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INTRODUCED BY Jim George House BILL NO. 557

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND LOCAL HEALTH BOARDS TO ESTABLISH SANITATION STANDARDS REGULATING THE PRACTICE OF TATTOOING; AND AMENDING SECTIONS 50-1-202 AND 50-2-116, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-1-202, MCA, is amended to read:

**"50-1-202. General powers and duties.** The department shall:

- (1) study conditions affecting the citizens of the state by making use of birth, death, and sickness records;
- (2) make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public;
- (3) at the request of the governor, administer any federal health program for which responsibilities are delegated to states;
- (4) inspect and work in conjunction with custodial institutions and Montana university system units periodically as necessary and at other times on request of the governor;
- (5) after each inspection made under subsection (4) ~~of this section~~, submit a written report on sanitary conditions to the governor and to the director of corrections and human services or commissioner of higher education and include recommendations for improvement in conditions if necessary;
- (6) advise state agencies on location, drainage, water supply, disposal of excreta, heating, plumbing, sewer systems, and ventilation of public buildings;
- (7) organize laboratory services and provide equipment and personnel for those services;
- (8) develop and administer activities for the protection and improvement of dental health and supervise dentists employed by the state, local boards of health, or schools;
- (9) develop, adopt, and administer rules setting standards for participation in and operation of programs to protect the health of mothers and children, which rules may include programs for nutrition,

1 family planning services, improved pregnancy outcome, and those authorized by Title X of the federal Public  
2 Health Service Act and Title V of the federal Social Security Act;

3 (10) conduct health education programs;

4 (11) provide consultation to school and local community health nurses in the performance of their  
5 duties;

6 (12) consult with the superintendent of public instruction on health measures for schools;

7 (13) develop, adopt, and administer rules setting standards for a program to provide services to  
8 handicapped children, including standards for:

9 (a) diagnosis;

10 (b) medical, surgical, and corrective treatment;

11 (c) aftercare and related services; and

12 (d) eligibility;

13 (14) provide consultation to local boards of health;

14 (15) bring actions in court for the enforcement of the health laws and defend actions brought  
15 against the board or department;

16 (16) accept and expend federal funds available for public health services;

17 (17) have the power to use personnel of local departments of health to assist in the administration  
18 of laws relating to public health;

19 (18) after consultation with the board, adopt rules imposing fees for the tests and services  
20 performed by the laboratory of the department. Fees, established on an annual basis, should reflect the  
21 actual costs of the tests or services provided. The department may not establish fees exceeding the costs  
22 incurred in performing tests and services. All fees ~~shall~~ must be deposited in the state special revenue fund  
23 for the use of the department in performing tests and services.

24 (19) adopt and enforce rules regarding the definition of communicable diseases and the reporting  
25 and control of communicable diseases; ~~and~~

26 (20) adopt and enforce rules regarding the transportation of dead human bodies; and

27 (21) adopt and enforce minimum sanitation requirements for tattooing as provided in 50-2-116,  
28 including regulation of premises, equipment, methods of operation, and prevention of communicable  
29 disease."

30

1           **Section 2.** Section 50-2-116, MCA, is amended to read:

2           **"50-2-116. Powers and duties of local boards.** (1) Local boards shall:

3           (a) appoint a local health officer who is a physician or a person with a master's degree in public  
4 health or the equivalent and with appropriate experience, as determined by the department, and shall fix  
5 ~~his~~ the health officer's salary;

6           (b) elect a ~~chairman~~ presiding officer and other necessary officers;

7           (c) employ necessary qualified staff;

8           (d) adopt bylaws to govern meetings;

9           (e) hold regular meetings quarterly and hold special meetings as necessary;

10          (f) supervise destruction and removal of all sources of filth that cause disease;

11          (g) guard against the introduction of communicable disease;

12          (h) supervise inspections of public establishments for sanitary conditions;

13          (i) adopt necessary regulations that are ~~no~~ not less stringent than state standards for the control  
14 and disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or  
15 Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum  
16 requirements that are identical to standards promulgated by the board of health and environmental sciences  
17 and must provide for appeal of variance decisions to the department as required by 75-5-305.

18          (2) Local boards may:

19          (a) quarantine persons who have communicable diseases;

20          (b) require isolation of persons or things that are infected with communicable diseases;

21          (c) furnish treatment for persons who have communicable diseases;

22          (d) prohibit the use of places that are infected with communicable diseases;

23          (e) require and provide means for disinfecting places that are infected with communicable diseases;

24          (f) accept and spend funds received from a federal agency, the state, a school district, or other  
25 persons;

26          (g) contract with another local board for all or a part of local health services;

27          (h) reimburse local health officers for necessary expenses incurred in official duties;

28          (i) abate nuisances affecting public health and safety or bring action necessary to restrain the  
29 violation of public health laws or rules;

30          (j) adopt necessary fees to administer regulations for the control and disposal of sewage from

1 private and public buildings. ~~{The fees must be deposited with the county treasurer}.~~  
2 (k) adopt rules that do not conflict with rules adopted by the department:  
3 (i) for the control of communicable diseases;  
4 (ii) for the removal of filth that might cause disease or adversely affect public health;  
5 (iii) on sanitation in public buildings that affects public health;  
6 (iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might  
7 endanger human lives; ~~and~~  
8 (v) for the maintenance of sewage treatment systems that do not discharge an effluent directly into  
9 state waters and that are not required to have an operating permit as required by rules adopted under  
10 75-5-401-; ~~and~~  
11 (vi) for the regulation, as necessary, of the practice of tattooing, which may include licensing tattoo  
12 artists, inspecting tattoo establishments, and adopting sanitation standards that are not less stringent than  
13 standards adopted by the department pursuant to 50-1-202. For the purposes of this subsection, "tattoo"  
14 means making permanent marks on the skin by puncturing the skin and inserting indelible colors."

15

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0557, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Department of Health and Environmental Sciences (DHES) and local health boards to establish sanitation standards for regulation of tattooing.

ASSUMPTIONS:

1. The Executive Budget present law base serves as the starting point from which to calculate any fiscal impact due to this proposed legislation.
2. DHES will only establish sanitation standards for tattooing, and will not carry out enforcement activities during this biennium. Establishing standards may be done within existing resources.

FISCAL IMPACT:

No fiscal impact (Please see assumption two above).

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local health boards may adopt rules and carry out activities (which do not conflict with state regulations or rules) regarding regulation of tattooing. Since these are voluntary, no estimate of fiscal impact is made.

Dave Lewis 2-17-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

Jim Ellingson  
JON ELLINGSON, PRIMARY SPONSOR      DATE  
Fiscal Note for HB0557, as introduced  
HB 557

APPROVED BY COMMITTEE  
ON BUSINESS AND LABOR

## 1 HOUSE BILL NO. 557

2 INTRODUCED BY ELLINGSON

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7 MCA."

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12 **"50-1-202. General powers and duties.** The department shall:

13 (1) study conditions affecting the citizens of the state by making use of birth, death, and sickness  
14 records;

15 (2) make investigations, disseminate information, and make recommendations for control of  
16 diseases and improvement of public health to persons, groups, or the public;

17 (3) at the request of the governor, administer any federal health program for which responsibilities  
18 are delegated to states;

19 (4) inspect and work in conjunction with custodial institutions and Montana university system units  
20 periodically as necessary and at other times on request of the governor;

21 (5) after each inspection made under subsection (4) ~~of this section~~, submit a written report on  
22 sanitary conditions to the governor and to the director of corrections and human services or commissioner  
23 of higher education and include recommendations for improvement in conditions if necessary;

24 (6) advise state agencies on location, drainage, water supply, disposal of excreta, heating,  
25 plumbing, sewer systems, and ventilation of public buildings;

26 (7) organize laboratory services and provide equipment and personnel for those services;

27 (8) develop and administer activities for the protection and improvement of dental health and  
28 supervise dentists employed by the state, local boards of health, or schools;

29 (9) develop, adopt, and administer rules setting standards for participation in and operation of  
30 programs to protect the health of mothers and children, which rules may include programs for nutrition,

- 1 family planning services, improved pregnancy outcome, and those authorized by Title X of the federal Public  
2 Health Service Act and Title V of the federal Social Security Act;
- 3 (10) conduct health education programs;
- 4 (11) provide consultation to school and local community health nurses in the performance of their  
5 duties;
- 6 (12) consult with the superintendent of public instruction on health measures for schools;
- 7 (13) develop, adopt, and administer rules setting standards for a program to provide services to  
8 handicapped children, including standards for:
- 9 (a) diagnosis;
- 10 (b) medical, surgical, and corrective treatment;
- 11 (c) aftercare and related services; and
- 12 (d) eligibility;
- 13 (14) provide consultation to local boards of health;
- 14 (15) bring actions in court for the enforcement of the health laws and defend actions brought  
15 against the board or department;
- 16 (16) accept and expend federal funds available for public health services;
- 17 (17) have the power to use personnel of local departments of health to assist in the administration  
18 of laws relating to public health;
- 19 (18) after consultation with the board, adopt rules imposing fees for the tests and services  
20 performed by the laboratory of the department. Fees, established on an annual basis, should reflect the  
21 actual costs of the tests or services provided. The department may not establish fees exceeding the costs  
22 incurred in performing tests and services. All fees ~~shall~~ must be deposited in the state special revenue fund  
23 for the use of the department in performing tests and services.
- 24 (19) adopt and enforce rules regarding the definition of communicable diseases and the reporting  
25 and control of communicable diseases; ~~and~~
- 26 (20) adopt and enforce rules regarding the transportation of dead human bodies; and
- 27 (21) adopt and enforce minimum sanitation requirements for tattooing as provided in 50-2-116,  
28 including regulation of premises, equipment, AND methods of operation, SOLELY ORIENTED TO THE  
29 PROTECTION OF PUBLIC HEALTH and THE prevention of communicable disease."
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1           **Section 2.** Section 50-2-116, MCA, is amended to read:

2           **"50-2-116. Powers and duties of local boards.** (1) Local boards shall:

3           (a) appoint a local health officer who is a physician or a person with a master's degree in public  
4 health or the equivalent and with appropriate experience, as determined by the department, and shall fix  
5 ~~his~~ the health officer's salary;

6           (b) elect a ~~chairman~~ presiding officer and other necessary officers;

7           (c) employ necessary qualified staff;

8           (d) adopt bylaws to govern meetings;

9           (e) hold regular meetings quarterly and hold special meetings as necessary;

10          (f) supervise destruction and removal of all sources of filth that cause disease;

11          (g) guard against the introduction of communicable disease;

12          (h) supervise inspections of public establishments for sanitary conditions;

13          (i) adopt necessary regulations that are ~~no~~ not less stringent than state standards for the control  
14 and disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or  
15 Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum  
16 requirements that are identical to standards promulgated by the board of health and environmental sciences  
17 and must provide for appeal of variance decisions to the department as required by 75-5-305.

18          (2) Local boards may:

19          (a) quarantine persons who have communicable diseases;

20          (b) require isolation of persons or things that are infected with communicable diseases;

21          (c) furnish treatment for persons who have communicable diseases;

22          (d) prohibit the use of places that are infected with communicable diseases;

23          (e) require and provide means for disinfecting places that are infected with communicable diseases;

24          (f) accept and spend funds received from a federal agency, the state, a school district, or other  
25 persons;

26          (g) contract with another local board for all or a part of local health services;

27          (h) reimburse local health officers for necessary expenses incurred in official duties;

28          (i) abate nuisances affecting public health and safety or bring action necessary to restrain the  
29 violation of public health laws or rules;

30          (j) adopt necessary fees to administer regulations for the control and disposal of sewage from



1 private and public buildings. ~~†The fees must be deposited with the county treasurer†.~~

2 (k) adopt rules that do not conflict with rules adopted by the department:

3 (i) for the control of communicable diseases;

4 (ii) for the removal of filth that might cause disease or adversely affect public health;

5 (iii) on sanitation in public buildings that affects public health;

6 (iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might  
7 endanger human lives; ~~and~~

8 (v) for the maintenance of sewage treatment systems that do not discharge an effluent directly into  
9 state waters and that are not required to have an operating permit as required by rules adopted under  
10 75-5-401; and

11 (vi) for the regulation, as necessary, of the practice of tattooing, which may include ~~licensing~~  
12 REGISTERING tattoo artists, inspecting tattoo establishments, ADOPTING FEES, and ALSO adopting  
13 sanitation standards that are not less stringent than standards adopted by the department pursuant to  
14 50-1-202. For the purposes of this subsection, "tattoo" means making permanent marks on the skin by  
15 puncturing the skin and inserting indelible colors."

16 -END-

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18 are delegated to states;

19 (4) inspect and work in conjunction with custodial institutions and Montana university system units  
20 periodically as necessary and at other times on request of the governor;

21 (5) after each inspection made under subsection (4) ~~of this section~~, submit a written report on  
22 sanitary conditions to the governor and to the director of corrections and human services or commissioner  
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5 duties;
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1           **Section 2.** Section 50-2-116, MCA, is amended to read:

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6           (b) elect a ~~chairman~~ presiding officer and other necessary officers;

7           (c) employ necessary qualified staff;

8           (d) adopt bylaws to govern meetings;

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8           (d) adopt bylaws to govern meetings;

9           (e) hold regular meetings quarterly and hold special meetings as necessary;

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11          (g) guard against the introduction of communicable disease;

12          (h) supervise inspections of public establishments for sanitary conditions;

13          (i) adopt necessary regulations that are ~~no~~ not less stringent than state standards for the control  
14 and disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or  
15 Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum  
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- 6 (iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might
- 7 endanger human lives; ~~and~~
- 8 (v) for the maintenance of sewage treatment systems that do not discharge an effluent directly into
- 9 state waters and that are not required to have an operating permit as required by rules adopted under
- 10 75-5-401; and
- 11 (vi) for the regulation, as necessary, of the practice of tattooing, which may include ~~licensing~~
- 12 REGISTERING tattoo artists, inspecting tattoo establishments, ADOPTING FEES, and ALSO adopting
- 13 sanitation standards that are not less stringent than standards adopted by the department pursuant to
- 14 50-1-202. For the purposes of this subsection, "tattoo" means making permanent marks on the skin by
- 15 puncturing the skin and inserting indelible colors."

16 -END-