

Michigan Department of Community Health

Requirements for Body Art Facilities 2007 PA 149; MCL 333.13101 et seq

09/02/2009

1. Section One: Purpose/Scope

- 1.1. These requirements were created to protect the health of all people seeking body art within the state of Michigan by requiring that an individual shall not tattoo, brand or perform body piercing on another individual unless it occurs in a licensed body art facility.
- 1.2. These requirements are designed to ensure that body art services are provided in a safe and sanitary manner and physical environment by individuals with documented education/training on safe and sanitary body art administration.
- 1.3. These requirements contain provisions for local health department inspection of body art facilities applying for and/or holding a body art facility's license.
- 1.4. These requirements also provide the authority to enforce these requirements and outline procedures for enforcement for any body art facility deemed to be in violation of requirements outlined in this document.

2. Section Two: Authority

2.1. These requirements were created pursuant to authority conferred upon the Michigan Department of Community Health by the Public Health Code (PHC), 1978 PA 368, MCL 333.1101 et seq. and most recently with the enactment of the Body Art Facilities Act, (Act) 2007 PA 149; MCL 333.13101 et seq

3. Section Three: Definitions

- 3.1. The following words and phrases included in these requirements are defined as indicated below:
 - 3.1.1. "Aftercare Instructions" means verbal and written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions shall include information about when to seek medical treatment, if necessary, as well as notice that the individual may be able to donate blood within the standard deferral period if the individual presents a copy of his/her body art facility's client record to the blood donor facility.

- 3.1.2. "Alcoholic Liquor" means beer, wine, spirits or any beverage made with beer, wine, or spirits.
- 3.1.3. "Antiseptic" means an agent that destroys pathogenic microorganisms on human skin or mucosa.
- 3.1.4. "Aseptic Technique" is a set of specific practices and procedures performed under carefully controlled conditions with the goal of minimizing contamination by pathogens
- 3.1.5. "Bloodborne Pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
- 3.1.6. "Body Art" means: 1) tattooing, 2) branding and/or 3) body piercing. This definition does not include practices that are considered medical procedures by the state medical board; medical procedures shall not be performed in a body art facility.
- 3.1.7. "Body Art Facility" means the location at which an individual performs one or more of the following for compensation: 1) tattooing, 2) branding, and/or 3) body piercing.
- 3.1.8. "Body Art Technician" means an individual who performs: 1) tattooing, 2) branding, and/or 3) body piercing.
- 3.1.9. "Body Jewelry" means adornment placed into a body piercing.
- 3.1.10. "Body Piercing" means the perforation of human tissue other than the ear for non-medical purposes.
- 3.1.11. "Branding" means a permanent mark made on human tissue by burning with a hot iron or other instrument.
- 3.1.12. "Cleaning" means the removal of visible soil, organic material or inorganic material from objects or surfaces and is usually accomplished by manual or mechanical means through water with detergents or enzymatic products. Cleaning must precede disinfection and sterilization processes since remaining organic/inorganic materials will interfere with the effectiveness of those processes.
- 3.1.13. "Client" means a person undergoing: 1) tattooing, 2) branding, and/or 3) body piercing.

- 3.1.14. "Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious material (OPIM) on an item or surface
- 3.1.15. "Contaminated Sharps" means any contaminated object that can penetrate the skin including, but not limited to tattoo needles, body piercing needles, and disposable razors.
- 3.1.16. "Controlled Substance" means any behavior altering or judgment altering drug, whether legal or illegal, whose possession and use are restricted by law, including narcotics, stimulants and hallucinogens.
- 3.1.17. "Critical Items" are those items that are a priority to correct and are likely to cause an imminent health hazard to the public.
- 3.1.18. "Department" means the Michigan Department of Community Health.
- 3.1.19. "Disinfectant" means an Environmental Protection Agency (EPA)-registered chemical or physical agent that kills vegetative forms of microorganisms, but not necessarily all microbial forms such as bacterial spores.
- 3.1.20. "Disinfection/Disinfected" means the process that kills pathogenic and other microorganisms on inanimate objects by physical or chemical means. Disinfection kills most recognized pathogenic microorganisms but not necessarily all microbial forms, such as bacterial spores. Disinfection processes do not ensure the margin of safety standards associated with sterilization processes.
- 3.1.21. "Dry Heat Sterilizer" means an apparatus used to sterilize supplies and equipment used in body art procedures through exposure to dry heat. Dry heat sterilization is relatively slow and requires higher temperatures and/or longer exposure times than steam sterilization because microbial lethality is lower with dry heat than that for steam at the same temperature.
- 3.1.22. "Equipment" means all machinery, including fixtures, containers, tools, devices, storage areas, sinks and other apparatus used in connection with performing body art procedures.
- 3.1.23. "Exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an individual's assigned duties in the body art facility. "Exposure" does not include incidental exposures which may take place on the job, which are neither reasonably nor routinely expected, and which the individual is not required to incur in the normal course of employment.

- 3.1.24. “Hand washing” means physically removing or reducing most microorganisms from the intact skin of the hands by using warm running water and liquid soap using friction on all surfaces of the hands and wrists for at least 15 seconds and drying hands with a clean, disposable paper towel and turning off the faucet with the disposable paper towel.
- 3.1.25. “Imminent Health Hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation to prevent injury based on one or more of the following:
- 3.1.25.1. The number of potential injuries.
 - 3.1.25.2. The nature, severity and duration of the anticipated injury.
- 3.1.26. “Instruments” means hand pieces, needles, needle bars and other instruments that may come in contact with a client’s body or that may have possible exposure to bodily fluids during the body art procedure.
- 3.1.27. “Local Governing Entity” means: 1) In the case of a single county health department, the county board of commissioners; 2) In the case of a district health department, the county boards of commissioners of the counties comprising the district; 3) In the case of a district health department, which includes a single city health department, the county boards of commissioners of the counties comprising the district and the mayor and city council of the city; 4) In the case of a single city health department, the mayor and city council of the city; 5) In the case of a local health department serving a county within which a single city health department has been created, the county board of commissioners elected from the districts served by the county health department.
- 3.1.28. “Minor” means an individual less than 18 years of age who has not been emancipated.
- 3.1.29. “Non-critical Items” are acceptable best practices cited for correction that may or may not create an imminent health hazard.
- 3.1.30. “Other Potentially Infectious Material (OPIM)” means human body fluids including, but not limited to any body fluids visibly contaminated with blood, saliva in oral body art procedures, semen, vaginal secretions, and all body fluids where it is difficult or impossible to differentiate between body fluids.
- 3.1.31. “Personal Protective Equipment (PPE)” means specialized clothing or equipment that is worn by an individual working in a body art facility to

protect him or her from a hazard. General work clothes, such as uniforms, pants, shirts, or blouses, which are not intended to function against a hazard, are not considered to be Personal Protective Equipment.

- 3.1.32. "Procedure Area" means the physical space that is used by one body art technician at a time to perform a body art procedure on one client at a time, and that contains all procedure surfaces, equipment, and instruments to perform the body art procedure.
- 3.1.33. "Procedure Surface" means any surface utilized during the body art procedure that has the potential to become contaminated and that may require cleaning and/or disinfecting.
- 3.1.34. "Regulated Waste" means 1) liquid or semi-liquid blood or OPIM; 2) contaminated items that would release blood or OPIM in a liquid or semi-liquid state if compressed; 3) items that are caked with dried blood or OPIM and are capable of releasing these materials during handling, 4) contaminated sharps; and 5) pathological and microbiological wastes containing blood or OPIM.
- 3.1.35. "Smoking" means the carrying, holding or inhalation by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.
- 3.1.36. "Steam sterilizer" means an apparatus used to sterilize supplies and equipment used in body art procedures by direct exposure to saturated steam under pressure as a sterilant.
- 3.1.37. "Sterilize/Sterilization" means the complete elimination or destruction of all forms of microbial life.
- 3.1.38. "Sterile Field" means a specified area, such as within a tray or on a sterile towel that is considered free of microorganisms.
- 3.1.39. "Tattoo" means: 1) An indelible mark made upon the body of another individual by the insertion of a pigment under the skin, and/or 2) an indelible design made upon the body of another individual by production of scars other than by branding. This includes cosmetic tattooing and permanent make-up.

4. Section Four: Body Art Facility Licensure

- 4.1. Beginning January 1, 2010, no person shall tattoo, brand or perform body piercing on another individual unless the tattooing, branding, or body piercing occurs at a body art facility possessing a valid Body Art Facility License issued by the Department

- 4.2. The owner or operator of a body art facility shall apply to the Department for a Body Art Facility License using the Department's on-line application process or an application form provided by the Department.
- 4.3. At the time of the application, the owner or operator shall pay to the Department one of the following non-refundable application fees:
 - 4.3.1. A \$500.00 fee for an initial license.
 - 4.3.2. A \$300.00 fee for a renewal license.
 - 4.3.3. A \$100.00 fee for a temporary body art facility license at a fixed location for not more than a two-week period (14 consecutive days).
- 4.4. Before issuing an initial license to an owner or operator, the Department must receive the results of an inspection of the body art facility from the local health department responsible for body art facility inspection for the jurisdiction in which the body art facility is located.
- 4.5. Before issuing a renewal license to an owner or operator, the Department must receive the results of three annual inspections of the body art facility from the local health department responsible for body art facility inspection for the jurisdiction in which the body art facility is located.
- 4.6. For initial and renewal licenses, the local health department shall convey the results of the inspection(s) to the Department as soon as possible, but no longer than 30 working days after the inspection is completed.
- 4.7. For temporary body art facility licenses, the local health department shall convey the results of that inspection to the Department as soon as possible, but no longer than 30 days after an inspection is completed.
- 4.8. If the Department determines that the application and the local health department inspection document compliance with the requirements for body art facility licensure, the Department shall issue a license to the applicant for the operation of the body art facility.
- 4.9. The license will be issued to the owner or operator submitting the application for the body art facility and the location of the body art facility specified on the application. The license issued will not be transferable.
- 4.10. Initial licenses and renewal licenses will be effective for three years from the day of issuance of the initial or renewal license.
- 4.11. Licenses for temporary body art facilities will be for a period of not more than two weeks (14 consecutive days).

- 4.12. Applications for initial licenses for all existing body art facilities must be received by January 1, 2010.
- 4.13. Applications for initial licenses for any new body art facility must be received not less than 30 days before the first day on which tattooing, branding, or body piercing services will start to be provided at the body art facility.
- 4.14. Applications for renewal licenses must be received not less than 30 days before the existing license expires.
- 4.15. Applications for temporary licenses must be received not less than 30 days before the first day on which tattooing, branding, or body piercing services will be provided at the temporary location.

5. Section Five: Body Art Facility Requirements/General

- 5.1. The owner or operator of the body art facility must have a person(s) in charge and present during all hours of facility operation who is responsible for the operation of the body art facility.
- 5.2. The owner or operator of the body art facility must post the original of the license issued by the Department in a conspicuous place within the customer service area of the body art facility.
- 5.3. The owner or operator of the body art facility must ensure that the facility is in compliance with the Department's *Requirements for Body Art Facilities*.
- 5.4. The owner or operator of the body art facility must post in a conspicuous place within the customer service area of the body art facility, the Department-provided Disclosure Statement and Notice for Filing Complaints, which advises clients of the risks and possible consequences of body art procedures and provides information on how to lodge complaints about the body art facility related to compliance with the Department's *Requirements for Body Art Facilities*.
- 5.5. The owner or operator of the body art facility must prohibit smoking in the facility and must post signage indicating that the body art facility is a smoke-free facility.
- 5.6. The owner or operator of the body art facility must prohibit the tattooing, branding, or body piercing of a minor without the prior written informed consent and proper identification of the minor's parent or legal guardian.

- 5.7. The owner or operator shall not give or sell a body piercing kit or other body piercing device to a minor.
- 5.8. The owner or operator of the body art facility must prohibit body art technicians from performing tattooing, branding, or body piercing while under the influence of alcoholic liquor or a controlled substance.
- 5.9. The owner or operator of the body art facility must prohibit the tattooing, branding or body piercing of an individual who is under the influence of alcoholic liquor or a controlled substance or who, in the opinion of the body art technician, is under the influence of alcoholic liquor or a controlled substance.
- 5.10. The owner or operator of the body art facility must maintain a file on the premises at the body art facility that includes the following information about the body art facility:
 - 5.10.1. The full legal name of the body art facility.
 - 5.10.2. The hours of operation of the body art facility.
 - 5.10.3. The following for each owner and operator of the body art facility:
 - 5.10.3.1. Full legal name
 - 5.10.3.2. Home address.
 - 5.10.3.3. Home and work telephone numbers
 - 5.10.4. A complete description of all tattooing, branding, and/or body piercing performed at the body art facility.
 - 5.10.5. A complete inventory of all instruments, body jewelry, sharps and inks used for tattooing, branding or body piercing at the body art facility. The inventory shall include the name of the item's manufacturers and serial or lot number. The facility may provide invoices or orders to satisfy this requirement.
 - 5.10.6. A copy of the Department's *Requirements for Body Art Facilities*.
- 5.11. The owner or operator of the body art facility shall notify the Department of any changes in the facility's name, ownership, address or telephone number. The owner or operator shall also notify the local health department responsible for body art facility inspection for the jurisdiction in which the body art facility is located.

5.12. The owner or operator of the body art facility must also maintain a file, on the premises of the body art facility, that includes the following for each body art technician employed by or who performs tattooing, branding or body piercing at the facility, as well as all other individuals whose job responsibilities put them at risk of exposure to blood and OPIM:

- 5.12.1. Full legal name
- 5.12.2. Exact duties/responsibilities at the body art facility
- 5.12.3. Date of birth
- 5.12.4. Gender
- 5.12.5. Home address
- 5.12.6. Home and work telephone numbers
- 5.12.7. A listing of prior or current places of employment as a body art technician (if applicable), if known
- 5.12.8. A description of training and experience
- 5.12.9. An identification photo
- 5.12.10. Documentation of completion of training requirements delineated in the Department's *Requirements for Body Art Facilities*.
- 5.12.11. Documentation of hepatitis B vaccination status or documentation that the vaccination series was offered and declined in writing. All individuals who decline vaccination must sign a Vaccine Declination Form.
- 5.12.12. A copy of the signed statement ensuring confidentiality of client records, if the body art technician or other individuals working at the body art facility has access to those records.

6. Section Six: Body Art Facility Requirements/Michigan Occupational Safety and Health Administration (MIOSHA) Bloodborne Infectious Diseases Standards

6.1. The owner or operator of a body art facility must ensure that the body art facility as a whole, and any individual working in the body art facility with potential exposure to blood and OPIM, is in compliance with the Occupational Safety and Health Act (OSHA) Bloodborne Pathogens Standards under 29

CFR 1910:1030. This includes, but is not limited to individuals: 1) engaged in tattooing and/or cleaning, disinfecting, and sterilizing of tattooing instruments/equipment, 2) performing branding and/or cleaning, disinfecting, or sterilizing branding instruments/equipment, and/or 3) performing body piercing and/or cleaning, disinfecting, or sterilizing piercing instruments/ equipment.

6.2. In Michigan, OSHA regulations are implemented under the jurisdiction of MIOSHA. As a result, the owner or operator of a body art facility must ensure compliance with MIOSHA Occupational Health Standards: Part 554 Bloodborne Infectious Diseases Standards, as amended June 28, 2001. (R 325.70001-R325.70018 of Michigan Administrative code)

7. Section Seven: Body Art Facility Requirements/Training

7.1 The owner or operator of a body art facility must ensure that any individual working in the body art facility with potential exposure to blood and OPIM meets the following training requirements. This includes, but is not limited to individuals: 1) engaged in tattooing and/or cleaning, disinfecting, and sterilizing of tattooing instruments/equipment, 2) performing branding and/or cleaning, disinfecting, or sterilizing branding instruments/equipment, and/or 3) performing body piercing and/or cleaning, disinfecting, or sterilizing piercing instruments/ equipment.

7.1.1. Individuals must complete industry-specific training that provides: 1) information on bloodborne pathogens, 2) bloodborne pathogen prevention, and 3) MIOSHA Bloodborne Infectious Diseases Standards.

7.1.2. Individuals must also complete site-specific training that provides specific information on how MIOSHA Bloodborne Infectious Diseases Standards will be implemented in the body art facility at which they work.

7.2. The industry-specific and site-specific trainings provided, in combination, must meet all MIOSHA Bloodborne Infectious Diseases Standards training requirements.

7.3. Initial industry-specific and site-specific trainings must be provided to: 1) individuals working in the body art facility prior to initial licensure of the body art facility, 2) individuals who begin working at the body art facility before they start to carry out responsibilities with potential exposure to blood and OPIM, and 3) individuals currently working at the body art facility when they are assigned, and before they begin to carry out, responsibilities with potential exposure to blood and OPIM.

7.4. Industry-specific training and site-specific training must also be provided annually to all individuals working in the body art facility with potential exposure to blood and OPIM.

7.5. All training must be provided on work time and at no cost to the individuals working in the body art facility.

8. Section Eight: Body Art Facility Requirements/Vaccination

8.1. The owner or operator of the body art facility must make hepatitis B vaccination available to all individuals working in the body art facility with potential exposure to blood and OPIM unless the individual has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the individual is immune, or vaccine is contraindicated for medical reasons. This would include, but would not be limited to individuals: 1) engaging in tattooing and/or cleaning, disinfecting, or sterilizing tattoo instruments/equipment, 2) performing branding and/or cleaning, disinfecting or sterilizing branding instruments/equipment, and 3) performing piercing and/or cleaning, disinfecting or sterilizing piercing instruments/equipment.

8.2. Hepatitis B vaccination must be made available to: 1) individuals working in the body art facility prior to initial licensure of the body art facility, 2) individuals who begin working at the body art facility within ten days of being assigned to carry out responsibilities with potential exposure to blood and OPIM, and 3) individuals currently working at the body art facility within ten days of being assigned to carry out responsibilities with potential exposure to blood and OPIM.

8.3. Hepatitis B vaccination must be made available after training requirements are completed.

8.4. Vaccination must be provided on work time and at no cost to the individuals working in the body art facility.

8.5. All individuals who decline vaccination must sign a Vaccination Declination Form.

9. Section Nine: Requirements/Body Art Technicians and Other Individuals Who Assist with Body Art Procedures with the Potential Exposure to Blood and OPIM

9.1. Body art technicians shall be a minimum of 18 years of age.

9.2. Body art technicians shall not perform tattooing, branding, or body piercing while under the influence of alcoholic liquor or a controlled substance.

9.3. Body art technicians shall not perform tattooing, branding or body piercing on non-intact skin or non-intact mucosal surfaces.

- 9.4. Body art technicians shall refuse body art services to any person who is under the influence of alcoholic liquor or a controlled substance, or who in their opinion is under the influence of alcoholic liquor or a controlled substance.
- 9.5. Body art technicians shall not perform tattooing, branding, or body piercing on a minor without documented parental or guardian identification and prior written, informed consent.
- 9.6. Body art technicians or any other individuals working in a body art facility shall not give or sell a body piercing kit or other body piercing device to a minor.
- 9.7. Body art technicians, and any other individuals who assist with setting up for, performing, or cleaning up after body art procedures with the potential for exposure to blood and OPIM, shall maintain a high degree of cleanliness, conform to hygienic practices, including handwashing, and wear clean clothes when performing body art procedures.
- 9.8. If the clothes of a body art technician, or any other individual who assists with setting up for, performing, or cleaning up after body art procedures with the potential exposure to blood or OPIM, become contaminated, contaminated clothing shall be removed as soon as possible in a way that prevents additional exposure to the contaminated areas of the clothing. Clean clothing shall be used prior to commencement of any further body art procedures.
- 9.9. Body art technicians, or any other individuals who assist with setting up for, performing, or cleaning up after body art procedures with the potential for exposure to blood and OPIM shall not be involved in body art procedures if they have open wounds, cuts, sores, burns or skin abnormalities on the hand, or on any other portion of the body that may result in uncontained drainage that could result in contamination of body art instruments, equipment, procedure surfaces or the client.
- 9.10. Body art technicians, or any other individuals who assist with setting up for, performing, or cleaning up after body art procedures with the potential for exposure to blood and OPIM, shall not eat, drink, apply cosmetics or lip balm, handle contact lenses or store food in work areas where tattooing, branding, or body piercing are performed or other areas where there is a likely exposure to blood and other OPIM.
- 9.11. When performing body art procedures, or assisting with setting up for, performing, or cleaning up after body art procedures, body art technicians and other individuals with the potential for exposure to blood and OPIM, shall perform appropriate handwashing. At a minimum, this includes:
 - 9.11.1. Set-up of equipment/instruments used for conducting body art procedures.

- 9.11.2. Immediately prior to donning gloves to perform a body art procedure.
- 9.11.3. Immediately after removing gloves at the conclusion of performing a body art procedure.
- 9.11.4. When leaving the work area.
- 9.11.5. As soon as possible after coming in contact with blood or OPIM or any potentially contaminated surface, including after cleaning and disinfecting after each client.
- 9.11.6. Before and after eating, drinking, smoking, applying lip cosmetics or lip balm, handling contact lenses, or using the bathroom.
- 9.11.7. When ever hands are visibly soiled.
- 9.12. Handwashing shall include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists for at least 15 seconds, then rinsing hands and drying hands with a clean, disposable paper towel, and turning off the faucet with the disposable paper towel.
- 9.13. Body art technicians shall perform tattooing, branding or body piercing in a manner than minimizes splashing, spraying or splattering of blood.
- 9.14. Body art technicians shall flush any mucous membranes that have been exposed to blood or OPIM with water, immediately after the contact occurs.
- 9.15. When involved in body art procedures, body art technicians and any other individuals involved in setting up for, performing, or cleaning up after body art procedures with the potential exposure to blood and OPIM, shall wear disposable medical-grade exam gloves to minimize the possibility of transmitting infections during body art procedures.
 - 9.15.1. Under no circumstances shall a single pair of exam gloves be used for the entire body art procedure.
 - 9.15.2. A minimum of one pair of disposable, medical-grade exam gloves shall be used for each of the following stages of the body art procedure:
 - 9.15.2.1. Set-up of equipment/instruments used for conducting body art procedures and skin preparation of the body art procedure area.

- 9.15.2.2. The body art procedure and post-procedure teardown.
 - 9.15.2.3. Cleaning and disinfection of the procedure area after each use/between clients.
- 9.16. If, when involved in body art procedures, the body art technician or any other individual involved in setting up for, performing, or cleaning up after body art procedures, leaves the body art procedure area in the middle of a body art procedure, gloves must be removed before leaving the procedure area and a new pair of gloves put on when returning to the procedure area.
- 9.17. If, when involved in body art procedures, the body art technician's glove(s), or the glove(s) of any other individual involved in setting up for, performing, or cleaning up after body art procedures, is pierced or torn, or if the glove(s) become potentially contaminated by contact with non-clean/non-sterile surfaces, the glove(s) must be changed immediately.
- 9.18. Under no circumstances shall a single pair of gloves be used on more than one client.
- 9.19. The use of disposable exam gloves does not preclude or substitute for handwashing procedures.
- 9.20. Gloves and any other required PPE shall be applied and removed according to Requirements that minimize contamination of the person using them.
- 9.20.1. Disposable gloves and any required PPE shall be removed before leaving the area where tattooing, body piercing, and branding is performed.
 - 9.20.2. Disposable gloves and any other required disposable PPE shall be disposed of in an appropriate, covered waste receptacle.
 - 9.20.3. Any reusable PPE shall be placed in an appropriate provided receptacle for storage until they can be cleaned, disinfected and sterilized.
- 9.21. If while performing a body art procedure, an item or instrument used for body art is contaminated by coming in contact with a surface other than the procedure surface or the client, the item shall be discarded or removed from service and replaced immediately with a new disposable item or a new sterilized item or instrument before the procedure continues.

- 9.22. Body art technicians shall immediately dispose of all needles, including the needle bar, and other contaminated sharps directly into a conveniently placed and secured sharps disposal container. Body art technicians shall not bend, recap, break or shear contaminated sharps.

10. Section Ten: Information, Education, and Informed Consent

- 10.1. Before starting a body art procedure, each client receiving a tattoo, branding or body piercing shall receive a copy of the Department-provided Disclosure Statement and Notice for Filing Complaints, which advises clients of the risks and possible consequences of body art procedures and provides information on how to lodge complaints about the body art facility related to compliance with the Department's *Requirements for Body Art Facilities*.
- 10.2. Before starting a body art procedure, each client receiving a tattoo, branding or body piercing shall be provided with verbal aftercare instructions and a written aftercare information sheet provided by the Department that includes:
- 10.2.1. Instructions on the care of the tattoo site, brand site, or body piercing site.
 - 10.2.2. The signs and symptoms of infection.
 - 10.2.3. 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 shortly after being tattooed, branded or having body piercing performed.
 - 10.2.4. Notice that the person may be allowed to donate blood within the standard deferral period if the person presents a copy of his/her client record provided by the body art facility to the blood donor facility.
- 10.3. Before starting a body art procedure, each person seeking a tattoo, branding or body piercing shall be asked about the following conditions.
- 10.3.1. Diabetes or other conditions which may affect blood circulation and/or ability to fight infection
 - 10.3.2. History of hemophilia or excessive bleeding
 - 10.3.3. History of skin disease, skin lesions or skin sensitivities to soaps or disinfectants

- 10.3.4. History of allergies or adverse reactions to latex, pigments, dyes, disinfectants, metals or other sensitivities related to body art procedures
 - 10.3.5. History of epilepsy, seizures, fainting or narcolepsy
 - 10.3.6. Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting.
 - 10.3.7. Current pregnancy and/or breast feeding
 - 10.3.8. Any other information that would aid the body art technician or any other individual involved in providing education on the client's suitability for receiving a body art procedure and the client's body healing process.
- 10.4. Any client reporting one or more of the above conditions, shall be provided with written information about his/her suitability for receiving a body art procedure, any potential risks related to his/her reported conditions, and/or steps that need to be taken to ensure proper healing following a body art procedure. The written information sheet will also advise the clients to consult his/her physician before undergoing a body art procedure.
- 10.5. Client responses to the above questions shall be recorded on the consent form and the client will sign and date the form indicating that the answers provided were true and correct, and, that, if the client reported one or more of the above conditions, written information about suitability, risks, healing, and consulting a physician was provided.

11. Section Eleven: Client Records

- 11.1. The body art facility shall maintain a record of each client who has been tattooed, branded or has had body piercing performed at the body art facility. The record shall include, at a minimum:
- 11.1.1. The date
 - 11.1.2. The client's name, address, age/date of birth
 - 11.1.3. Information about how to contact the client in case of a communicable disease outbreak investigation, jewelry recall or other issues pertaining to the client's health. Contact information must include a phone number and/or an e-mail address.
 - 11.1.4. The client's signature on a Department-provided consent form that documents receipt of: 1) the Department-provided Disclosure

Statement and Notice for Filing Complaints, 2) documentation of receipt of the Department-provided aftercare information sheet, and 3) documentation of completion of the client health questionnaire.

- 11.1.5. A description of the design and location of the tattooing, branding, or body piercing.
 - 11.1.6. The name of the body art technician performing the tattooing, branding, or body piercing.
 - 11.1.7. Any known complication the client has with any tattooing, branding or body piercing done at that body art facility.
 - 11.1.8. In addition, if the client is a minor, proof of parent or legal guardian identification and consent. Proof of parental or legal guardian identification must include photo identification for the parent or legal guardian; acceptable forms of photo identification include a driver's license, a passport, or state or government-issued identification that includes the parent's or legal guardian's name, picture and date of birth. Proof of parental or legal guardian consent will be documented by a signed consent form. The minor's parent or legal guardian shall execute the written informed consent in the presence of the body art technician performing the body art procedure or another individual working at the body art facility.
- 11.2. The owner or operator of the body art facility shall provide a copy of the record to the client at the time the individual is tattooed, branded or has body piercing performed.

12. Section Twelve: Record Retention

- 12.1. The owner, operator, or person in charge of the facility shall retain on the premises of the body art facility all client and employee records containing the information delineated in the *Requirements for Body Art Facilities* document and the person in charge shall have access to these records at all times.
- 12.2. All client and employee records shall be retained in a confidential manner in compliance with the following:
 - 12.2.1. All paper records shall be retained in a locked filing cabinet or a locked room. All electronic records must be password protected.
 - 12.2.2. Disposal of electronic records require the deletion of files related to the body art facility only.

- 12.2.3. Access to client records must be limited to: 1) individuals working at the body art facility that must have access to the client records in order to carry out the responsibilities of their position at the body art facility and 2) Department or local health department staff who need access to records to document body art facility compliance with requirements delineated in this document or to conduct a communicable disease outbreak investigation.
- 12.2.4. Access to employee records shall be limited to: 1) individuals working at the body art facility that must have access to the employee records in order to carry out the responsibilities of their position at the body art facility and 2) Department or local health department staff who need access to records to document body art facility compliance with requirements delineated in this document or to conduct a communicable disease investigation.
- 12.2.5. All individuals working at the body art facility with access to client records shall sign a statement ensuring that they will protect client confidentiality. The signed statement shall be included in the employee record.
- 12.2.6. All individuals working at the body art facility with access to employee records shall sign a statement ensuring that they will protect employee confidentiality. Signed statement shall be included in the employee record.
- 12.3. All client records shall be retained for a minimum of three (3) years.
- 12.4. All employee records shall be retained for a minimum of three (3) years from the date employment ends.
- 12.5. After the three-year minimums for record retention, all client and employee records may be destroyed. Destruction of records shall include shredding, incineration, electronic deletion or disposal in another manner that protects the confidentiality of all client and/or employee-related documents.
- 12.6. Body art facilities that close or go out of business shall contact the local health department responsible for body art facility inspection for the jurisdiction in which the body art facility is located to arrange for confidential transfer of any client/employee records that have not met the three-year minimums for record retention. The local health department shall arrange to have the records forwarded in a confidential manner to the Department for storage until the three-year minimum for record maintenance has been met.

13. Section Thirteen: Preparation and Care of the Body Art Area/Conducting the Body Art Procedure

- 13.1. Body art procedure areas shall be organized to prevent cross-contamination of clean, disinfected, or sterile instruments/equipment with contaminated equipment.
 - 13.1.1. A sterile field shall be established that contains all cleaned and sterilized instruments/equipment and supplies to be used in the body art procedure.
 - 13.1.2. All supplies shall be organized before the procedure begins in a manner to minimize contamination of the field.
 - 13.1.3. All sterilized supplies shall remain in the sterile package until opened in front of the client.
 - 13.1.4. A separate disposable container or a container capable of being cleaned and disinfected shall be available and shall be used to hold and transport all post-procedure contaminated instruments/equipment from the procedure area to the cleaning, disinfecting, and sterilization area.
- 13.2. Before a body art procedure is performed, the immediate skin area and the areas of the skin surrounding where the body art is to be placed shall be washed with soap and water. The area shall then be prepared with an appropriate antiseptic skin preparation allowing the preparation to dry on the skin before beginning the body art procedure. Washing pads shall be disposed of in an appropriate, covered, waste receptacle after a single use.
- 13.3. In the event of an oral body art procedure, the mouth shall be rinsed out with an oral antiseptic mouth rinse for at least 30 seconds.
- 13.4. If shaving is necessary, single-use disposable razors shall be used. Used razors shall be immediately disposed of in an approved, properly-labeled and secured sharps disposal container. Following shaving, the immediate skin area and the areas surrounding where the body art is to be placed shall be washed with soap and water. The area shall be prepared with an appropriate antiseptic skin preparation allowing the preparation to dry on the skin before beginning the body art procedure. Washing pads shall be disposed of in an appropriate, covered, waste receptacle after a single use.
- 13.5. All tattoo pigments/inks, tattoo needles, and piercing needles and other instruments used for body art procedures shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

- 13.6. All needles used for tattooing must be single-use, sterile needles. After use, needles, including the needle bar, shall be immediately disposed of in an approved, properly-labeled and secured sharps' disposal container.
- 13.7. All products applied to the skin, including body art stencils, shall be single-use and disposable.
- 13.8. Petroleum-based gels, soaps, or other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or an applicator in a manner to prevent contamination of the original container and its contents. The used gauze or applicator shall be disposed of in an appropriate covered waste receptacle after a single use.
- 13.9. Petroleum-based products may not be used in conjunction with latex gloves. If a petroleum-based product is used, non-latex based medical-grade exam gloves shall be used.
- 13.10. Immediately before a tattoo is applied, the quantity of tattoo pigment/ink to be used shall be transferred from the tattoo pigment/ink bottle and placed in a single-use pigment cap. Upon completion of the tattoo, these single use pigment caps and their contents will be discarded.
 - 13.10.1. Before disposal, any tattoo pigment/ink remaining in liquid form shall be disposed of by placing gauze pads or other absorbant materials into the cap to absorb the liquid and the caps disposed of in an appropriate covered waste receptacle after a single use.
 - 13.10.2. Tattoo pigment/ink cannot, under any circumstances, be reused on another client or placed back in the original stock container.
- 13.11. Tattoo pigment/ink bottles must be stored in a clean, dry, closed cabinet or tightly covered container when not in use. If tattoo pigment/ink bottles are stored in the body art procedure area, they may not be accessed during the performance of a body art procedure without first removing and disposing of contaminated gloves and performing hand washing. New medical-grade exam gloves must be used to complete the body art procedure.
- 13.12. After performing a tattoo, excess pigment/ink shall be removed from the skin with an individually wrapped sterile gauze pad. The completed tattoo shall be washed with a piece of sterile gauze with an appropriate antiseptic solution. The tattooed area shall be allowed to dry. An antimicrobial ointment shall be applied either from a single-use packet or using an applicator in such a way that the original container is not contaminated. A sterile dressing shall be applied to the site and secured with medical-grade adhesive tape or self-adhesive wrap.

- 13.13. For permanent make-up/cosmetic tattooing, the use of some rotary pens is permitted. Only rotary pens that have detachable, disposable, sterile combo couplers and detachable, disposable casings or casings that can be cleaned and sterilized can be used. The use of any rotary pen that uses a sponge at the opening of the chamber to stop the pigment or blood or OPIM from getting into the machine or is designed in a manner that does not allow it to be cleaned and sterilized shall not be permitted.
- 13.14. All needles used for piercing must be single-use, sterile needles. After use, needles shall be immediately disposed of in an approved, properly-labeled and secured sharps' disposal container.
- 13.15. All jewelry used for piercing must be sterilized before use. Jewelry for initial piercings must be made of implant grade materials.
- 13.16. In the event of blood flow at any time during a body art procedure, all products used to check the flow of blood or to absorb blood shall be sterile, single-use items and must be disposed of immediately after use in appropriate, covered waste receptacles, unless the disposal product meets the definition of regulated waste. No styptic pencils, alum blocks, or other solid styptics shall be used to stop the flow of blood.

14. Section Fourteen: Cleaning, Disinfection and Sterilization Procedures

- 14.1. All procedure surfaces shall be constructed of materials that are smooth, nonporous and easily cleaned and disinfected. This includes, but is not limited to, client chairs, tables, benches, and counters.
- 14.2. All procedure surfaces shall be cleaned and disinfected with an EPA-registered disinfectant after each use/between clients regardless of whether contamination is visible. Many disinfectants need to stay on surfaces for a specific amount of time to fully disinfect the surface before being wiped down. Instructions included with the disinfectant shall be followed regarding the required chemical concentration and the amount of time needed to properly disinfect an area.
- 14.3. Non-procedure surfaces and equipment shall not be touched during the body art procedure. If an object is considered part of the procedural equipment (e.g. magnifying glass arm, lights, clip cord) and/or is likely to be touched during the procedure, it shall be covered with an appropriate barrier such as barrier film, a clip cord sleeve, dental bib or table paper.
 - 14.3.1. Any barrier used to cover equipment must be discarded at the end of each procedure.

- 14.3.2. The underlying surface must be clean and disinfected after each use/between clients and before covering is replaced.
- 14.4. All non-disposable instruments used in body art procedures shall be thoroughly cleaned after each use. Cleaning is accomplished by manually scrubbing equipment with warm water and an appropriate detergent solution to remove blood and OPIM.
- 14.5. Once visible blood and OPIM is removed, all non-disposable instruments shall be placed in a disinfection tub filled with EPA-registered disinfectant. Equipment shall be fully submerged to ensure contact with all surfaces for an amount of time specified in the manufacturer's instructions. All hinged equipment (e.g., piercing forceps) shall be in the open position.
- 14.6. Once disinfection is completed, equipment shall be rinsed and placed in an ultrasonic cleaner filled with an appropriate ultrasonic solution and the ultrasonic unit run according to the manufacturer's suggestions. All hinged equipment (e.g., piercing forceps) shall be in the open position.
- 14.7. The ultrasonic unit shall be used, cleaned, and maintained in accordance with manufacture's instructions and a copy of the manufacturer's recommended procedures for the operation of the ultrasonic unit shall be kept on file at the body art facility.
- 14.8. Upon removal from the ultrasonic unit, all non-disposable instruments used for body art shall be rinsed, air dried, and packed individually in peel-packs and subsequently sterilized in a steam sterilizer or dry-heat sterilizer. All hinged equipment (e.g., piercing forceps) shall be packaged in an open position.
- 14.8.1. All peel-packs shall contain a chemical/temperature and/or humidity sensitive tapes, strips or pellets for monitoring each sterilization cycle. Reactions must be recorded in a log book for each sterilization cycle.
- 14.8.2. Peel-packs shall be labeled to include a description of the equipment and the date of sterilization.
- 14.9. The steam sterilizer or dry-heat sterilizer shall be used, cleaned, and maintained in accordance with manufacture's instructions and a copy of the manufacturer's recommended procedures for the operation of the steam sterilizer or dry heat sterilizer shall be kept on file at the body art facility.
- 14.10. After sterilization, the instruments used for body art procedures shall be stored in a dry, clean, closed cabinet or other tightly-covered container reserved for the storage of such instruments.

- 14.10.1. The expiration date for sterilized instruments is one year from the date of sterilization
- 14.10.2. Sterilized instruments may not be used if the package integrity has been breached, is wet or stained, or the expiration date has been exceeded without first repackaging and resterilizing.
- 14.10.3. All instruments used in body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure.
- 14.11. The owner or operator of a body art facility shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore detection tests. These tests shall be verified through an independent laboratory. Test records shall be retained by the owner or operator for a period of at least three years.
- 14.12. If a spore test result is positive, the body art facility shall discontinue the use of that sterilizer until it has been serviced, and a negative spore test has been recorded before putting that sterilizer back into service.
 - 14.12.1. Until a negative spore test has been received, the body art facility shall: 1) use an alternative sterilizer, 2) use only instruments that have a sterilization date on or before the date before the last negative spore test was recorded, or 3) use only disposable instruments.
 - 14.12.2. Instruments from sterilization runs after the last negative spore test must be repackaged and sterilized successfully before use.
 - 14.12.3. The owner and/or operator of the body art facility shall also notify the local health department, which inspects body art facilities in the jurisdiction in which the body art facility is located, of the positive spore test with 24 hours of the positive spore testing occurring.
- 14.13. Body art facilities that use only disposable instruments are not required to have a steam sterilizer or a dry-heat sterilizer.
- 14.14. Body art technicians and all other individuals working in the body art facility shall follow appropriate hand washing technique and wear gloves and other required PPE when involved in cleaning, disinfecting, and sterilization procedures.
 - 14.14.1. The following procedures shall be followed when cleaning and disinfecting procedure surfaces/areas:

- 14.14.1.1. Gloves and/or other PPEs shall be worn when cleaning and disinfecting body art procedure surfaces/areas, including the removal of any barrier materials. Gloves shall be either medical grade disposable gloves or heavy duty reusable gloves. Gloves shall be removed before leaving the procedure area.
- 14.14.1.2. Appropriate hand washing shall be performed immediately after cleaning and disinfecting body art procedure areas.
- 14.14.2. The following procedures shall be followed when cleaning and disinfecting non-disposable instruments:
 - 14.14.2.1. Gloves and/or other required PPE shall be worn when cleaning and disinfecting non-disposable instruments. Gloves may be either medical grade gloves or heavy duty reusable gloves. Gloves shall be removed after loading the ultrasonic cleaner.
 - 14.14.2.2. Appropriate hand washing shall be performed after loading the ultrasonic cleaner.
- 14.14.3. The following procedures shall be followed when sterilizing non-disposable instruments and handling sterilized instruments:
 - 14.14.3.1. Gloves and/or other required PPE shall be worn when preparing materials for sterilization and loading materials into the steam sterilizer or dry-heat sterilizer. Gloves shall be medical grade exam gloves.
 - 14.14.3.2. Appropriate hand washing shall be performed after preparing the materials for sterilization and loading materials into the steam sterilizer or dry-heat sterilizer.
 - 14.14.3.3. Appropriate hand washing shall be performed before unloading materials from the steam sterilizer or dry-heat sterilizer and placing them into storage
 - 14.14.3.4. Appropriate hand washing shall be performed before retrieving sterilized materials from the storage area in preparing for setting up for a body art procedure.
- 14.14.4. A different pair of gloves shall be used for each of the above stages of cleaning, disinfecting, and sterilization.
- 14.14.5. All gloves and other required PPE shall be removed in a way that minimizes risk of contamination of the person using them.

14.14.6. If medical grade gloves and/or other disposable PPE are used, they shall be disposed of in an appropriate, covered waste receptacle.

14.14.7. If heavy duty reusable gloves and/or other reusable PPE are used, they shall be placed in a container for cleaning and disinfecting.

14.14.7.1. If heavy duty reusable gloves are used, each person using them shall have their own pair of gloves or reusable gloves should be disinfected with an environmental disinfectant, rinsed and allowed to dry between uses.

14.14.7.2. If reusable cloth PPE are used, they shall be mechanically washed with detergent and dried after each use.

15. Section Fifteen: Regulated Waste/Disposal

15.1. Owners or operators of body art facilities must be registered with the Michigan Department of Environmental Quality as a medical waste producer as required by the Medical Waste Regulatory Act (MWRA), 1990 PA 18,, MCL 333.13801 et seq.

15.2. Contaminated waste which may release liquid blood or OPIM when compressed or may release dried blood or other potentially infectious material (OPIM) when handled shall be placed in a biohazard bag or container which is properly labeled.

15.3. Sharps ready for disposal shall be placed in an approved sharps disposal container.

15.4. Contaminated waste which may release blood, body fluids, dried blood or dried body fluids, and sharps must be disposed of consistent with the MWRA.

15.5. Contaminated waste can not be stored for more than 90 days before disposal.

15.6. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered waste receptacle and disposed of through normal disposal methods.

16. Section Sixteen: Facility Requirements

16.1. All body art facilities shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation or any activity that may cause potential contamination of work surfaces.

- 16.2. The body art facility shall have self-closing doors and windows equipped with screens in good repair if the windows are intended to be used for ventilation.
- 16.3. Body art procedure areas shall be separated from the customer waiting area/retail area by a panel or wall at least four feet high.
- 16.4. There shall be a minimum of 45 square feet of floor space for each body art technician's body art procedure area in the facility.
- 16.5. All walls and floors of a body art facility shall be smooth, free of open holes or cracks, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition.
- 16.6. All procedure surfaces in the body art procedure area, including client chairs, tables, benches, and counters shall be smooth, free of open holes or cracks, washable and in good repair. All procedure surfaces, including client chairs, tables, benches, and counters shall be of such construction as to be easily cleaned and disinfected after each use/between clients.
- 16.7. The facility shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles three feet off the floor, except that 100 foot candles shall be provided at the level where the body art procedures are being performed, and where instruments and sharps are handled/assembled. Spot lighting may be utilized to achieve this required degree of illumination for the purpose of conducting body art procedures.
- 16.8. A separate, handwashing facility comprised of a sink with warm running, water under pressure, preferably equipped with wrist or foot-operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible within the body art facility. There shall be a covered waste receptacle by each sink for the disposal of paper towels. One hand sink shall serve no more than three body art technicians.
- 16.9. There shall be a minimum of one lavatory with a toilet and a separate sink in a body art facility.
- 16.10. A body art facility shall have a separate room or area for the sole purpose of cleaning, disinfecting and sterilizing. This area shall be separated from the remainder of the facility by a minimum of a wall or partition and shall be an area that does not allow client access. The cleaning, disinfecting, and sterilizing area shall be organized to prevent cross-contamination of clean, disinfected or sterile equipment with dirty equipment.

- 16.11. All sinks in the body art facility shall only be used for their designated purpose.
- 16.12. All chemical or cleaning supply containers shall be properly labeled.
- 16.13. At least one covered waste receptacle shall be provided in each body art procedure area and each toilet room. Each receptacle shall have a lid and the lid shall be kept closed at all times. Waste receptacles in the body art procedure area(s) shall be emptied daily and solid waste shall be removed from the premises at least weekly. All waste receptacles shall be cleanable and kept clean, and capable of being disinfected.
- 16.14. Sharps disposal containers shall be made available at places as close as feasibly possible to any area where needles and sharps are used.
- 16.14.1. These containers must be hard, puncture-resistant, leak-proof containers specifically designed for the storage of sharps.
- 16.14.2. They must be labeled with the universal biohazard symbol or color-coded.
- 16.14.3. They must be maintained in an upright position, and replaced frequently to avoid over-filling.
- 16.14.4. When moving sharps' containers, the containers must be closed. If leakage is possible, they must be placed in a second container that will contain all contents, prevent leakage, and be labeled with the universal biohazard symbol or be color-coded.
- 16.14.5. Sharps' containers must be changed, at a minimum, 90 days after the date of first use.
- 16.15. No animals of any kind shall be allowed in the body art facility except service animals used by persons with disabilities (e.g., seeing-eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
- 16.16. Effective measures shall be taken by the owner or operator of the body art facility to protect against entrance into the facility and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any parts of the Facility.
- 16.17. For new body art facilities and for body art facilities undergoing renovation, an 8 ½ X 11 or larger scale drawing and floor plan of the proposed facility or the proposed renovation of the facility shall be submitted to the local health department responsible for body art facility inspection for the jurisdiction in which the body art facility will be/is located. This drawing shall show the

accurate placement of each of the following items: walls, windows, doors, waiting area, procedure area(s), bathroom(s), cleaning, disinfection, and sterilization area, equipment/instrument storage area(s) chairs, tables, and sinks. This scale drawing and floor plan shall be submitted at least 60 days before the proposed opening/planned renovation. A pre-opening inspection of the premises will be required before body art services can be performed in this new facility/renovated area.

16.18. *Requirements for Body Art Facilities* does not relieve the owner/operator of a licensed body art facility from the responsibility for securing a local permit or complying with applicable local codes, regulations, or ordinances that are in addition to the *Requirements for Body Art Facilities*.

16.18.1. Water supply; plumbing.

(1) The water system shall comply with the requirements of the local health authority.

(2) Plumbing shall be designed, constructed, installed, and maintained to prevent cross-connection with the water system.

(3) Sinks, lavatories, drinking fountains, and other water outlets shall be supplied with safe water, sufficient in quantity and pressure, to meet conditions of peak demand.

Sewage disposal.

(1) Sewage and other water-carried wastes shall be disposed of through a municipal or private sewer system.

(2) Private sewer/septic systems shall be designed and operated to safely dispose of all wastewater generated, shall be adequate in size for the projected use and meet the criteria of the environmental health department.

17. Section Seventeen: Temporary Facility Permits/Requirements for Michigan Owners/Operators of Body Art Facilities

17.1. Temporary body art facility licenses are for the provision of tattooing, branding, or body piercing at a fixed location for not more than a two-week period (14 consecutive days).

17.2. Temporary body art facility licenses are only issued if one or both of the following two conditions are met:

- 17.2.1. The applicant is the owner or operator of a Michigan-licensed body art facility operating at a fixed or permanent location, and the body art facility at the fixed or permanent location must have been inspected by the local health department responsible for body art facility inspection for the jurisdiction in which the body art facility is located within the last 12 months. The results of that inspection must have documented compliance with the requirements delineated in the *Requirements for Body Art Facilities* document.
- 17.2.2. The temporary body art license is for participation in a body art-related trade show, a meeting of a professional association of individuals working in the body art industry, or an organized event that includes education about and/or demonstration of body art procedures.
- 17.2.2.1. An owner or operator may have more than one technician working under the temporary license as long as there is a single set-up where individual procedures areas are adjacent or contiguous with one another.
- 17.2.2.2. If there are multiple set up sites at the event that are not adjacent or contiguous with one another, the owner or operator must apply for a separate temporary license for each distinct space.
- 17.3. The owner or operator of a body art facility at a permanent or fixed location or an individual who will be participating in a trade show or an event that includes education about and/or demonstration of body art procedures, shall apply for a temporary body art facility license using the Department's online application process or an application form provided by the Department.
- 17.4. Applications for temporary body art facility licenses shall be received not less than 30 days before the first day on which tattooing, branding, or body art services will be provided at the temporary location.
- 17.5. At the time of the application, the owner or operator or other applicant shall pay to the Department, a \$100.00 fee for a temporary body art facility license.
- 17.6. The temporary body art facility must be contained in a completely enclosed structure.
- 17.7. The temporary body art facility **shall be in compliance with all requirements delineated in the *Requirements for Body Art Facilities*.** However, the following adaptations are allowed for requirements related to handwashing, facility size, lighting, and sterilization of equipment.

- 17.7.1. Hand washing facility Requirements: Conveniently located hand-washing facilities with running water, under pressure, supplied with liquid soap and disposable paper towels. Sink drainage must be in accordance with local plumbing codes.
- 17.7.2. A minimum of 80 square feet of floor space.
- 17.7.3. At least 100 foot candles of light at the level where the body art procedure is to be performed and where instruments and sharps are assembled. Spot lighting may be used to achieve this required degree of illumination for the purpose of conducting body art procedures.
- 17.7.4. If reusable instruments are sterilized on site, there must be documentation that a spore test was performed on the steam sterilizer or dry heat sterilizer 30 days or less before the first date that the temporary license will be in effect. Acceptable alternatives to on-site sterilization include:
 - 17.7.4.1. Using only single-use, prepackaged, sterilized equipment shall be used.
 - 17.7.4.2. Transporting contaminated reusable instruments back to a licensed body art facility at a fixed or permanent location in a way that is consistent with the MWRA. This includes transporting in a container that has a secure lid, is leak-proof on the sides and bottom, is labeled and/or color-coded, and that does not contain any liquid blood or OPIM.
- 17.8. The site at which body art services will be provided under this temporary body art facility license must be inspected by the local health department responsible for body art facility inspection for the jurisdiction in which the temporary body art facility is located.
 - 17.8.1. Inspection of temporary body art facilities affiliated with a licensed permanent facility at a fixed location will focus on the physical set-up and operation of the temporary facility. Inspection of temporary body art facilities affiliated with a licensed permanent facility at a fixed location will not require the owner or operator to produce evidence of compliance with certain other requirements that have already been documented as part of the annual inspection of the permanent facility at a fixed location; these include employee vaccination status, employee training, and record-keeping.
 - 17.8.2. Applicants without a Michigan-licensed, permanent fixed facility, who are applying for a temporary facility license for the purpose of

participating in a trade show or an event that includes education about and/or demonstration of body art procedures, shall also undergo inspection of the temporary body art facility. In addition to the inspection of the physical set-up and operation of the temporary facility, the owner/operator must provide evidence of compliance with all of the requirements delineated in the *Requirements for Body Art Facilities*. This includes, but is not limited to documentation of employee vaccination status, employee training, client/employee record keeping, and spore testing.

17.9. If the Department determines that the application and the local health department inspection of the site at which body art services will be provided under this temporary body art facility license document compliance with the requirements in the *Requirements for Body Art Procedures* document, the Department will issue a license to the applicant for the operation of a temporary body art facility.

17.9.1. The temporary body art facility license, as well as the Department-provided Disclosure Statement and Notice for Filing Complaints, shall be posted in a prominent and conspicuous place within the temporary body art facility where it may be readily seen by all clients.

18. Section Eighteen: Exemptions

18.1. State of Michigan licensed physicians (M.D. or D.O.) or dentists who utilize body art procedures as part of patient treatment, as well as other licensed health care professionals working in the same office/health care facility as that physician and under the direct supervision of that physician.

18.2. Facilities and individuals that only provide ear piercing services.

19. Section Nineteen: Inspection

19.1. The body art facility owner, operator or person in charge shall allow a local health department inspector or representative of a local health department to enter the body art facility, upon presentation of proper identification, to conduct an inspection of the body art facility in order to ensure that the body art facility is in compliance with requirements of PA 149.

19.1.1. Body art facilities not licensed by the State of Michigan must apply to the state for an initial three-year, a three –year renewal of a license or a temporary body art license. The license will be issued to a specific person at a specific location and is nontransferable.

- 19.2. Upon submission of an application for an **initial** three year body art facility license to the Department, the body art facility owner or operator will receive a receipt of payment for the licensing fee and the local health department that is responsible for conducting inspections in the jurisdiction in which the body art facility is located shall be notified by the Department of the application.
- 19.2.1. The body art facility operator must then contact the local health department responsible for the jurisdiction in which the body art facility is located to schedule an inspection. A list of local health departments with contact numbers is available. The local health department shall use the licensing fee receipt of the applicant to schedule the body art facility inspection.
- 19.2.2. The inspection of a body art facility shall document whether or not the body art facility has met the requirements as detailed in the *Requirements for Body Art Facilities*. This documentation shall be noted on the inspection report form completed by the local health department and a copy of this documentation shall be given to the owner or operator at the end of the inspection.
- 19.2.3. The Body Art Facility Inspection Report shall delineate inspection items that are critical and/or non-critical violations. If critical or non-critical violations are identified, remedies for correction will be noted in the comment section on the inspection form. Violations noted on the Inspection Report may require a re-inspection by the local health department to assure noted remedies have been met by the body art facility.
- 19.2.4. The local health department or its representative shall report back to the Department the status of the initial inspection as either compliant or non-compliant.
- 19.2.4.1. When the body art facility has passed the initial inspection as compliant, the local health department representative shall sign and date the initial Inspection Report. This signed and dated inspection report form shall then be considered a temporary license until a license for a body art facility from the Department has been received. This notification of a compliant Inspection Report shall be sent to the Department as soon as possible but no longer than 30 working days after the initial inspection was completed.
- 19.2.4.2. The Department shall send to the body art facility applicant a State of Michigan body art facility license once the local health department has notified the Department of a compliant initial inspection. This State of Michigan body art facility license will be effective for three years from the day of issuance. The local health department responsible for the

jurisdiction in which the body art facility is located then requires three annual inspections.

- 19.3. When submission for three-year **renewal** of a body art license application and licensing fee for a body art facility is received by the Department, the Department shall notify the local health department responsible for the jurisdiction in which the facility is located.
 - 19.3.1. This renewal application and license fee shall be submitted not less than 30 days before the current license expires.
 - 19.3.2. The local health department representative shall have submitted to the Department the results of three compliant annual inspections for an existing body art facility license.
 - 19.3.3. Based upon submission of three compliant annual inspection results from the local health department representative, the Department shall issue a renewal license to the body art facility. This renewal license will be issued to a specific person at a specific location and is nontransferable.
- 19.4. The inspection process for a **newly established or renovated** body art Facility consists of a site plan submission by the applicant and a pre-opening inspection by the local health department representative responsible for the jurisdiction in which the body art facility is located.
 - 19.4.1. A detailed site plan will be reviewed to determine whether the body art facility is in compliance with the physical requirements found in Section 16 of the *Requirements for Body Art Facilities*.
 - 19.4.2. The body art facility owner or operator shall contact the local health department responsible for the jurisdiction in which the body art facility is located to schedule a pre-opening inspection by the local health department representative. The body art facility inspection report form shall be used to delineate items that are critical and/or non-critical violations. If violations are identified, remedies for correction will be noted in the comment section on the inspection report form.
 - 19.4.3. Once operational, a follow up inspection shall be conducted by the local health department. The body art facility Inspection Report shall be used to delineate items that are critical and/or non-critical violations. If violations are identified, remedies for correction will be noted in the comment section on the inspection report form.

- 19.4.4. When both the pre-opening inspection and the follow-up opening inspection are in compliance with the *Requirements for Body Art Facilities*, the local health department or its representative shall report back to the Department the compliant status of the inspections. A copy of these body art facility inspection report forms shall be given to the owner or operator at the end of each inspection.
- 19.4.4.1. Based upon notification of the compliant status from the local health department, the Department shall issue an initial three-year license for a body art facility. This initial three-year license will be issued to a specific person at a specific location and is nontransferable. The local health department responsible for the jurisdiction in which the body art facility is located then requires three annual inspections.
- 19.5. When the Department receives an application and fee for an **affiliated temporary** body art facility license that will be **affiliated** with a Michigan-licensed permanent facility, the local health department for the jurisdiction for which the temporary license is located shall be notified. The application will denote the permanent affiliated body art facility and whether that permanent affiliated body art facility has had a compliant body art facility inspection report form prior to licensure for a temporary body art facility.
- 19.5.1. The local health department responsible for the jurisdiction in which the temporary body art facility will be located shall use the Inspection Report form to determine compliance for the temporary site for a body art facility. The inspection report form shall delineate items that are critical and/or non-critical violations. If critical or non-critical violations are identified, remedies for correction will be noted in the comment section on the inspection report form.
- 19.5.2. The inspection report form shall be noted as either compliant or non-compliant by the local health department responsible for the jurisdiction where the temporary body art facility is located and shall contain allowed adaptations to requirements related to hand washing, facility size, lighting and sterilization as described in Section 17 of the *Requirements for Body Art Facilities*.
- 19.5.3. A copy of this inspection report form documentation shall be given to the owner or operator at the end of the inspection. This documentation shall be used as a temporary license for a body art facility.
- 19.6. When the Department receives an application and fee for a **non-affiliated temporary** body art facility license that is **not affiliated** with a Michigan-licensed permanent facility, the local health department for the jurisdiction for

which the temporary license is located shall be notified. The application shall denote that the temporary body art facility is not affiliated with a Michigan-licensed permanent facility.

- 19.6.1. The local health department responsible for the jurisdiction in which the temporary body art facility will be located shall use the Inspection Report to determine compliance for the temporary site for a body art facility. The inspection report form shall delineate items that are critical and/or non-critical violations. If critical or non-critical violations are identified, remedies for correction will be noted in the comment section on the inspection report form.
- 19.6.2. The inspection report form shall be noted as either compliant or non-compliant by the local health department representative and shall cover all requirements described in the *Requirements for Body Art Facilities*.
- 19.6.3. A copy of this inspection report form documentation shall be given to the owner or operator at the end of the inspection. This documentation shall be used as a temporary license for a body art facility.

20. SECTION TWENTY: ENFORCEMENT

- 20.1. An owner or operator of a body art facility shall not oppose or obstruct a local health department representative, health officer, or any other person charged with enforcement of a health law or in the performance of that person's legal duty to inspect a body art facility. Section 1291 of 2007 PA 149; MCL 333.1291.
- 20.2. The body art facility owner, operator or person in charge shall allow a local health department inspector or representative of a local health department to enter the body art facility, upon presentation of proper identification, at a reasonable time to conduct an inspection of the body art facility in order to ensure that the body art facility is in compliance with requirements of the Act.
- 20.3. Violations of the *Requirements for Body Art Facilities* shall be cited on the Inspection Report by the local health department for the jurisdiction in which the body art facility is located. The Inspection Report shall delineate critical and/or non-critical violations. Non-critical violations must be corrected by the next regular inspection or such period of time as may be specified. If the violations are considered as critical then those violations must be corrected immediately or a follow up inspection will be scheduled.

- 20.3.1. Critical violations, if not corrected in the time specified, may lead to closure or suspension and/or revocation of the body art facility license
- 20.3.1.1. If the local health department issues an order to close a body art facility in writing, based on a critical violation, the Department shall also be notified.
- 20.3.1.2. If a critical violation has been remedied to the satisfaction of the local health department, the local health department shall notify the owner/operator in writing when the violation has been remedied, and the local health department shall allow the body art facility to re-open.
- 20.4. The local health department may **suspend** a body art facility license issued by the Department temporarily for failure of the body art facility to comply with the *Requirements for Body Art Facilities*.
- 20.4.1. The owner or operator of the body art facility shall be notified in writing, by the local health department responsible for the jurisdiction in which the body art facility is located, the reason for the license suspension and the remedies required. The requested remedies shall include a reasonable time to correct cited defects. The local health department shall also notify the Department, in writing, the reason for the license suspension and the remedies required to correct cited defects to reinstate the licensure.
- 20.4.2. The owner or operator may appeal a suspension in writing to the local health department that recommended the suspension. The appeal letter will ask for a re-determination of suspension and request a follow up inspection by the local health department.
- 20.4.3. If the local health department denies an appeal re-determination based on a follow up inspection, the owner or operator may ask in writing for an administrative hearing.
- 20.4.4. Upon receipt of a letter from a body art facility requesting an administrative hearing regarding suspension of licensure, the local health department shall schedule a date and time for an administrative hearing and notify the Department. If an administrative hearing by the local health department decides the actions of suspension were warranted, the local health department shall suspend the body art facility licensure.

- 20.4.5. In addition to enforcement action authorized by law, a civil action in a court of competent jurisdiction may be brought for injunctive relief.
- 20.5. A body art facility license issued by the Department may be permanently **revoked** by the Department, for failure of the body art facility to comply with the requirements of *Requirements for Body Art Facilities*, as determined by the local health department.
- 20.5.1. The owner or operator of the body art facility shall be notified in writing the reason for the license revocation by the local health department responsible for the jurisdiction where the body art facility is located. The local health department responsible for the jurisdiction where the body art facility is located shall also notify in writing the requested revocation of the licensure of the body art facility to the Department.
- 20.5.2. The owner/operator may appeal a revocation in writing to the local health department that recommended the revocation. The appeal letter will ask for a re-determination of revocation and request a follow up inspection by the local health department.
- 20.5.3. If the appeal letter regarding revocation of licensure by the local health department is denied based on the follow up inspection, the owner/operator of a body art facility may request in writing that the local health department hold an administrative hearing.
- 20.5.4. Upon receipt of an administrative hearing request letter from a body art facility regarding revocation of licensure, the local health department shall schedule a date and time of an administrative hearing and notify the Department, The administrative hearing request letter shall address the reason and contain documentation why the local health department should not proceed with revocation of licensure.
- 20.5.5. If after the administrative hearing by the local health department, the local health department decides the actions of revocation were warranted, the Department shall revoke the body art facility licensure.
- 20.5.6. A license revocation by the Department for a body art facility shall be permanent.
- 20.5.7. In addition to enforcement action authorized by law, a civil action in a court of competent jurisdiction may be brought for injunctive relief.

- 20.6. Complaints concerning a licensed body art facility submitted to the Department and/or the local health department responsible for the jurisdiction in which the body art facility is located shall be followed up on in a timely manner.

21. SECTION TWENTY ONE: LEGAL PENALTIES

- 21.1. An owner or operator of a body art facility who violates the Act or a rule promulgated under the Act, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100, or both for each violation.
- 21.2. An owner or operator of a body art facility who gives or sells to a minor a body-piercing kit or other body piercing devices is guilty of a violation under the Act and is responsible for a state civil infraction of not more than \$500.

22. SECTION TWENTY TWO: SUPPLEMENTAL REFERENCE

- 22.1. A local governing entity of a local health department authorized to enforce *Requirements for Body Art Facilities* may adopt and enforce local codes, ordinances, or regulations that are more stringent than the minimum applicable standards set forth in *Requirements for Body Art Facilities*.
- 22.2. *Requirements for Body Art Facilities* does not relieve the owner or operator of a licensed body art facility from the responsibility for securing a local permit or complying with applicable local codes, regulations, or ordinances that are in addition to the *Requirements for Body Art Facilities*.
- 22.2.1. Water supply; plumbing.
- (1) The water system shall comply with the requirements of the local health authority.
- (2) Plumbing shall be designed, constructed, installed, and maintained to prevent cross-connection with the water system.
- (3) Sinks, lavatories, drinking fountains, and other water outlets shall be supplied with safe water, sufficient in quantity and pressure, to meet conditions of peak demand.
- Sewage disposal.
- (1) Sewage and other water-carried wastes shall be disposed of through a municipal or private sewer system.

(2) Private sewer/septic systems shall be designed and operated to safely dispose of all wastewater generated, shall be adequate in size for the projected use and meet the criteria of the environmental health department.

22.3 A local health department or a local governing entity, may fix and require the payment of fees for services authorized or required to be performed by the local health department. The local health department or local governing entity may revoke, increase, or amend the fees. The fees charged shall not be more than the reasonable cost of performing the service. Section 2444 of 2007 PA 149; MCL 333.2444.