

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13107 Licensee; duties.

Sec. 13107. A licensee 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 body art facility.

(b) Comply with and ensure that the body art facility is in compliance with this part and part 138 and with rules promulgated under those parts.

(c) Develop and maintain a bloodborne infectious disease exposure control plan that is specific to the location of that facility and that is in compliance with applicable Michigan occupational safety and health administration standards including the standards for bloodborne infectious diseases under R 325.70001 to R 325.70018 of the Michigan administrative code.

(d) Ensure that the body art facility as a whole, the owner or operator, an agent of the owner or operator, an employee, and any individual engaged in tattooing, cleaning tattooing instruments, performing branding or body piercing, or cleaning branding or body piercing instruments who has the potential for occupational exposure to blood or other potentially infectious materials receive training annually on bloodborne infectious diseases.

(e) Ensure that tattooing, branding, or body piercing is performed with sterile needles, sterile instruments, and only single-use ink.

(f) Maintain a confidential record of each individual who has been tattooed or branded or who has had body piercing performed at the body art facility and make the records available for inspection by a local health department. The record shall include, at a minimum, the individual's name, address, date of birth, and signature; the procedure date; the design and location of the tattooing, branding, or body piercing; the name of the individual performing the tattooing, branding, or body piercing; and any known complications the individual has with any previous tattooing, branding, or body piercing procedure. The licensee or employee of the licensee shall provide a copy of the record to the individual at the time he or she is tattooed, is branded, or has body piercing performed. The department shall develop guidelines for the confidential handling of this record, including, but not limited to, the maintenance, storage, inspection, and destruction of the record.

(g) Prohibit smoking within the body art facility.

(h) Provide each customer with a written information sheet that provides at least all of the following:

(i) Instructions on the care of a tattoo site, brand site, or body piercing site.

(ii) A recommendation that an individual seek medical attention if the tattoo site, brand site, or body piercing site becomes infected or painful or if the person develops a fever soon after being tattooed, branded, or having body piercing performed.

(iii) Notice that the individual may be allowed to donate blood within the standard deferral period if the individual presents a copy of the record required under subdivision (f) to the blood donor facility.

(i) Maintain on file on the premises of the body art facility and have available for inspection by a local health department all of the following:

(i) All of the following regarding each technician employed by or who performs tattooing, branding, or body piercing at the body art facility:

(A) His or her full legal name.

(B) His or her exact duties at the facility.

(C) His or her date of birth.

(D) His or her gender.

(E) His or her home address.

(F) His or her home and work telephone numbers.

(G) His or her prior or other current places of employment as a technician, if known.

(H) His or her training and experience.

(I) An identification photo.

(J) Documentation of compliance with the educational, training, or experience requirements of the department under this 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 record of all instruments, body jewelry, sharps, and inks used for the tattooing, branding, or body piercing performed at the body art facility. The record 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 the requirement of this subparagraph.

(vii) A copy of this part and rules promulgated under this part.

(viii) A copy of the current bloodborne infectious disease exposure control plan developed and maintained under subdivision (c).

(ix) Documentation of the annual training required under subdivision (d).

History: Add. 2007, Act 149, Imd. Eff. Dec. 13, 2007;—Am. 2010, Act 375, Imd. Eff. Dec. 22, 2010.

Popular name: Act 368