



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

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Notice to Body Art Facilities:

Public Act 149, which was enacted in December of 2007, indicates that individuals shall not tattoo, brand, or perform body piercing on another individual unless that tattooing, branding, or body piercing occurs at a body art facility licensed by the Michigan Department of Community Health. Owners or operators of body art facilities will be required to apply for a body art facility license through the Department.

Body art is becoming increasingly popular and the implementation of Public Act 149 will set statewide requirements for body art facilities aimed at decreasing the risk of transmission of bloodborne diseases such as hepatitis B (HBV), hepatitis C (HCV), and human immunodeficiency virus (HIV).

PA 149 indicated that the deadline for licensure was January 1, 2009. However, the Michigan Department of Community Health wanted to ensure that the process for developing the policies and procedures that will be used to operationalize PA 149 was inclusive. As a result, these policies, procedures, and related documents are still under development. At this juncture, the Michigan Department of Community Health expects that the licensing deadline will be set for the second half of 2009. However, additional communication with a firm implementation date and updated information about body art facility licensure will be provided as this initiative progresses.

The Michigan Department of Community Health also recognizes that owners or operators of body art facilities may need time to prepare for licensure. Body art facility owners will be given at least three months from the issuance of body art facility licensure requirements to come into compliance and apply for a license. However, as a starting point, the Department has developed this letter to provide information about the implementation of PA 149. A copy of PA 149 is enclosed. In addition, included are answers to "Frequently Asked Questions" that will assist owners and operators in starting to prepare for body art licensure.

Additional questions about PA 149 and its implementation can be directed to the Michigan Department of Community Health at StegmierL@michigan.gov or (517) 335-9435.

Sincerely,

A handwritten signature in cursive script that reads "Jean Chabut".

Jean Chabut
Deputy Director
Public Health Administration

FREQUENTLY ASKED QUESTIONS

- **What facilities are required to apply for a Michigan body art facility license?**

PA 149 defines a body art facility as “the location at which an individual does one or more of the following for compensation: 1) performs tattooing, 2) performs branding, or 3) performs body piercing.” This includes facilities at which cosmetic tattooing and permanent make-up services are provided.

The law does, however, exempt facilities that only provide ear piercing services. In addition, State of Michigan licensed physicians who utilize body art procedures as part of patient treatment are exempt from licensing requirements.

- **What is the cost of a Michigan body art facility license?**

The fees for obtaining a Michigan body art facility license, which were set by Public Act 149, are as follows:

- The cost for an initial 3-year license is \$500.00.
- The cost for a 3-year renewal license is \$300.00
- The cost for a temporary license to operate a body art facility at a fixed location for not more than a two-week period is \$100.00.

- **What will be the procedure for applying for a Michigan body art facility license?**

The Michigan Department of Community Health is in the process of developing an application form and an on-line application process. It is expected that the application process and forms will be completed by the second quarter of 2009. The Michigan Department of Community Health will provide additional communication to body art facilities once the application process has been developed and forms are available.

- **Will inspection of body art facilities be required?**

PA 149 requires that a local health department inspect each body art facility prior to licensure and inspect all licensed body art facilities at least annually. However, PA 149 indicates that if a local health department is unable or unwilling to perform inspections, the local governing entity of that local health department, through an intergovernmental agreement, may contract with another local governing entity to have that entity’s local health department perform the inspections.

- **Will there be a fee for body art facility inspection?**

PA 149 allows the local governing entity of a local health department to fix and require the payment of inspection fees.

- **When will the requirements for body art facilities/inspection criteria be available?**

The policies, procedures, and related documents are still under development; this includes the document, which will outline the specific requirements body art facilities will need to meet in order to obtain licensure, as well as the inspection criteria that will be used to document compliance with requirements. It is expected that both of these documents will be available in the second quarter of 2009. As indicated previously, at this juncture, the Michigan Department of Community Health expects the licensing deadline to be set for the second half of 2009. Body art facility owners will be given at least three months from the issuance of body art facility licensure requirements to come into compliance and apply for a license.

The requirements and inspection criteria issued at that point will be considered interim and will be used for a year before being submitted for rules promulgation. The rules promulgation process will include a public hearing; the body art industry can provide additional input into the final requirements as part of this process.

- **Will body art facilities still be required to obtain a local body art facility license?**

Some counties/cities currently have local ordinances that require licensure of body art facilities. PA 149 allows counties/cities to have and enforce local licensure programs as long as the local codes, ordinances, and regulations are more stringent than Michigan licensure requirements. Body art facilities will be required to be in compliance with all requirements and pay all applicable fees related to local licensure.

- **Do individual body artists need a license separate from the establishment license?**

PA 149 does not require individual body artists to be licensed. However, some local health departments currently have local ordinances that require the licensure of body artists in addition to the licensing of body art facilities.

- **What additional information will help me prepare for body art facility licensure, including the additional costs related to meeting body art facility licensure requirements?**

As indicated above, PA 149 requires that a local health department inspect each body art facility prior to licensure and inspect all licensed body art facilities at least annually; PA 149 allows the local governing entity of local health departments to fix and require the payment of inspection fees.

PA 149 also requires that body art facilities be in compliance with the Medical Waste Regulatory Act, Part 138 of 1978 PA 368, as amended. Owners or operators of body art facilities must be registered with the Department of Environmental Quality as a medical waste producer. The cost of registration is \$75.00 for a 3-year period. The registration form (Form EQP 1700-1) can be obtained by calling (517) 335-1146 or (517) 241-1320 or e-mailing medicalwaste@michigan.gov.

In addition, PA 149 requires that the owner or operator of a body art facility ensure that the body art facility as a whole and any individual engaged in tattooing, cleaning tattooing instruments, performing branding or body piercing or cleaning branding or body piercing equipment are in compliance with OSHA Bloodborne Pathogens Standards under 29 CFR 1910:1030. In Michigan, OSHA regulations are implemented under the jurisdiction of MIOSHA. MIOSHA Part 554

Bloodborne Infectious Diseases Standards can be found at: http://www.michigan.gov/documents/CIS_WSH_part554_35632_7.pdf. Additional information about MIOSHA Bloodborne Infectious Diseases Standards applicable to body art facilities can be obtained by calling (517) 322-1809.

The following highlights two requirements from the MIOSHA Standards. This information will assist body art facilities in helping to prepare for body art facility licensure as these requirements may have additional costs associated with them.

- **Vaccination:** These standards require that hepatitis B vaccination be made available to all individuals working in the body art facility with potential exposure to blood and other potentially infectious materials (OPIM), at no cost to the individual, 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. As indicated above, this would include, but would not be limited to individuals: 1) engaging in tattooing and/or cleaning, disinfecting, or sterilizing tattoo instruments, 2) performing branding and/or cleaning, disinfecting or sterilizing branding instruments, and 3) performing piercing and/or cleaning, disinfecting or sterilizing piercing instruments.

Vaccination must be made available within ten working days of being assigned responsibilities where there is potential exposure to blood or other potentially infectious materials (OPIM) and after MIOSHA-required bloodborne pathogen training has been completed.

- **Training:** These standards also require that individuals working in the body art facility with potential exposure to blood or other potentially infectious materials (OPIM) be provided with industry-specific and site-specific bloodborne pathogen training. This would include, but may not be limited to, individuals: 1) engaging in tattooing and/or cleaning, disinfecting, or sterilizing tattoo instruments, 2) performing branding and/or cleaning, disinfecting or sterilizing branding instruments, and 3) performing piercing and/or cleaning, disinfecting or sterilizing piercing instruments.

Individuals with potential exposure to blood and other potentially infectious materials (OPIM) must be provided with initial and annual training. This training must be provided on work time and at no cost to the individual.. Specific elements must be included in the training and the person conducting these trainings must be able to demonstrate expertise in the area of occupational hazards of bloodborne pathogens. The Michigan Department of Community Health is working in conjunction with MIOSHA to identify trainings that would meet these requirements, including free and low-cost trainings, as well as industry-specific, internet-based trainings that could be supplemented with site-specific information. Additional information about training requirements and options will be forthcoming.

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