DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH ADMINISTRATION

BODY ART FACILITIES

Filed with the secretary of state on September 11, 2025

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of health and human services by sections 2226, 2233, 2235, and 13108 of the public health code, 1978 PA 368, MCL 333.2226, 333.2233, 333.2235, and 333.13108; section 5 of the critical health problems reporting act, 1978 PA 312, MCL 325.75; and section 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1024)

R 333.13101, R 333.13102, R 333.13103, R 333.13104, R 333.13105, R 333.13106, R 333.13107, R 333.13108, R 333.13109, R 333.13110, R 333.13111, R 333.13112, R 333.13113, R 333.13114, R 333.13115, R 333.13116, R 333.13117, R 333.13118, R 333.13119, R 333.13120, and R 333.13121 are added to the Michigan Administrative Code, as follows:

PART 1. DEFINITIONS

R 333.13101 Definitions.

Rule 1. (1) As used in these rules:

(a) "AAMI" means the Association for the Advancement of Medical Instrumentation.

(b) "Act" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Aftercare instructions" means verbal and written instructions given to the client, specific to the body art procedure or procedures rendered regarding the care of the body art and surrounding area.

(d) "ANSI" means American National Standards Institute.

(e) "Antiseptic" means a product that is labeled as useful in preventing diseases caused by microorganisms present on the skin or on mucosal surfaces, or both, of humans. These products must comply with section 201(g)(1)(B) of the federal food, drug, and cosmetic act, 21 USC 321. Antiseptic includes products meant to kill germs and may also be referred to as, but not limited to, the following:

(i) Antiseptic.

(ii) Antimicrobial.

(iii) Antibacterial.

(iv) Microbicide.

(v) Germicide.

(f) “Aseptic technique” means a set of specific practices and procedures performed under carefully controlled conditions with the goal of minimizing contamination by pathogens.

(g) “ASTM” means the American Society for Testing and Materials International.

(h) “Autoclave” means a device that is intended to sterilize products by means of pressurized steam. An autoclave must comply with 1 or more of the 3 types of steam programs defined as B, N, and S by EN13060 / ISO 17665, and must be capable of sterilizing hollow items, or lumens. An autoclave can remove air from the load by means of any of the following:

(i) Gravity displacement.

(ii) Fractionated vacuum.

(iii) Steam flush-pressure pulse.

(i) “Automated instrument washer” means a mechanical washer designed specifically for the decontamination of instruments before sterilization. These devices must comply with ISO 15883-1/2. Automated instrument washer includes a washer-disinfector or washer-sterilizer.

(j) “Body art technician” means an individual who performs any of the following actions:

(i) Tattooing, including scarification.

(ii) Branding.

(iii) Body piercing.

(k) “Body jewelry” means an adornment placed into a body piercing and comprised of various materials including metals, non-metals, and organic materials as provided in R 333.13114.

(l) “Clean” means objects or surfaces are free from visible soil, organic material, or inorganic material, as usually accomplished by manual or mechanical means through water with detergents or enzymatic products.

(m) “Client” means an individual undergoing any of the following procedures:

(i) Tattooing, including scarification.

(ii) Branding.

(iii) Body piercing.

(n) “Contaminated” means the presence or the reasonably anticipated presence of blood or other potentially infectious material on an item.

(o) “Contaminated sharps” means any contaminated object that can penetrate the skin including, but not limited to, the following:

(i) Tattoo needles.

(ii) Body piercing needles.

(iii) Disposable razors.

(p) “Cycle number” means a unique number that corresponds to each individual autoclave cycle, is used as an identifier and may or may not include the date as part of the number.

(q) “Department” means the department of health and human services.

(r) “Disinfectant” means a tuberculocidal chemical or physical agent that kills vegetative forms of microorganisms, but not necessarily all microbial forms such as bacterial spores registered with the United States Environmental Protection Agency.

(s) “Disinfection” or “disinfected” means the process that kills most pathogenic microorganisms and other microorganisms on inanimate objects by physical or chemical means but does not ensure the margin of safety standards associated with sterilization processes.

(t) “EGLE” means the department of environment, Great Lakes, and energy.

(u) “EN” or “European standard” means a technical standard, established by consensus and approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.

(v) “Equipment” means all machinery, including fixtures, containers, tools, devices, sinks, and other apparatus used in connection with performing body art procedures.

(w) “Exposure” means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious material that may result from the performance of an individual’s assigned duties in the body art facility. It does not include incidental exposures that 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.

(x) “Foot-candles” mean a measurement of light intensity.

(y) “Gloves” means medical grade or exam grade, sterile or nonsterile, disposable, single-use, full-hand coverings worn for protection against disease transmission.

(z) “Hand washing” means physically removing or reducing most microorganisms from the intact skin of the hands. The temperature for handwashing must be not less than 85 degrees Fahrenheit.

(aa) “Hand washing sink” means a sink equipped to provide water with both hot and cold temperatures through a mixing valve or combination faucet, used solely for washing hands, arms, or prosthetics.

(bb) “Instruments” means needles, needles attached to the needle bars, body piercing needles, razors, scarification implements, and other devices that may come in contact with a client’s body or that may have possible exposure to blood or other potentially infectious material during the body art procedure.

(cc) “ISO” means the International Organization for Standardization.

(dd) “Material certificate” means all documents intended to state the specifics of a material used for body jewelry. Names for these documents include, but are not limited to, the following:

(i) Mill certificates.

(ii) ISO certificates.

(iii) Metal composition sheets.

(iv) Material certification sheets.

(ee) “Medical waste” means any of the following that are not generated from a household or care agency as required by part 138 of the act, MCL 333.13801 to 333.13832:

(i) Cultures and stocks of infectious agents and associated biologicals, including laboratory waste, biological production wastes, discarded live and attenuated vaccines, culture dishes, and related devices.

(ii) Liquid human and animal waste, including blood and blood products and body fluids.

(iii) Pathological waste.

(iv) Sharps.

(v) Contaminated wastes from animals, primarily research animals, that have been exposed to agents infectious to humans.

(ff) "MIOSHA standards" means the Michigan occupational safety and health standards promulgated by the Michigan occupational safety and health administration under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(gg) "Mucosal surface" means the moisture-secreting membrane lining of all body cavities or passages that communicates with the exterior, including, but not limited to, the nose, mouth, vulva, and urethra.

(hh) "Municipal solid waste" means common trash or garbage that does not meet the definition of hazardous or biomedical waste.

(ii) "Non-critical violations" means any violation that is not a critical violation as that term is defined in section 13101 of the act, MCL 333.13101.

(jj) "Operator" means a person that controls any interest in, operates, or manages a body art facility and is responsible for compliance with these rules, whether or not actually performing body art activities.

(kk) "OPIM" or "other potentially infectious material" means human body fluids including, but not limited to, the following:

(i) Any body fluids visibly contaminated with blood.

(ii) Saliva in oral body art procedures.

(iii) Semen.

(iv) Vaginal secretions.

(v) All body fluids where it is difficult or impossible to differentiate between body fluids.

(ll) "Part 131" means part 131 of the act, MCL 333.13101 through 333.13112.

(mm) "Pathological waste" means any of the following:

(i) Human organs.

(ii) Tissues.

(iii) Body parts other than teeth.

(iv) Products of conception.

(v) Fluids removed by trauma or during surgery, autopsy, or another medical procedure and not fixed in formaldehyde.

(nn) "PPE" or "Personal protective equipment" means specialized clothing or equipment that is worn by an individual working in a body art facility to protect the individual from an exposure or hazard.

(oo) "Personnel" means employees, body artists, contracted body artists, and agents of the body art facility, whether or not actually performing body art activities.

(pp) "Procedure" means the act of performing body art.

(qq) "Procedure area" means the physical space that is used by 1 body art technician at a time to perform a procedure on 1 client at a time, and that contains all procedure surfaces, equipment, and instruments to perform the procedure.

(rr) "Procedure surface" means a surface utilized during the procedure that has the potential to become contaminated and that may require cleaning and disinfecting.

(ss) "Reprocessing" means a validated process used to render an instrument, which has been previously used or contaminated, fit for a subsequent single use. Reprocessing is

designed to remove soil and contaminants by cleaning and to inactivate microorganisms by sterilization.

(tt) “Safety data sheet” means a document for a potentially harmful chemical that includes information such as the properties of each chemical; the physical hazards, health hazards, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical under the Hazard Communication Standard, 29 CFR 1910.1200(g).

(uu) “Scarification” means the production of scars and includes the injury of the skin involving scratching, etching, or cutting of designs to produce a scar on a human being for ornamentation or decoration.

(vv) “Sharps” means objects that can purposely or accidentally cut or penetrate the skin or mucosa, including, but not limited to, presterilized single-use needles, scalpel blades, and razor blades.

(ww) “Sharps disposal container” means a puncture-resistant, leakproof on sides and bottom container made specifically to meet National Institute for Occupational Safety standards and can be closed for handling, storage, transportation, and disposal. A sharps container must be labeled with the international biohazard symbol.

(xx) “Single-use, disposable” means products or items that are intended for 1 time, 1 individual use, and are disposed of after use on each client, including, but not limited to, the following:

(i) Cotton swabs or cotton balls.

(ii) Tissues or paper products.

(iii) Paper or plastic cups.

(iv) Gauze and sanitary coverings.

(v) Razors.

(vi) Needles.

(vii) Scalpel blades.

(viii) Stencils, including marking pens, pencils, string, or other materials used for stencils.

(ix) Ink cups.

(x) Protective gloves.

(yy) “Smoke” or “smoking” means that term as defined in section 12601 of the act, MCL 333.12601.

(zz) “Sterilize” or “sterilization” means the complete elimination or destruction of all forms of microbial life including bacterial spores.

(aaa) “Ultrasonic cleaner” means a device that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces.

(bbb) “Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products include, but are not limited to, any of the following:

(i) Electronic cigarette.

(ii) Electronic cigar.

(iii) Electronic cigarillo.

(iv) Electronic pipe.

(v) Vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(2) The terms defined in the act have the same meaning when used in these rules.

PART 2. BODY ART FACILITY REQUIREMENTS; GENERAL

R 333.13102 General purpose; violations.

Rule 2. These rules provide the applicable processes for the establishment and maintenance of a body art facility in this state and guidance on the inspection and enforcement process to the local health departments to ensure that public health, safety, and welfare is protected.

R 333.13103 Physician exemption.

Rule 3. The licensing and inspection rules do not apply to procedures that are utilized as a part of a patient's treatment and are performed by or under the control, direction, and on-site supervision of a physician who is licensed in this state.

R 333.13104 Procedures allowed at licensed body arts facilities.

Rule 4. Tattooing, branding, or body piercing, as defined by the act and these rules, are the only procedures allowed within a body art facility.

R 333.13105 Body art facility; applications; renewal licenses; temporary body art facility licenses.

Rule 5. (1) Applications and the fee for licensure must be received not less than 30 days before tattooing, branding, or body piercing services are to be provided.

(2) The department shall notify license holders that their license is due for renewal by mail, or email if a facility email address is submitted.

(3) When submission for the renewal of a body art license application and licensing fee for a body art facility are received by the department, the department shall notify the local health department responsible for the jurisdiction in which the facility is located.

(4) Annual licenses and renewal licenses are effective for the calendar year applied for and do not imply or guarantee a license of 365 days after initial approval.

(5) Applications and the required fee for temporary licenses must be received not less than 30 days before the first day on which tattooing, branding, or body piercing services are to be provided at the temporary location, and temporary licenses expire after 11:59 p.m. on the final date described on the temporary license. No services are to be performed until an initial inspection has been completed and approved by the local health department.

(6) The license will be issued to a specific person at a specific location and is nontransferable. Mobile units will not be licensed as statewide transitory units.

(7) A renewal license will be issued to the facility upon application and payment provided the facility has had a satisfactory inspection within the previous licensing period.

(8) The license must be posted in the body art facility in a prominent and conspicuous area where it can be readily observed. Temporary facilities and newly approved permanent facilities must post their inspection report stating that the facility is approved for operation.

R 333.13106 Body art facility; inspections.

Rule 6. (1) A site plan submission by the applicant to the local health department and an initial inspection by the local health department representative responsible for the jurisdiction in which the body art facility is located are required for a new or a proposed remodel of a licensed body art facility.

(2) A detailed site plan must be reviewed by the local health department to determine whether the body art facility complies with the facility requirements found in R 333.13119.

(3) After passing an initial inspection, the local health department may allow the body art facility to begin offering approved procedures to clients provided the body art facility has applied for licensure in this state.

(4) Inspection of the body art facility must be conducted pursuant to section 13105 of the act, MCL 333.13105, under the department's authority under section 2241 of the act, MCL 333.2241. The local health department must convey the results of that inspection to the department.

(5) Each local health department retains the right to perform additional inspections as determined necessary.

(6) The local health department or its representative shall report to the department on the status of an initial inspection, an annual renewal inspection, or a temporary license inspection as either pass or fail, and whether licensure is recommended by use of the department's online reporting process.

(7) The inspection of a body art facility must document whether the body art facility has met the requirements in the act and rules and a recommendation of whether the facility should be licensed. This determination must be noted on the initial license or temporary license inspection report form completed by the local health department, and a copy of the signed and dated documentation must be given to the owner or operator at the end of the inspection. A signed copy of a department inspection report form stating the facility is approved to operate can be posted temporarily until a state-issued license is received.

(8) The inspection report must delineate inspection items that are violations. If violations are identified, the local health department must mark them on the form and note remedies for correction in the comment section of the inspection form.

(9) Violations noted on the inspection report may require an inspection by the local health department to ensure corrective action has been taken. If an inspection is needed, the time frame for the inspection must be noted in the comment section of the inspection report form.

R 333.13107 Variance.

Rule 7. A variance may be granted to a licensed body art facility by the local health department under the conditions set forth in section 13111 of the act, MCL 333.13111.

PART 3. EMPLOYEE REQUIREMENTS; RECORDS

R 333.13108 Body art facility requirements; adoption of MIOSHA standards; violations considered a critical violation.

Rule 8. (1) Failure to comply with the requirements in this rule, including training, is a critical violation, which may lead to immediate closure or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) Pursuant to section 32(4) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.232, the department adopts by reference the following MIOSHA regulations:

(a) Occupational Health Standards "Part 430. Hazard Communication," R 325.77001 to R 325.77004.

(b) General Industry Safety and Health Standard "Part 554. Bloodborne Infectious Diseases," R 325.70001 to R 325.70018.

(3) The standards referenced in subrule (2) of this rule are available from the MIOSHA standards section at website: www.michigan.gov/mioshastandards at no charge.

(4) The standards are available for inspection, and copies of the standards may be obtained from the Department of Labor and Economic Opportunity, MIOSHA Standards Section, 530 West Allegan Street, P.O. Box 30645, Lansing, Michigan 48909-8143. Up to 5 copies of these standards may be obtained at no charge. For quantities greater than 5, the cost as of the time of the adoption of these rules is 4 cents per page.

R 333.13109 Requirements for body art technicians and other individuals with potential exposure to blood and OPIM; adoption of youth employment standards; violations considered critical violations.

Rule 9. (1) Failure to comply with the requirements in this rule is a critical violation, which may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) A body art facility shall not employ a minor in violation of the youth employment standards act, 1978 PA 90, MCL 409.101 to 409.124.

(3) Body art technicians shall refuse body art services to an individual who shows signs of being under the influence of alcoholic liquor or a controlled substance.

(4) Body art technicians shall not perform tattooing, branding, or body piercing on non-intact skin, non-intact mucosal surfaces, or surfaces with a suspected rash or visible infection.

(5) Body art technicians shall not perform body art procedures on skin or mucosal surfaces that have been affected by any topical anesthetic, external analgesic, or another product that contains an anesthetic active ingredient, unless the product, dosage, and directions for use are appropriately prescribed by a licensed physician for use before or during body art procedures. Documentation of the prescription must be made part of the client record.

(6) Body art technicians shall not perform a procedure on the nipple or genital area of a minor regardless of written consent and presence of a parent or legal guardian of that minor.

(7) All personnel working in the body art facility with the potential for exposure to blood and OPIM shall ensure all the following:

(a) Maintain a high degree of cleanliness; conform to hygienic practices, including hand washing; and wear proper personal protective equipment with clean clothes when performing procedures.

(b) Maintain hair, skin, and clothes that are free of visible particulate matter and debris.

(c) Maintain fingernails in a manner to allow thorough cleaning and prevent glove tears.

(8) If the clothes of a body art technician, or any other individual with the potential exposure to blood or OPIM, become visibly contaminated, contaminated clothing must be removed as soon as possible in a way that prevents additional exposure to the contaminated areas of the clothing. Contaminated clothing must be replaced with clean clothing before commencing any further procedures.

(9) Before assuming responsibilities, personnel with potential exposure shall meet the same requirements as body art technicians.

(10) All personnel working in the body art facility with the potential for exposure to blood and OPIM shall not be involved in procedures if they have any of the following that would result in uncontained drainage and contamination of body art instruments, equipment, procedure surfaces, or the client:

(a) Open wounds.

(b) Cuts.

(c) Sores.

(d) Burns.

(e) Skin abnormalities on any portion of the body.

(11) All personnel working in the body art facility with the potential for exposure to blood and OPIM, shall not do any of the following 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:

(a) Eat.

(b) Drink.

(c) Smoke.

(d) Use vapor products.

(e) Use marijuana.

(f) Apply cosmetics or lip balm.

(g) Handle contact lenses.

(h) Store food.

(12) Body art technicians and other individuals, such as assistants, with the potential for exposure to blood and OPIM shall perform appropriate hand washing when performing, setting up for, or cleaning up after procedures. At a minimum, hand washing must be performed at all of the following times:

(a) Immediately before donning gloves to set-up equipment and instruments used for conducting procedures.

(b) Immediately before donning gloves to perform a procedure.

(c) Immediately after removing gloves at the conclusion of performing a procedure and after removing gloves at the conclusion of procedures performed in the reprocessing area.

(d) When leaving the work area.

(e) As soon as possible after coming in contact with blood or OPIM or a potentially contaminated surface, including after cleaning and disinfecting after each client.

(f) Before and after the following activities:
(i) Eating
(ii) Drinking.
(iii) Smoking.
(iv) Using vapor products.
(v) Applying cosmetics or lip balm.
(vi) Handling contact lenses.
(vii) Using the bathroom.
(viii) When hands are visibly soiled.

(13) Body art technicians shall perform tattooing, branding, or body piercing in a manner that minimizes splashing, spraying, or splattering of blood.

(14) When involved in procedures, body art technicians and other individuals involved in setting up for, performing, or cleaning up after procedures with the potential exposure to blood and OPIM, shall wear disposable medical-grade exam gloves using aseptic technique to ensure that the instruments and gloves are not contaminated to minimize the possibility of transmitting infections during procedures.

(15) A minimum of 1 pair of disposable, medical-grade exam gloves must be used for each of the following stages of the procedure:
(a) Set-up of equipment or instruments used for conducting procedures and skin preparation, applying stencils, or drawing designs on the skin of the procedure area.
(b) The procedure and post-procedure teardown.
(c) Cleaning and disinfection of the procedure area after each use between clients.

(16) If personnel working in the body art facility involved in setting up for, performing, or cleaning up after procedures leaves the procedure area during a procedure, gloves must be removed before leaving the procedure area and a new pair of gloves put on when returning to the procedure area.

(17) When involved in procedures, if the body art technician's glove or gloves, or the glove or gloves of another individual involved, is pierced or torn, or if the glove or gloves become potentially contaminated, the glove or gloves must be changed immediately.

(18) To ensure adequate protection for the technician, latex gloves must not be used in conjunction with petroleum-based products.

(19) All personnel working in the body art facility involved in performing the procedure must not use gloves in place of hand washing procedures.

(20) Gloves and other disposable PPE must be disposed of in an appropriate, covered waste receptacle.

(21) Reusable PPE must be placed in an appropriate provided receptacle for storage until it can be cleaned and disinfected.

(22) If an item or instrument used in a procedure is contaminated by coming in contact with a surface other than the procedure surface or the client, the item must 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.

(23) Body art technicians shall immediately dispose of all needles, including the needle bar, and other contaminated sharps including razors, directly into a conveniently placed and secured sharps disposal container. Body art technicians shall not do any of the following with a contaminated sharp:
(a) Bend.

(b) Recap.
(c) Break.
(d) Shear.
(e) Disassemble
(f) Manipulate.

(24) For individuals performing microblading or manual procedures, once the needle grouping is attached to the hand piece, it cannot be removed and must be fully disposed of into a sharps container.

R 333.13110 Body art facility requirements; disclosure; consent; violation of rules considered critical violations.

Rule 10. (1) Failure to comply with the requirements in this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) Before starting a procedure, the body art facility shall provide each client with the following department-approved documents to be completed:

(a) Disclosure statement and notice for filing complaints. This statement must include both the following:

(i) Risks and possible consequences of procedures.

(ii) Information on how to lodge complaints about the body art facility related to compliance with the department's rules for body art facilities.

(b) Aftercare instructions and when to seek medical treatment, if necessary.

(c) Client body art record and consent form. This record must include the following:

(i) If the client is a minor, proof of minor's identification, parental or legal guardian identification, and a copy of documentation verifying the legal guardian's relationship with the minor.

(ii) Documentation of completing a health questionnaire of the client's medical condition as it relates to receiving body art and notification to follow-up with a physician, if necessary.

(iii) Client identification and contact information.

(iv) The design, location, type of procedure, and name of body art technician completing the procedure.

(v) An informed consent statement that documents the client's receipt and completion of the documents in this subrule, including a signature obtained from the client or legal guardian.

(3) An individual shall not sell, give, or provide to a minor a tattooing, branding, or body piercing kit or other tattooing, branding, or body piercing device.

(4) Facility created or altered documents must be at least as comprehensive as state-provided sample documents in order to be approved by the department.

R 333.13111 Client contact in event of communicable disease outbreak; disclosure.

Rule 11. Pursuant to the authority under sections 2221, 2226, and 2231 of act, MCL 333.2221, 333.2226, and 333.2231, the body art facility shall request the client to provide contact information in the event of a communicable disease outbreak investigation, recalls, or other issues pertaining to the client's health.

R 333.13112 Record retention.

Rule 12. (1) All client and body art personnel records, print or digital form, must be retained in a confidential manner in compliance with the following:

(a) All paper records must be retained in a locked filing cabinet or a locked room.

(b) All electronic records must be password protected.

(c) Access to client records must be limited to the following:

(i) Individuals working at the body art facility that need access to the client records in order to carry out the responsibilities of their position at the body art facility.

(ii) Department or local health department staff who need access to records to document body art facility compliance with requirements delineated in these rules, investigate a laboratory confirmed infection, investigate a communicable disease outbreak investigation, or investigate a complaint.

(iii) Other persons authorized by law to access the records.

(2) All client and body art personnel records must be retained on the business premises for 1 year. All records must be maintained for a minimum of 3 years. These records include, but are not limited to, the following:

(a) Safety data sheets for all hazardous chemicals that clients may be exposed to.

(b) Complete record keeping of all instruments, body jewelry, sharps, and inks used for tattooing, branding, or body piercing at the body art facility. Invoices or purchase orders can satisfy this requirement.

(3) After the 3-year minimum for record retention, all client and body art personnel records may be destroyed. Destruction of records include any of the following methods:

(a) Shredding

(b) Incineration.

(c) Electronic deletion.

(d) Disposal in another manner that protects the confidentiality of all client and employee-related documents.

(4) Body art facilities that close and cease operations are required to retain records securely for 3 years. Destruction of records include any of the following methods:

(a) Shredding

(b) Incineration.

(c) Electronic deletion.

(d) Disposal in another manner that protects the confidentiality of all client and employee-related documents.

(5) Body art facilities that are sold or where the business interest has been transferred to another body art facility shall transfer their records or properly dispose of their records in accordance with subrule (4) of this rule, depending on the conditions of the sale or transfer of the business interest.

PART 4. PROTECTIVE PROCEDURES; CRITICAL VIOLATIONS

R 333.13113 Preparation and care of body art area; conducting procedure; violations considered critical violations.

Rule 13. (1) Failure to comply with the requirements in this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) If reusable instruments are used for procedures, the procedure area must have a separate disposable container or a container capable of being cleaned and disinfected available and used to hold and transport all post-procedure contaminated instruments and equipment from the procedure area to the reprocessing area.

(3) Procedure areas must be organized to prevent cross-contamination of clean, disinfected, or sterile instruments and equipment with contaminated equipment. The organization of the procedure area must include all the following:

(a) A cleaned and disinfected field that contains all cleaned, disinfected, and sterilized instruments and equipment and supplies to be used in the procedure.

(b) All supplies before the procedure begins organized in a manner to minimize contamination of the field.

(c) All sterilized supplies must remain in its sterile package or autoclave cartridge or cassette, or both, until opened in front of the client.

(4) Before a procedure is performed, the immediate skin area and the areas of the skin surrounding where the artist will be touching and where body art is to be placed must be cleaned and then prepared with an appropriate skin preparation antiseptic in accordance with the manufacturer's instructions.

(5) Washing pads must be disposed of in a covered waste receptacle after a single use.

(6) If shaving is necessary, single-use, disposable razors must be used. Used razors must not be recapped or broken and must be immediately disposed of in an approved, properly labeled, and secured sharps disposal container.

(7) For an oral procedure, the mouth must be rinsed out with an oral antiseptic mouth rinse for at least 30 seconds.

(8) Topical anesthetics, external analgesics, or any other products containing an anesthetic active ingredient must not be applied to any skin or mucosal surface, unless the use is appropriately prescribed and delegated by a licensed physician in this state.

(9) Documentation of the prescription referenced in subrule (8) of this rule must be made part of the client record, and the delegation of duties to anyone other than a physician must comply with section 16215 of the act, MCL 333.16215.

(10) All tattoo pigments or inks, tattoo needles, piercing needles, and all other body art instruments and supplies used for procedures must be used according to the manufacturer's instructions.

(11) All needles used for body art must be single-use, sterile needles. After use, needles, including the needle bar, or microblading handle must be immediately disposed of in an approved, properly labeled, and secured sharps disposal container.

(12) Expired needles must not be used for procedures.

(13) Expired needles must be disposed of in an approved, properly labeled, and secured sharps disposal container or must be re-packaged and re-sterilized as prescribed in R 333.13116, if approved by the needle manufacturer.

(14) All products and devices applied to the skin, including, but not limited to, stencils, markers, pencils, and pens, must be single-use and disposed of immediately after use. All bulk products must be portioned out for the individual in a manner to prevent contamination of the original container and its contents and must be discarded upon completion of the procedure.

(15) If rotary pen tattoo machines are used, only machines that utilize presterilized, single-use needle cartridge systems with appropriate backflow prevention devices, such

as membranes or barriers, or those equipped with detachable, single-use disposable sterile combo couplers and detachable, single-use disposable casings or casings that can be cleaned and sterilized, are allowed for use.

(16) When employing a needle cartridge with an appropriate backflow prevention device, the rotary pen tattoo machine must be covered with an appropriate single-use disposable barrier while in operation, and it must be cleaned and disinfected immediately after each use.

(17) Cartridges used in rotary pen tattoo machines must have manufacturer-provided proof and verification of the backflow prevention device's effectiveness and have undergone testing to ensure compliance, or the artist must demonstrate effectiveness through field testing.

(18) To field test, a needle cartridge must be filled with fluid, such as water or ink, held upright with the tips or needles facing upwards, and the plunger operated at least 100 times to assess for any indications of backflow or leakage.

(19) The use of a rotary pen tattoo machine that utilizes a sponge at the opening of the chamber to prevent the entry of pigment, blood, or other potentially infectious materials into the machine is strictly prohibited.

(20) Sterilized instruments may not be used if the package integrity has been breached, compromised, is wet or stained, or the expiration date has been exceeded without first repackaging and re-sterilizing as prescribed in R 333.13116, if approved by the manufacturer.

(21) Immediately before and while a tattoo is applied, the quantity of tattoo pigment or ink to be used must be transferred from the tattoo pigment or ink bottle and placed in a single-use pigment container.

(22) Tattoo pigment or ink or other contaminated liquid must be absorbed by placing absorbent materials into the containers to absorb the liquid. On completion of the tattoo, these single-use, disposable pigment containers and their contents must be properly discarded.

(23) Tattoo pigment or ink must not be reused on another client or placed back in the original stock container.

(24) Tattoo pigment or ink bottles must be tightly closed when not in use. Tattoo pigments or ink may not be stored on the procedure surface. If tattoo pigment or ink bottles are stored in the procedure area, they may not be accessed during the performance of a procedure without first removing and disposing of contaminated gloves and performing hand washing. New gloves must be used to complete the procedure.

(25) Expired products must not be used for procedures and must be discarded on expiration. Products that have a secondary expiration date, such as a period of time after opening, must be labeled with both the date opened and the new expiration date and must be discarded on expiration.

(26) After performing a tattoo, the following actions must be performed:

(a) Excess pigment or ink must be removed from the skin with a clean, single-use, disposable paper towel or wipe.

(b) The completed tattoo must be washed with an appropriate cleansing solution.

(c) The tattooed area must be allowed to dry.

(d) If an ointment is applied, the ointment must either be from a single-use packet or by using an applicator in such a way that the original container is not contaminated.

(e) A protective product or dressing appropriate to the procedure performed must be applied under the manufacturer's instructions.

(f) In the event of excessive bleeding at any time during a procedure, all products used to check the flow of blood or to absorb blood must be unused, single-use items and must be disposed of immediately after use in appropriate, covered waste receptacles, unless the disposal product meets the definition of medical waste. Styptic pencils, alum blocks, or other solid styptics must not be used to stop excessive bleeding.

R 333.13114 Body art jewelry; prohibitions; composition; violations considered critical violations.

Rule 14. (1) Failure to comply with the requirements in this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) Material certificates from jewelry suppliers for jewelry used for piercings must meet the following:

(a) Be available to the department upon request.

(b) Be updated from the supplier for each new lot of material

(3) Piercing guns, stud-and-clasp piercing systems, or other similar devices, instruments, or systems are prohibited in body piercings.

(4) All body jewelry used for piercing must be new and unused, cleaned in accordance with the jewelry manufacturer's instructions, and sterilized before use. If the manufacturer does not provide instructions for use, the item must be inspected for cleanliness and sterilized in an autoclave according to the autoclave manufacturer's instructions. Jewelry that is individually packaged and appropriately sterilized by the manufacturer does not need to be cleaned and autoclaved at the facility.

(5) The composition of body jewelry used for piercing must be comprised of only the following materials:

(a) Any and all materials that meet ASTM or ISO standards for implantation.

(b) Solid 14 karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Gold jewelry used for piercing may not be any of the following:

(i) Plated, unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that is nickel-free and cadmium-free.

(ii) Gold filled.

(iii) Gold overlay or vermeil.

(c) Solid unalloyed or alloyed platinum that is nickel-free and cadmium-free.

(d) Unalloyed niobium that is ASTM B392 compliant.

(e) Lead free glass.

(6) All threaded or press-fit jewelry must have internal tapping.

(7) Body jewelry surfaces and ends must be smooth, and free of nicks, scratches, burrs, stamps, hallmarks, and visible polishing compounds.

(8) Metals must have a consistent finish on surfaces that frequently meet tissue.

R 333.13115 Cleaning and disinfection of procedure surfaces; violations considered critical violations.

Rule 15. (1) Failure to follow the procedures in this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) All procedure surfaces must be cleaned and disinfected with a disinfectant after each use and between clients, regardless of whether contamination is visible. Disinfectants must be used according to the manufacturer's instructions.

(3) Non-procedure surfaces and equipment must not be touched during the procedure.

(4) If an object is likely to be touched or contaminated during the procedure, it must be covered with an appropriate barrier such as barrier film, a clip cord sleeve, dental bib, or table paper. A barrier used to cover equipment must be discarded at the end of each procedure.

(5) The underlying surface must be cleaned and disinfected after each use between clients and before a new barrier covering is applied.

(6) Cloth or fabric items must not be used in the procedure area.

R 333.13116 Cleaning, and sterilization procedures; violations considered critical violations.

Rule 16. (1) Failure to follow the procedures in this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) All equipment and devices used to clean and sterilize body art materials and instruments must be suitable for their intended use.

(3) For the cleaning of single-use, disposable instruments before sterilization, follow the instrument manufacturer's instructions. If the manufacturer does not provide instructions for use, the item should be inspected for cleanliness and sterilized in an autoclave according to the autoclave manufacturer's instructions.

(4) All reusable instruments are to be cleaned and sterilized after each use in the reprocessing area. When warm water is used, it should not exceed 104 degrees Fahrenheit or 40 degrees Celsius.

(5) All hinged equipment, such as piercing forceps, must be in the open position.

(6) Instruments must be disassembled.

(7) When using reusable instruments for body art procedures, the instruments must be cleaned as follows:

(a) Soaked or immersed in an enzymatic or other appropriate solution.

(b) Scrubbed to remove debris.

(c) Rinsed and inspected.

(d) Processed through an appropriately covered ultrasonic cleaner.

(e) Rinsed and dried.

(f) Inspected.

(g) Sterilized.

(8) Processes in subrule (7)(a) to (e) of this rule may be accomplished using an automated instrument washer.

(9) All sterilization loads must include a Class V or better chemical indicator.

(10) Chemical indicator results must be recorded for each sterilization cycle.

(11) After being cleaned, all reusable instruments used for body art must be processed for sterilization by either of the following methods:

(a) Contained in sterilization packaging and subsequently sterilized, with the date noted on packaging or indicator strips. This information must match up with the sterilization log and all sterilization packaging must have a color-changing chemical indicator.

(b) Sterilized without packaging, stored, and sterilized again immediately before use.

(12) After completing the sterilization process, sterilized instruments and jewelry must be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments and jewelry.

(13) All instruments used for procedures must remain stored in either of the following:

(a) A sterile package marked with the cycle number until just before a procedure.

(b) A clean container ready for sterilization immediately before the procedure.

(14) The expiration date for reusable sterilized instruments must follow the packaging manufacturer's instructions.

(15) Tools used for reassembly must be cleaned and disinfected immediately before use.

(16) All jewelry must be clean and disassembled before sterilization.

(17) Ultrasonic cleaners, instrument washers, and autoclaves must be used, cleaned, and maintained in accordance with manufacturer's instructions, and a copy of the recommended procedures for the operation of the autoclave must be kept on file at the body art facility. All sterilization procedures must be compliant with ANSI/AAMI ST79 (4.28).

(18) All personnel working in the facility must comply with all of the following procedures when sterilizing non-disposable instruments and handling sterilized instruments:

(a) Either gloves or other required PPE must be worn when preparing materials for sterilization and loading materials into the autoclave.

(b) Appropriate hand washing must be performed immediately before preparing the materials for sterilization and loading materials into the autoclave.

(c) Appropriate hand washing must be performed before donning gloves, unloading materials from the autoclave, and placing them into storage.

(d) Appropriate hand washing must be performed before donning gloves and retrieving sterilized materials from the storage area in preparation for setting up for a procedure.

(19) A different pair of gloves must be used for each of the stages in subrule (18) of this rule for cleaning, disinfecting, and sterilization.

R 333.13117 Spore test; procedures; notification to local health department of positive spore test result; violations considered critical violations.

Rule 17. (1) Failure to follow the procedures in this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(2) A license must not be issued until documentation of the autoclave's ability to destroy spores is received by the department if on-site sterilization is performed at the facility.

(3) The owner or operator of a body art facility shall demonstrate that the autoclave used is capable of attaining sterilization by weekly spore detection tests. These tests must be verified through an independent laboratory. Test records must be retained by the owner or operator for a period of at least 3 years and be made available on request.

(4) If a spore test result is positive, the body art facility shall discontinue the use of that autoclave and shall not put that autoclave back into service until it has been serviced and a negative spore test has been recorded.

(5) In the event of a positive spore test, the following procedure must be followed:

(a) If the mechanical indicators, including time, temperature, and pressure, and chemical indicators, including internal and external, suggest that the autoclave is functioning properly, a single positive spore test may not indicate autoclave malfunction. The autoclave must be removed from service and sterilization operating procedures reviewed to determine if operator error could be responsible.

(b) Document procedures taken to remedy the situation in the sterilization log.

(c) To the extent possible reprocess all items processed since the last negative spore test in a separate autoclave that has negative spore test results.

(d) Retest the autoclave by using biological, mechanical, and chemical indicators after correcting identified procedural problems.

(e) If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the autoclave back in service.

(f) If the repeat spore test remains positive, the following procedure is required:

(i) Do not use the autoclave until it has been inspected or repaired and the exact reason for the positive test has been determined. This work should be done by a factory authorized service professional who is certified to repair and maintain the specific autoclave that is being worked on.

(ii) Before placing the autoclave back in service, rechallenge the autoclave with biological indicator tests in 3 consecutive empty chamber sterilization cycles after the cause of the autoclave failure has been determined and corrected.

(iii) Maintain sterilization records, including sterilization cycles, maintenance, and spore tests.

(6) Until a negative spore test has been received, the body art facility shall use an alternative autoclave or either of the following:

(a) Instruments that have a sterilization date on or before the date before the last negative spore test was recorded.

(b) Only single-use, disposable and pre-sterilized instruments.

(7) The owner or operator of the body art facility shall notify the local health department that inspects body art facilities in the jurisdiction in which the body art facility is located of the positive spore test within 24 hours after the positive spore testing result.

R 333.13118 Medical waste; medical waste management plan; storage and containment; disposal procedures.

Rule 18. (1) Pursuant to section 32(4) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.232, the department adopts by reference the EGLE regulations as they relate to medical waste regarding the on-site generation, treatment, packaging, and storage of medical waste under part 138 of the act, MCL 333.13801 to 333.13832, and R 325.1541 to 325.1549.

(2) These standards may be obtained at no charge from the Michigan Department of Environment, Great Lakes, and Energy, Constitution Hall, 525 West Allegan Street P.O. Box 30473, Lansing, MI 48909-7973, or via the internet at the following website: https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Regulatory-

Assistance/Guidebooks/MI-Guide-to-Environmental-Regulations/MI-Guide-Environmental-Regulations-Entire-Book.pdf?rev=690e0fdb00d64ac1b45c7c513333a6ee&hash=FC40A5A66A52C2F530BB391F3070D152 .

(3) All body art establishments shall register as a medical waste producing facility under part 138 of the act, MCL 333.13801 to 333.13832.

PART 5. FACILITY REQUIREMENTS

R 333.13119 Facility requirements; violations considered critical violations.

Rule 19. (1) For new body art facilities and for body art facilities undergoing renovation, an 8-1/2 by 11 or larger scale drawing and floor plan of the proposed facility or the proposed renovation of the facility must be submitted to the local health department that inspects body art facilities in the jurisdiction in which the body art facility is located. This drawing and a copy of the floor plan must show the accurate placement of each of the following, if applicable:

(a) Walls.
(b) Windows.
(c) Doors.
(d) Waiting area.
(e) Procedure area or areas.
(f) Bathroom or bathrooms.
(g) Reprocessing area.
(h) Equipment and instrument storage area or areas.
(i) Chairs.
(j) Tables.
(k) Sinks.
(l) Light fixtures.

(2) The scale drawing and floor plan in subrule (17) of this rule must be submitted to the local health department at least 30 days before the proposed opening or planned renovation.

(3) The owner or operator of the body art facility shall send the site plan to the local health department for approval before construction or renovation of the body art facility.

(4) Failure to follow the requirements in subrules (5) to (31) of this rule is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(5) All body art facilities shall be completely separated by solid walls extending from floor to ceiling, from any room or area used for human habitation, non-body art activities, or another activity that may cause potential contamination of work or procedure surfaces. Doors between these rooms or areas must be self-closing and must remain closed unless entering or exiting the facility, room, or area.

(6) Exterior doors must be self-closing and windows equipped with screens in good repair if the windows are intended to be used for ventilation.

(7) If the body art facility has a check-in room, retail area, or waiting room and retail area, procedure areas must be separated from both the customer waiting area and retail area by a partition or barrier.

(8) There must be a minimum of 45 square feet of floor space for each body art technician's procedure area in the facility.

(9) Walls, partitions, and floors of a body art facility must be smooth, non-absorbent, maintained in a clean condition, and in good repair.

(10) Carpeting is allowed in the check-in, waiting, or retail area if the area is separate from procedure areas.

(11) All procedure surfaces in the procedure area, including chairs, tables, benches, and counters, must be smooth, free of open holes or cracks, non-absorbent, in good repair, and must be of such construction as to be easily cleaned and disinfected after each use between clients.

(12) No reusable cloth or similar material items, including furniture, may be used in a procedure area.

(13) No multiple use materials may be employed for procedures unless they are non-absorbent and can be cleaned and disinfected.

(14) The facility must be well-ventilated.

(15) The facility must be provided with an artificial light source equivalent to at least 20 foot-candles, 3 feet off the floor, except that 100 foot-candles must be provided at the level where the procedures are being performed, where instruments and sharps are either handled cleaned or assembled, or where handwashing stations are located.

(16) Spot lighting may be utilized to achieve the required degree of illumination for the purpose of conducting procedures. Fluorescent tube lighting over a procedure area must be protected from accidental breakage during a procedure by an appropriate covering.

(17) Body art facilities that use only single-use disposable instruments are not required to have a separate room or area for the sole purpose of reprocessing contaminated tools and equipment.

(18) If on-site sterilization of disposable instruments or new unused jewelry, or both, for piercing is performed at the facility, the cleaning and sterilization must occur in a location that is not subject to reasonably anticipated contamination.

(19) A lined, covered waste receptacle must be provided in every procedure area and restroom. The receptacles must be cleanable, kept clean, and have self-closing lids with hands-free controls. The receptacles must be emptied weekly or when needed. Municipal solid waste removal must meet all local or state regulations, or both.

(20) The facility must be free of pests, including insects, vermin, and rodents.

(21) An initial inspection of the premises is required before body art services can be performed in this new facility or renovated area.

(22) All sinks in the body art facility must only be used for their designated purpose.

(23) All sinks must be plumbed and connected directly to an approved water supply system and an approved sewage disposal system. Sinks must have warm running water under pressure. Portable sinks must not be approved in a permanent facility.

(24) Liquid soap and single-use, disposable paper towels must be readily accessible at handwashing sinks. There must be a covered waste receptacle by each sink for the disposal of paper towels.

(25) A separate permanent sink designated for hand washing only must be provided. The

sink must not be located in the lavatory.

(26) One hand sink must serve no more than 3 body art technicians with readily accessible and unobstructed access where the body artists can go to and from their workstations without having to touch anything with their hands.

(27) A body art facility must have a minimum of 1 lavatory with a toilet, a separate sink, and a self-closing door.

(28) Body art facilities that use reusable instruments must have a separate room or area for the sole purpose of reprocessing contaminated tools and instruments. Both of the following are required:

(a) This area must be separated from the remainder of the facility by a minimum of a wall or partition and must be an area that does not allow client access.

(b) The reprocessing area must be organized to prevent cross-contamination of clean, disinfected, or sterile equipment with dirty equipment.

(29) All chemical or cleaning supply containers, including skin antiseptics and cleansers, must be labeled with contents.

(30) Animals are not allowed in the body art facility except service animals in accordance with the Americans with Disabilities Act of 1990, 42 USC 12101to 12213, and 8 CFR 35.136(a). This subrule does not apply to aquariums located in the lobby or client waiting area.

(31) Live plants are not allowed in procedure areas or reprocessing areas.

(32) In addition to receiving construction and renovation authority, water supply, plumbing, and sewage disposal must also comply with the requirements of the local health authority under sections 2235 and 2433 of the act, MCL 333.2235 and 333.2433, and under sections 8a and 8b of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1508a and 125.1508b.

R 333.13120 Temporary facility license requirements for owners and operators of body art facilities; facilities; violations considered critical violations.

Rule 20. (1) An owner or operator may have more than 1 technician working under the temporary license if there is a single set-up where individual procedure areas are adjacent or contiguous with one another. If there are multiple procedure areas at the event that are not adjacent or contiguous with one another, the owner or operator shall apply for separate temporary licenses.

(2) If the local health department that has jurisdiction for the on-site inspection of a temporary license documents compliance in accordance with these rules, the department shall grant a license to the applicant for the operation of a temporary body art facility. A body art facility inspection report form approved, dated, and signed by the representative of the local health department that has jurisdiction for the inspection must be posted on site instead of a formalized department license.

(3) The temporary body art facility license must be posted in a prominent and conspicuous place within the temporary body art facility where it may be readily seen by all clients.

(4) The department-provided disclosure statement and notice for filing complaints must be posted in a prominent and conspicuous place where it may be readily seen by all clients.

(5) Failure to follow the following requirements is a critical violation that may lead to immediate closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a:

(a) The temporary body art facility must be contained in a completely enclosed structure protected from wind, dust, and outdoor elements.

(b) The temporary body art facility must comply with the requirements in these rules. However, the following adaptations are allowed for requirements related to hand washing, facility size, lighting, and sterilization of instruments:

(i) The facility must have a minimum of 80 square feet of floor space. The space must have smooth, non-absorbent flooring that can be cleaned and disinfected or disposed of.

(ii) No more than 2 artists working at the same time in a single 80 square foot area.

(iii) Provide enough temporary hand washing sinks with warm water under pressure, liquid soap, and single-use disposable paper towels to adequately service the number of body art technicians present.

(iv) At least 100 foot-candles of light at the level where the 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 procedures.

(v) Only single-use, disposable sterilized instruments must be used.

(vi) If new and unused jewelry or instruments are sterilized on site, there must be documentation that a spore test was performed on the autoclave not more than 7 days before the first date that the temporary license is in effect.

(vii) Sharps containers may be transported to an accepting medical waste treatment facility if in compliance with United States Department of Transportation materials of trade exemptions guidelines under 45 CFR parts 171 to 180.

PART 6. ENFORCEMENT

R 333.13121 Enforcement.

Rule 21. (1) Violations of these rules must 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 must delineate both critical and non-critical violations. Non-critical violations must be corrected by the next renewal inspection, or such period of time as specified. Critical violations must be corrected as required by the compliance schedule under section 13105a of the act, MCL 333.13105a.

(2) Critical violations, if not corrected in the time specified, may lead to closure, or suspension or revocation, or both, of the body art facility license, as provided under section 13105a of the act, MCL 333.13105a.

(3) The owner or operator may appeal an order to cease operation in writing to the department or local health department that recommended the cessation. The appeal must ask for a re-determination and request a follow-up inspection by the local health department.

(4) If the local health department denies the appeal redetermination based on a follow-up inspection, the state or local health department, whichever governmental entity has initiated the enforcement action, shall inform each applicant in writing of the right to a fair hearing under chapter 4 of the administrative procedures act of 1969, 1969 PA 306,

MCL 24.271 to 24.288. The notice of right to a fair hearing must include the method by which a hearing must be requested, and that any positions or arguments on behalf of the individual may be presented personally or by legal counsel.

(5) On receipt of a letter from a body art facility requesting an administrative hearing regarding suspension of licensure, the state or local health department shall schedule a date and time for an administrative hearing and notify the department and the applicant.

(6) In addition to enforcement action authorized by law, a civil action may be brought for injunctive relief.

(7) Complaints concerning an unlicensed or licensed body art facility submitted to the department must be referred to the local health department that has jurisdiction for the complaint pursuant to the act.