

House Bill No. 4475

(As amended January 22, 1998)

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:

1 Sec. 13101. As used in this part:

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

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

6 (C) "COMMUNICABLE DISEASE" MEANS THAT TERM AS DEFINED IN
7 SECTION 5101.

8 (D) ~~(c)~~ "Controlled substance" means that term as defined
9 in section 7104.

[(E) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUSTRY
SERVICES.]

HB4475, As Passed House, January 22, 1998

H.B. 4475 as amended January 22, 1998

2

1 [(F)] ~~-(d)-~~ "Minor" means an individual under 18 years of age
2 who is not emancipated under section 4 of ~~Act No. 293 of the~~
3 ~~Public Acts of 1968, being section 722.4 of the Michigan Compiled~~
4 ~~Laws~~ 1968 PA 293, MCL 722.4.

5 [(G)] "SMOKING" MEANS THAT TERM AS DEFINED IN SECTION 12601.

6 [(H)] ~~-(e)-~~ "Tattoo" means 1 or more of the following:

7 (i) An indelible mark made upon the body of another individ-
8 ual by the insertion of a pigment under the skin.

9 (ii) An indelible design made upon the body of another indi-
10 vidual by production of scars other than by branding.

11 [(I)] "TATTOO FACILITY" MEANS THE GEOGRAPHIC LOCATION AT WHICH
12 AN INDIVIDUAL DOES 1 OR MORE OF THE FOLLOWING FOR COMPENSATION:

13 (i) PERFORMS TATTOOING.

14 (ii) PERFORMS BRANDING.

15 (iii) PERFORMS BODY-PIERCING.

16 Sec. 13102. (1) ~~An~~ SUBJECT TO SECTION 13104, AN individ-
17 ual shall not tattoo, brand, or perform body-piercing on a minor
18 unless the individual obtains the prior written informed consent
19 of the minor's parent or legal guardian. The minor's parent or
20 legal guardian shall execute the written, informed consent
21 required under this subsection in the presence of the individual
22 performing the tattooing, branding, or body-piercing on the minor
23 or in the presence of an employee or agent of that individual.
24 ~~For purposes of this section, "minor" does not include a minor~~
25 ~~who is emancipated pursuant to section 4 of Act No. 293 of the~~
26 ~~Public Acts of 1968, being section 722.4 of the Michigan Compiled~~
27 ~~Laws.~~

01080'97

1 (2) An individual shall not tattoo, brand, or perform
2 body-piercing on another individual if the other individual is
3 under the influence of intoxicating liquor or a controlled
4 substance.

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

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

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

- 24 (A) FOR AN INITIAL ANNUAL LICENSE.....\$250.00.
25 (B) FOR A 1-YEAR RENEWAL OF AN ANNUAL LICENSE.....\$200.00.

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

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

7 (2) THE DEPARTMENT SHALL PERIODICALLY INSPECT EACH TATTOO
8 FACILITY LICENSED UNDER THIS PART TO ENSURE COMPLIANCE WITH THIS
9 PART.

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

13 SEC. 13106. THE OWNER OR OPERATOR OF A TATTOO FACILITY
14 LICENSED UNDER THIS PART SHALL APPLY TO THE DEPARTMENT FOR
15 RENEWAL OF THE LICENSE NOT LESS THAN 30 DAYS BEFORE THE LICENSE
16 EXPIRES. UPON PAYMENT OF THE RENEWAL FEE PRESCRIBED BY SECTION
17 13104(3), THE DEPARTMENT SHALL RENEW THE LICENSE IF THE APPLICANT
18 IS IN COMPLIANCE WITH THIS PART AND RULES PROMULGATED UNDER THIS
19 PART.

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

22 (A) DISPLAY THE LICENSE ISSUED UNDER THIS PART IN A CONSPIC-
23 UOUS PLACE WITHIN THE CUSTOMER SERVICE AREA OF THE TATTOO
24 FACILITY.

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

HB4475, As Passed House, January 22, 1998

H.B. 4475 as amended January 22, 1998

5

1 (C) ENSURE THAT AN INDIVIDUAL ENGAGED IN TATTOOING IN THE
2 TATTOO FACILITY WEARS DISPOSABLE GLOVES APPROVED BY THE
3 DEPARTMENT WHEN TATTOOING OR CLEANING TATTOOING INSTRUMENTS AND
4 WHEN PERFORMING BRANDING OR BODY-PIERCING OR CLEANING BRANDING OR
5 BODY-PIERCING INSTRUMENTS.

6 (D) MAINTAIN A PERMANENT RECORD OF EACH INDIVIDUAL WHO HAS
7 BEEN TATTOOED OR BRANDED OR WHO HAS HAD BODY-PIERCING PERFORMED
8 AT THE TATTOO FACILITY, AND MAKE THE RECORDS AVAILABLE FOR
9 INSPECTION BY THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT. THE
10 RECORD SHALL INCLUDE, AT A MINIMUM, THE INDIVIDUAL'S NAME,
11 ADDRESS, AGE, AND SIGNATURE, THE DATE, THE DESIGN AND LOCATION OF
12 THE TATTOOING, BRANDING, OR BODY-PIERCING, AND THE NAME OF THE
13 INDIVIDUAL PERFORMING THE TATTOOING, BRANDING, OR BODY-PIERCING.

14 (E) PROHIBIT SMOKING WITHIN THE TATTOO FACILITY.

15 (F) COMPLY WITH SECTION 13102(2).

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

23 (H) WITHIN 24 HOURS OF BECOMING AWARE THAT AN INDIVIDUAL
24 TATTOOED, BRANDED, OR BODY-PIERCED AT THE TATTOO FACILITY IS
25 INFECTED WITH A COMMUNICABLE DISEASE, NOTIFY THE DEPARTMENT [.

26]

HB4475, As Passed House, January 22, 1998

H.B. 4475 as amended January 22, 1998

7

1

2

3

]

4 [(3)] IN ADDITION TO ANY OTHER ENFORCEMENT ACTION AUTHORIZED
5 BY LAW, A PERSON ALLEGING A VIOLATION OF THIS PART MAY BRING A
6 CIVIL ACTION FOR APPROPRIATE INJUNCTIVE RELIEF.

7 SEC. 13109. EXCEPT AS OTHERWISE PROVIDED IN [SECTIONS 13103
AND 13110],

8 A PERSON WHO VIOLATES THIS PART OR A RULE PROMULGATED UNDER THIS
9 PART IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR
10 NOT MORE THAN 90 DAYS, OR A FINE OF NOT MORE THAN \$100.00, OR
11 BOTH, FOR EACH VIOLATION.

[SEC. 13110. A PERSON SHALL NOT GIVE OR SELL TO A MINOR A BODY
PIERCING DEVICE OR BODY PIERCING KIT. A PERSON WHO VIOLATES THIS
SECTION IS RESPONSIBLE FOR A CIVIL INFRACTION AND SUBJECT TO A FINE
OF NOT MORE THAN \$500.00.]