

Administrative Rule Analysis



BODY ART FACILITIES

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Rule Set No.: 2014-148 HS

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Analysis available at
<http://www.house.mi.gov/hfa>

Department: Health and Human Services (formerly Community Health)

Agency: Public Health Administration, Body Art Facility Licensing

Enabling Statute: Public Health Code 1978 PA 368, MCL 333.13101 – 333.13112

Analysis Complete to: 11/17/2016

BACKGROUND AND SUMMARY OF PROPOSED RULES

The proposed rules are new rules to administer the licensing of body art facilities, a new state function enacted under 2007 PA 149, as amended by 2010 PA 375, both amending Part 131 of the Public Health Code, previously regulating “tattoo parlors”.

The 18 new rules are summarized below:

- I. 1. Definitions of 43 terms
- II. Five rules regarding general requirements for licensed body art facilities
 2. Permitted procedures
 3. Application, fees, issuance of license
 4. Inspections and site plans, local health department
 5. Renewal of license
 6. Disclosure of risk, client consent
- III. Five rules regarding employee requirements and records
 7. Occupational health and safety standards, training, violations
 8. Hepatitis B vaccination requirement for employees, violations
 9. Body art technician/other staff requirements performing body art services, violations
 10. Client contact information requirement in case of issues pertaining to client health
 11. Retention and disposal requirements for client and employee records, violations
- IV. Four rules regarding protective body art procedures and critical violations
 12. Conducting body art procedure, care of body art area, body art jewelry, violations
 13. Cleaning and other requirements for procedure area surfaces, violations
 14. Sterilization of instruments, use of gloves, circumstance for notice to local health department, violations
 15. Medical waste and disposal, violations
- V. Two rules regarding facility requirements
 16. Facility structural and furnishings requirements, circumstance for floor plan submission to local health department for approval, violations
 17. Requirements for licensed body art temporary facility, affiliated and non-affiliated
- VI. One Rule regarding enforcement
 18. Enforcement of violations, critical and non-critical, appeal and hearing process, complaints, role of local health department

FISCAL IMPACT OF PROPOSED RULES

State

The proposed rules establish modest technical requirements for the Department of Health and Human Services that are not included in the 2007 law, primarily clarifying the logistics of the state and local health department cooperative relationship regarding body art licensing. These technical functions would be presumed to be part of the operational costs of the law when enacted in 2007 and do not represent any new or unexpected costs. The functions include publishing the fee schedule online, certain communications with local health departments and license applicants, providing an online inspection reporting process for local health departments, notifying licensees that renewals are due, developing forms, and appeal and hearing processes.

Local

The 2007 body art facility licensing law established that local public health departments are responsible for inspection and primary enforcement. The proposed rules provide further clarification of local health department authority and responsibility, and establish explicit and comprehensive requirements for body art facilities which will be subject to inspection and assessment by local health departments. The proposed rules establish additional times at which inspections and/or site plan approvals are required such as prior to opening a new facility or renovating an existing facility. The proposed rules provide clarity on inspections for temporary body art facilities. Many of these functions would be presumed to be part of the costs of carrying out the law as enacted, and do not represent new or unexpected costs. Where additional inspections are required by local health departments under the proposed rules, Sec. 13108 of the enacted 2007 law reinforces the authority of the local governing entity to charge fees for the cost of these and other required services.

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