



# HOUSE BILL No. 4335

February 7, 1995, Introduced by Reps. Randall, McNutt, McBryde, Pitoniak, DeMars and Anthony and referred to the Committee on Regulatory Affairs.

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, "TATTOO FACILITY" MEANS  
6 THE GEOGRAPHIC LOCATION AT WHICH AN INDIVIDUAL DOES EITHER OF THE  
7 FOLLOWING FOR COMPENSATION:

8 (A) PLACES AN INDELIBLE MARK UPON THE BODY OF ANOTHER  
9 INDIVIDUAL BY THE INSERTION OF A PIGMENT UNDER THE SKIN.

1 (B) PLACES AN INDELIBLE DESIGN UPON THE BODY OF ANOTHER  
2 INDIVIDUAL BY PRODUCTION OF SCARS.

3 SEC. 13102. (1) AN INDIVIDUAL SHALL NOT TATTOO ANOTHER  
4 INDIVIDUAL UNLESS EACH OF THE FOLLOWING CONDITIONS IS MET:

5 (A) THE TATTOOING OCCURS AT A TATTOO FACILITY LICENSED UNDER  
6 THIS ACT.

7 (B) THE INDIVIDUAL RECEIVING THE TATTOO IS 18 YEARS OF AGE  
8 OR OLDER.

9 (2) THE OWNER OR OPERATOR OF A TATTOO FACILITY MAY APPLY TO  
10 THE DEPARTMENT FOR A TATTOO FACILITY LICENSE UNDER THIS PART ON A  
11 FORM PROVIDED BY THE DEPARTMENT, AND AT THE TIME OF APPLICATION  
12 SHALL PAY TO THE DEPARTMENT THE APPROPRIATE FEE UNDER SUBSECTION  
13 (3). IF THE DEPARTMENT DETERMINES THAT THE APPLICATION IS COM-  
14 PLETE AND THE TATTOO FACILITY PROPOSED OR OPERATED BY THE APPLI-  
15 CANT MEETS THE REQUIREMENTS OF THIS PART, THE DEPARTMENT SHALL  
16 ISSUE A LICENSE TO THE APPLICANT FOR THE OPERATION OF THAT TATTOO  
17 FACILITY. THE LICENSE SHALL BE EFFECTIVE FOR A TIME PERIOD PRE-  
18 SCRIBED BY RULE OF THE DEPARTMENT.

19 (3) THE DEPARTMENT SHALL PROMULGATE RULES TO ESTABLISH A  
20 SCHEDULE OF TATTOO FACILITY LICENSE FEES THAT ARE NOT GREATER  
21 THAN THE REASONABLE COST OF PROVIDING A TATTOO FACILITY WITH THE  
22 DEPARTMENT SERVICES DESCRIBED IN SECTION 13103.

23 SEC. 13103. (1) BEFORE ISSUING A LICENSE TO AN APPLICANT  
24 UNDER THIS PART, THE DEPARTMENT SHALL INSPECT THE PREMISES OF THE  
25 TATTOO FACILITY THAT IS THE SUBJECT OF THE APPLICATION, AND  
26 VERIFY AT LEAST EACH OF THE FOLLOWING:

1 (A) THAT EACH HORIZONTAL SURFACE OF A TATTOOING AREA AND A  
2 TATTOO EQUIPMENT CLEANING AREA IS CONSTRUCTED OF A SMOOTH, EASILY  
3 CLEANABLE, NONPOROUS, AND DURABLE MATERIAL APPROVED BY THE  
4 DEPARTMENT.

5 (B) THAT EACH TATTOOING AREA AND TATTOO EQUIPMENT CLEANING  
6 AREA IS ILLUMINATED BY 1 OR MORE SOURCES OF LIGHT TOTALING 50 OR  
7 MORE FOOT CANDLES.

8 (C) THAT EACH TATTOO FACILITY CONTAINS AT LEAST 1 SINK FOR  
9 TATTOO EQUIPMENT CLEANING AND A SEPARATE SINK FOR EACH TATTOOING  
10 AREA WITHIN THE TATTOO FACILITY.

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

14 SEC. 13104. THE OWNER OR OPERATOR OF A TATTOO FACILITY  
15 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR  
16 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE  
17 EXPIRES. UPON PAYMENT OF THE RENEWAL FEE ESTABLISHED UNDER  
18 SECTION 13102(3), THE DEPARTMENT SHALL RENEW THE LICENSE IF THE  
19 APPLICANT IS IN COMPLIANCE WITH THIS PART AND RULES PROMULGATED  
20 UNDER THIS PART. IF AN APPLICANT FOR LICENSE RENEWAL IS NOT IN  
21 COMPLIANCE WITH THIS PART OR A RULE PROMULGATED UNDER THIS PART  
22 AT THE TIME OF APPLICATION, AND THE DEPARTMENT DETERMINES THAT  
23 THE APPLICANT'S NONCOMPLIANCE IS NOT A THREAT TO PUBLIC HEALTH OR  
24 SAFETY, THE DEPARTMENT MAY ISSUE TO THAT PERSON A 1-TIME PROVI-  
25 SIONAL LICENSE FOR A PERIOD OF NOT MORE THAN 60 DAYS UPON RECEIPT  
26 OF PAYMENT OF THE PROVISIONAL LICENSE FEE ESTABLISHED UNDER  
27 SECTION 13102(3). IF THE APPLICANT FAILS TO ACHIEVE COMPLIANCE

1 WITH THIS PART OR A RULE PROMULGATED UNDER THIS PART BEFORE  
2 EXPIRATION OF THE PROVISIONAL LICENSE, THE DEPARTMENT SHALL NOT  
3 ISSUE A RENEWAL LICENSE TO THAT PERSON UNTIL COMPLIANCE IS  
4 ACHIEVED.

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

7 (A) DISPLAY THE LICENSE ISSUED UNDER THIS PART IN A CONSPIC-  
8 UOUS PLACE WITHIN THE CUSTOMER AREA OF THE TATTOO FACILITY.

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

11 (C) ENSURE THAT AN INDIVIDUAL ENGAGED IN TATTOOING IN THE  
12 TATTOO FACILITY DOES BOTH OF THE FOLLOWING WHEN TATTOOING OR  
13 CLEANING TATTOOING INSTRUMENTS:

14 (i) WEARS DISPOSABLE GLOVES APPROVED BY THE DEPARTMENT.

15 (ii) COMPLIES WITH APPLICABLE STATE AND FEDERAL BLOODBORNE  
16 PATHOGEN RULES AND REGULATIONS INCLUDING R 325.70001 TO R  
17 325.70018 OF THE MICHIGAN ADMINISTRATIVE CODE AND 29  
18 C.F.R. 1910.1030.

19 (D) PROVIDE EACH CUSTOMER WITH A WRITTEN INFORMATION SHEET  
20 APPROVED BY THE DEPARTMENT THAT PROVIDES INSTRUCTIONS ON TATTOO  
21 CARE, AND THAT INCLUDES A RECOMMENDATION THAT AN INDIVIDUAL SEEK  
22 MEDICAL ATTENTION IF THE TATTOO SITE BECOMES INFECTED OR PAINFUL,  
23 OR IF THE INDIVIDUAL DEVELOPS A FEVER SOON AFTER BEING TATTOOED.

24 (E) ENSURE THAT EACH NEEDLE AND EACH NEEDLE TUBE INTENDED  
25 FOR USE IN A TATTOO PROCEDURE MEET ALL OF THE FOLLOWING  
26 REQUIREMENTS:

1 (i) IS PLACED IN A DISINFECTANT SOLUTION FOR AT LEAST 10  
2 MINUTES BEFORE USE, OR IS DISINFECTED IN THE MANNER SPECIFIED BY  
3 THE NEEDLE OR NEEDLE TUBE MANUFACTURER AND APPROVED BY THE  
4 DEPARTMENT.

5 (ii) IS RINSED AND CLEANED FOLLOWING DISINFECTING.

6 (iii) IS STERILIZED BY AUTOCLAVE FOR 30 MINUTES AT 15 TO 20  
7 POUNDS OF PRESSURE AT 255 DEGREES FAHRENHEIT OR BY DRY HEATING AT  
8 320 DEGREES FAHRENHEIT FOR 2 HOURS OR 340 DEGREES FAHRENHEIT FOR  
9 1 HOUR.

10 (iv) IS MAINTAINED IN A STERILE ENVIRONMENT AFTER STERILIZA-  
11 TION UNTIL USED.

12 (F) TEST TEMPERATURES DURING THE PROCESSES DESCRIBED IN SUB-  
13 DIVISION (E)(iii) BY USING A REGISTERED TAPE, AND IF AN AUTOCLAVE  
14 IS EMPLOYED, RETAIN AN AUTOCLAVE TESTING ESTABLISHMENT APPROVED  
15 BY THE DEPARTMENT TO INSPECT THAT AUTOCLAVE MONTHLY, AND FORWARD  
16 A COPY OF EACH TEST RESULT TO THE DEPARTMENT.

17 (G) ENSURE THAT EACH WORK SURFACE IS CLEANED IMMEDIATELY  
18 AFTER USE WITH A TUBERCULOCIDAL DISINFECTANT APPROVED BY THE  
19 DEPARTMENT.

20 SEC. 13106. (1) THE DEPARTMENT SHALL DO EACH OF THE  
21 FOLLOWING:

22 (A) ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS  
23 PART.

24 (B) SUBJECT TO SECTION 13105(E) AND (F), PROMULGATE RULES  
25 NECESSARY TO IMPLEMENT THIS PART, INCLUDING, BUT NOT LIMITED TO,  
26 RULES GOVERNING EACH OF THE FOLLOWING:

1 (i) TATTOO FACILITY DESIGN AND CONSTRUCTION.

2 (ii) TATTOO EQUIPMENT STANDARDS, INCLUDING, BUT NOT LIMITED  
3 TO, CLEANING AND STERILIZATION REQUIREMENTS.

4 (iii) INSPECTION OF TATTOO FACILITIES.

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

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

8 (B) SUSPEND, REVOKE, OR DENY A LICENSE OR LICENSE RENEWAL  
9 UNDER THIS PART FOR A VIOLATION OF THIS PART OR A RULE PROMUL-  
10 GATED UNDER THIS PART.

11 (C) PURSUANT TO SECTION 2235, AUTHORIZE A LOCAL HEALTH  
12 DEPARTMENT TO ENFORCE THIS PART AND THE RULES PROMULGATED UNDER  
13 THIS PART.

14 (3) A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS  
15 PART AND THE RULES PROMULGATED UNDER THIS PART SHALL ENFORCE THIS  
16 PART AND THE RULES PROMULGATED UNDER THIS PART PURSUANT TO SEC-  
17 TIONS 2461(2) AND 2462. A LOCAL HEALTH DEPARTMENT MAY ADDITION-  
18 ALLY ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART  
19 THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY OTHER  
20 APPROPRIATE ACTION AUTHORIZED BY LAW.

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