



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

ELIZABETH HERTEL
DIRECTOR

March 18, 2025

Representative Douglas C. Wozniak, Chair
Senator Paul Wojno, Alternate Chair
Joint Committee on Administrative Rules (JCAR)
Boji Tower - 3rd floor
124 West Allegan St.
PO Box 30036
Lansing, MI 48909-7536

VIA EMAIL-JCAR@legislature.mi.gov

Subject: Request to Withdraw with Permission, Body Art Facilities, MOAHR No.
2023-59 HS

Gentlemen:

The Michigan Department of Health and Human Services (MDHHS) submitted the JCAR package for the above named rule set on March 13, 2025. Shortly after the JCAR submission, the Body Art Division of MDHHS notified me regarding Mich Admin Code R 333.13113(15) that was inadvertently submitted without striking the word "only". The subrule reads as follows:

(15) If only 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.

The Body Art Division explained that leaving in the word "only" would be very difficult to uphold as it is written. If a facility used another device such as a coil machine, then this rule would not apply to any of its rotary pens and that the correction is needed to prevent infection in these facilities.

There were two public comments on this issue. The comment striking "only" was inadvertently left off the comments and was not changed (See attached comments from Angela Parsons, Washtenaw County Health Department). Given the chance of increased infections to Michigan citizens if this rule is not amended, it is imperative that the rule be updated to strike "only" from the language.

Therefore, pursuant to MCL 24.245a(10)(a), MDHHS is respectfully requesting JCAR grant this request for withdrawal of the rules, with permission, for an amendment to R 333.13113(15) of striking the word “only” and adding Ms. Parsons comment to the JCAR Report.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Brennan".

Mary E. Brennan
MDHHS Regulatory Affairs Officer

cc: Timothy Reeves and Rachel Hughart, Legal Counsel, JCAR
Katherine Wienczewski, Director, Michigan Office of Administrative Hearings and Rules
Chardae Burton, Director, MDHHS Legislative Affairs
Administrative Rules Division, MOAHR-Rules@michigan.gov
Joseph Coyle, MDHHS State Bureau Administrator, Bureau of Infectious Disease Prevention