 PERFORMING THE TATTOOING, BRANDING, OR BODY-PIERCING.

18 (E) PROHIBIT SMOKING WITHIN THE TATTOO FACILITY.

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

27 (G) WITHIN 24 HOURS OF BECOMING AWARE THAT AN INDIVIDUAL

1 TATTOOED, BRANDED, OR BODY-PIERCED AT THE TATTOO FACILITY IS
2 INFECTED WITH A COMMUNICABLE DISEASE, NOTIFY THE DEPARTMENT.

3 SEC. 13108. (1) THE DEPARTMENT SHALL DO EACH OF THE FOLLOWING:

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

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

9 (i) TATTOO FACILITY DESIGN AND CONSTRUCTION.

10 (ii) TATTOO, BRANDING, AND BODY-PIERCING EQUIPMENT STANDARDS,
11 INCLUDING, BUT NOT LIMITED TO, CLEANING AND STERILIZATION
12 REQUIREMENTS.

13 (iii) TATTOO DYE STANDARDS.

14 (iv) INSPECTION OF TATTOO FACILITIES.

15 (v) TATTOO FACILITY LICENSE RENEWAL.

16 (C) DEVELOP AND DISTRIBUTE THE INFORMATION SHEET DESCRIBED IN
17 SECTION 13107(F) OR APPROVE INFORMATION SHEETS DEVELOPED BY ANOTHER
18 ENTITY.

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

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

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

25 (3) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION AUTHORIZED BY
26 LAW, A PERSON ALLEGING A VIOLATION OF THIS PART MAY BRING A CIVIL
27 ACTION IN A COURT OF COMPETENT JURISDICTION FOR APPROPRIATE

1 INJUNCTIVE RELIEF.

2 SEC. 13109. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 13103 AND
3 13110, A PERSON WHO VIOLATES THIS PART OR A RULE PROMULGATED UNDER
4 THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
5 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH,
6 FOR EACH VIOLATION.

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