



**ASSEMBLY AMENDMENT 3,  
TO 1995 ASSEMBLY BILL 733**

February 1, 1996 – Offered by Representatives MEYER and BRANDEMUEHL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “tattooing” insert “and tattoo establishments by the  
3 department of health and family services or by local health departments”.

4 **2.** Page 2, line 5: delete “(3) (a)” and substitute “(4) (a) and (am)”.

5 **3.** Page 2, line 14: delete that line and substitute:

6 “**(2)** DEPARTMENT; DUTY. The department shall provide uniform, statewide”.

7 **4.** Page 2, line 15: delete “inspection” and substitute “licensing”.

8 **5.** Page 2, line 16: after the period insert: “The department shall inspect a  
9 tattoo establishment once before issuing a license for the tattoo establishment under  
10 this section and may make additional inspections that the department determines  
11 are necessary.”.

12 **6.** Page 2, line 19: delete that line and substitute: “use or assume the title  
13 “tattooist” and no tattoo establishment may be operated unless the person and the  
14 establishment are licensed by the department under this section or by a local health  
15 department that is designated as the department’s agent under sub. (3m).”.

1           **7.** Page 2, line 19: after that line insert:

2           “(3m) AGENT STATUS FOR LOCAL HEALTH DEPARTMENTS. (a) In the administration  
3 and enforcement of this section, the department may enter into a written agreement  
4 with a local health department with a jurisdictional area that has a population  
5 greater than 5,000, which designates the local health department as the  
6 department’s agent in issuing licenses to and making investigations or inspections  
7 of tattooists and tattoo establishments. In a jurisdictional area of a local health  
8 department without agent status, the department of health and and family services  
9 may issue licenses, collect license fees established by rule under sub. (4) (a) and make  
10 investigations or inspections of tattooists and tattoo establishments. If the  
11 department designates a local health department as its agent, the department or  
12 local health department as its agent, the department or local health department may  
13 require no license for the same operations other than the license issued by the local  
14 health department under this paragraph. If the designation is made and the services  
15 are furnished, the department shall reimburse the local health department  
16 furnishing the service at the rate of 80% of the net license fee per license per year  
17 issued in the jurisdictional area.

18           (b) A local health department designated as the department’s agent under this  
19 subsection shall meet standards promulgated under sub. (4) (a). The department  
20 shall annually evaluate the licensing, investigation and inspection program of each  
21 local health department granted agent status. If, at any time, a local health  
22 department designated as the department’s agent fails to meet the standards, the  
23 department of health and family services may revoke its agent status.

1 (c) The department shall provide education and training to agents designated  
2 under this subsection to ensure uniformity in the enforcement of this section and  
3 rules promulgated under this section.

4 (d) Except as provided in par. (dm), a local health department designated as the  
5 department's agent under this subsection shall establish and collect the license fee  
6 for each tattooist or tattoo establishment. The local health department may  
7 establish separate fees for preinspections of new tattoo establishments, for  
8 preinspections of existing establishments for which a person intends to be the new  
9 operator or for the issuance of duplicate licenses. No fee may exceed the local health  
10 department's reasonable costs of issuing licenses to, making investigations and  
11 inspections of, and providing education, training and technical assistance to the  
12 tattooists and tattoo establishments, plus the state fee established under sub. (4)  
13 (am).

14 (dm) A local health department designated as the department's agent under  
15 this subsection may contract with the department of health and family services for  
16 the department of health and family services to collect fees and issue licenses. The  
17 department shall collect from the local health department the actual and reasonable  
18 cost of providing the services.

19 (f) If, under this subsection, a local health department becomes an agent or its  
20 agent status is discontinued during a licensee's license year, the department of  
21 health and family services and the local health department shall divide any license  
22 fee paid by the licensee for that license year according to the proportions of the license  
23 year occurring before and after the local health department is designated as an agent  
24 or the agent status is discontinued. No additional fee may be required during the  
25 license year due to the change in agent status.

1 (g) A village, city or county may enact ordinances and a local board of health  
2 may adopt regulations regarding the licensees and premises for which the local  
3 health department is the designated agent under this subsection, which are stricter  
4 than this section or rules promulgated by the department of health and family  
5 services under this section. No such provision may conflict with this section or with  
6 department rules.

7 (h) This subsection does not limit the authority of the department to inspect  
8 establishments in jurisdictional areas of local health departments that are  
9 designated as agents if it inspects in response to an emergency, for the purpose of  
10 monitoring and evaluating the local health department's licensing, inspection and  
11 enforcement program or at the request of the local health department.

12 (i) The department shall hold a hearing under ch. 227 if, in lieu of proceeding  
13 under ch. 68, any interested person in the jurisdictional area of a local health  
14 department that is designated as the department's agent under this subsection  
15 appeals to the department of health and family services alleging that a license fee  
16 for a tattooist or tattooist establishment exceeds the license issuer's reasonable costs  
17 of issuing licenses to, making investigations and inspections of, and providing  
18 education, training and technical assistance to the tattooist or tattooist  
19 establishment."

20 **8.** Page 2, line 22: delete that line and substitute: "licensing tattooists and  
21 tattoo establishments, for the annual issuance of licenses as tattooists or as tattoo  
22 establishments to applicants".

23 **9.** Page 2, line 23: after that line insert:

