

“Ear piercing” means the puncturing of ear lobe and the trailing edge of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer’s instructions.

“Emancipated minor” means a person under 18 years of age that has been freed from the legal authority, care, custody, and control of another by the effect of a written law or court order.

“Equipment” means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances, used in connection with the operation of a body art establishment.

“Establishment” means a physical place of business, permanent in nature, and includes all areas used by a body art technician and clients, including, but not limited to, treatment areas and waiting/reception area.

“Hand-sink” means a fixture equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

“Health authority” means a Registered Environmental Health Specialist or Health Officer representing the New Jersey Department of Health and Senior Services or the local health department.

“High level disinfection” means a process that kills vegetative bacteria, tubercle bacillus, fungi, lipid and non-lipid viruses and bacterial spores.

“Hot water” means water which attains and maintains a temperature between 95 degrees and 110 degrees Fahrenheit.

“Implant” means any object implanted fully under the skin.

“Instruments” means body art equipment. Such equipment includes, but is not limited to, hand pieces, piercing needles, needle bars, insertion tapers, forceps, hemostats, tweezers, or other implements used to pierce, puncture or be inserted into any part of the human body for the intended purpose of making a permanent hole; or may come in contact with a client’s body or possible exposure to bodily fluids during body art procedures. Such equipment also includes studs, hoops, rings or other decorative jewelry, materials or apparatuses inserted in any part of the human body for the intended purpose of placement in the hole resulting from piercing.

“Invasive” means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

“Jewelry” means any personal ornament inserted into a newly pierced area, and may be made of surgical implant grade stainless steel, solid 14 karat or 18 karat white or

yellow gold, niobium, titanium, platinum, glass or a dense, low-porosity plastic.

“Legal guardian” means an individual who, by legal appointment or by the effect of a written law, has been given custody of a minor or adult.

“Lip” means either of the two fleshy parts or folds that surround the mouth or oral cavity and are used for human speech.

“Low level disinfectant” means a process that kills most vegetative bacteria, some fungi, and some viruses, but cannot be relied on to kill resistant microorganisms such as mycobacteria or bacteria spores.

“Medical grade gloves” means a Food and Drug Administration (FDA) Class I medical device made of natural rubber, vinyl or synthetic material (that is, neoprene, polyvinyl chloride, styrene butadiene) that is worn to prevent contamination between client and practitioner.

“Needle building” means a process of assembling steel needles from a loose pack into bundles or arrangements. The needles are then attached to a stainless steel bar.

“Operator” means and includes the owner or the owner’s designee having ownership, control or custody of any place of business or employment and who manages the day-to-day operations of the body art establishment.

“Permanent cosmetics,” “micropigmentation” or “dermal pigmentation” means the implanting of inert pigments, colors, and/or dyes intradermally which results in permanent alteration of tissue to gain a cosmetic effect.

“Permit” means written approval by the health authority to operate a body art establishment. Approval is given in accordance with this chapter and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

“Person” means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons.

“Physician” means a person who is licensed by the State Board of Medical Examiners to practice medicine, pursuant to N.J.S.A. 45:9-1, 26:1A-9 et seq.

“Piercing instrument” means a hand-held tool manufactured exclusively for piercing the earlobe, or trailing edge of the ear, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed or spring loaded action to create a permanent hole. The tool is made of plastic, stainless steel or other material that is able to be disinfected.

“Practitioner” means any person that performs the act of tattooing, permanent cosmetics and/or ear and body piercing.

“Premises” means the entire building or structure within which body art services are provided.

“Processing equipment” means mechanical devices used for the cleaning and sterilization of instruments used for body art, such as ultrasonic cleaners and steam sterilization units.

“Procedure surface” means any surface of an inanimate object that contacts the client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the site of the body art procedure or any associated work area which may require sanitizing.

“Separate area” means an area away from public access and viewing, isolated from a reception or waiting area, where piercings are conducted upon the genital, nipple, or any other discretionary part of a person’s body, or a designated area which is segregated from other business activities or services when ear piercings are conducted.

“Single use” means products, instruments or items that are intended for one-time use and are disposed of after each use, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups and protective gloves.

“Sterilization” means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

“Suspend” means disciplinary action taken by the health authority.

“Tattooing” means any method of placing ink or other inert pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of permanent cosmetics.

“Temporary establishment” means an establishment that has been issued a permit by the local health authority to operate for the purpose of performing body art procedures for not more than 14 calendar days in conjunction with a single event.

“Tip” means the stainless steel replacement part that attaches to the body of the tube.

“Tube” means the stainless steel component which is attached to the tattoo machine and the tip.

“Universal precautions” means a set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC) as “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone

Invasive Procedures,” in MMWR, July 12, 1991, Vol. 40, No. RR-8, both incorporated herein by reference. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

“Work station” means the area or room used for the purpose of performing body art procedures by a practitioner, operator or apprentice.

Petition for Rulemaking.
See: 49 N.J.R. 146(a), 286(a).

SUBCHAPTER 2. ADMINISTRATION

8:27-2.1 Procedure to locate and construct establishment

(a) Any person desiring to construct, expand, alter, or operate a permanent cosmetic, tattooing, or ear or body piercing establishment shall apply in writing to the local health authority for review and approval before such construction, expansion, alteration or operation is begun. Such application shall include the following information:

1. The applicant’s legal name, home address and telephone number, full business name, business address, post office address and telephone number. The application shall also include whether the applicant is an individual, partnership, firm or corporation. If the applicant is a partnership, the names and addresses of the partners shall be included on the application. If the applicant is a corporation, the names and addresses of all corporate officers shall be included on the application;
2. Plans and specifications shall illustrate the location of the proposed establishment and a floor plan of the establishment as it is proposed to be operated. An exact inventory of all processing equipment as it is to be used. Plans shall indicate the layout of the reception area, the procedure areas, the cleaning and sterilization area, the storage area and the toilet facilities;
3. A statement of approval from the municipal agency responsible for the administration of planning and zoning ordinances for the proposed construction or expansion of the body art establishment;
4. A complete description of all services to be provided, the proposed hours of operation, the name of the operator and the names of all practitioners and their exact duties, a copy of the informed consent for each procedure;

Regulations (N.J.A.C. 7:14) and local laws, ordinances and regulations.

8:27-3.3 Sanitary facilities

(a) A public restroom shall be available and in operable condition to clients during all business hours.

(b) Water closets and lavatories shall be in conformance with the regulations set forth in the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(c) Fixtures shall comply with all applicable local ordinances and conform to the following requirements:

1. Toilet tissue and paper towel holders, supplied with tissue and paper towels shall be provided in each toilet;
2. Suitable receptacles shall be provided for the disposal of paper towels and waste materials;
3. Common towels shall not be permitted; and
4. Liquid soap and dispensers shall be provided and maintained at each lavatory. The dispenser shall be of all metal or plastic. No glass shall be permitted in these dispensers.

8:27-3.4 Waste management

(a) Plastic bags shall be used for the removal of soiled waste.

1. Bags shall be of sufficient strength to safely contain waste from point of origin to point of disposal and shall be effectively closed prior to disposal.
2. Outside storage containers for solid waste shall be kept covered and shall comply with local ordinances.

(b) For the purpose of this chapter, solid waste generated during body art procedures that are sharp such as needles and razors or items saturated and/or dripping with blood or body fluids shall be handled, stored, packaged, labeled, transported and disposed of in accordance with the provisions and standards found at N.J.A.C. 7:26-3A.

8:27-3.5 Pest control and animal control

(a) Controls shall be used to minimize or eliminate the presence of rodents, flies, roaches, and other vermin. The premises shall be kept in such condition as to prevent the breeding, harborage, or feeding of vermin.

1. The application of pesticide shall conform to the requirements of the New Jersey Pesticide Control Rules, N.J.A.C. 7:30.

(b) No live animals shall be kept or allowed in any room where body art is conducted. An exception shall be made for service animals, which shall be permitted for the purpose of accompanying physically disabled persons.

SUBCHAPTER 4. HEALTH SAFETY AND OCCUPATIONAL HEALTH

8:27-4.1 Client records

(a) All client records shall be retained for a minimum of three years and made available upon request to the health official.

(b) Each client shall complete an application for all body art procedures. The application shall include the following:

1. The name, date of birth, proof of age, and address of the client; an emergency telephone number and contact individual for the client; the date of the procedure; the name of practitioner who performed the procedure(s); the type and location of the procedure performed; the signature of client and, if the client is a minor, proof of parental or guardian presence and written consent;
2. A medical health history form that includes a history of any information that would aid the practitioner in the client's body art healing process evaluation. The health history form shall, at a minimum, include medical conditions, such as diabetes, allergies, skin conditions, and a list of medications; and

3. A consent form, which shall be established for each procedure and shall be reviewed verbally with the client prior to performing any procedure(s). Said consent form shall minimally consist of the type of procedure(s) to be performed, its risks, alternatives, generally accepted results, an after care plan, and the client's signed acceptance of the recommended procedure by the named practitioner.

(c) Body art procedures on a person under 18 years of age shall not be performed without the written consent of the parent or legal guardian of such minor.

1. Government issued photographic identification of the client shall be photocopied and maintained on file with the client's application.
2. Identification of the parent or legal guardian shall be photocopied and maintained on file with the client's application.

3. The parent or legal guardian shall accompany the client at the time of the body art procedure.

8:27-4.2 General provisions

(a) No body art shall be done on a skin surface that has a rash, pimples, boils, infections, scar tissue or manifests any evidence of unhealthy conditions.

(b) Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.

(c) Smoking, eating, or drinking by anyone shall be prohibited in the work area, bathrooms, and the equipment cleaning room.

8:27-4.3 Medical consultation

(a) All body piercing and permanent cosmetic establishments shall establish a written agreement with a licensed physician for consultative services which shall, at a minimum, include skin conditions, after care procedures, infections, and employee health issues.

(b) Any person who desires permanent cosmetics for the purpose of camouflage of a medical disorder or disfigurement or areola restoration shall be under the general supervision of a physician. The physician shall provide the practitioner performing the procedure specific written instructions and guidelines. The physician shall also provide the practitioner with a specific treatment plan appropriate for the person's diagnosis.

1. The practitioner shall maintain the physician's written instructions with the client's application for three years.

2. A client who desires cosmetic enhancement with no existing or pre-existing medical disease/condition shall not be required to have medical supervision.

Petition for Rulemaking.
See: 49 N.J.R. 146(a), 286(a).

8:27-4.4 Emergency management

(a) The telephone numbers of local emergency medical services, the local fire department and the local police shall be prominently posted at the main telephone.

(b) An eye wash shall be operable and included in the cleaning room.

(c) A standard first aid kit shall be available at all times and shall be fully restocked within 24 hours of use.

(d) The telephone number of the local health department and local health officer shall be posted in a conspicuous place.

8:27-4.5 Reporting requirements

(a) A written record of any infections reported to the practitioner after the body art procedure is performed shall be maintained in the client's application. The record shall include the site of the infection, the date an infection was reported to the practitioner, and recommendations made to the client.

(b) All infections requiring a medical referral, allergic reactions to colorants or injuries resulting from any body art procedure which become known to the operator shall be reported to the local health authority within 24 hours. The health authority shall report such infections/injuries to the

Department of Health and Senior Services in January of each year.

8:27-4.6 Hand washing and personal hygiene

(a) When performing body art procedures, the operator or practitioner shall maintain a high standard of personal cleanliness, which shall include wearing clean outer garments, and washing hands after smoking, eating, drinking or visiting the restroom.

(b) Before performing body art procedures, the practitioner shall thoroughly wash his or her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels.

(c) The practitioner shall wear disposable medical grade gloves at all times during the procedure.

(d) Gloves shall be changed if they become contaminated by contact with any non-clean surfaces, objects, contact with a third person, or torn.

(e) Gloves shall be discarded after completion of each procedure on an individual client. Under no circumstances shall a single pair of gloves be used on more than one person.

(f) At the completion of the procedure, the practitioner shall dispose of the gloves and the hands shall be thoroughly washed.

(g) Written policies and procedures shall be established for management of employees or clients that have latex allergies.

8:27-4.7 Employee health, communicable and bloodborne diseases

(a) Facility owner(s) shall be responsible for adhering to the following standards:

1. The skin of the practitioner shall be free of rash or infection.

2. No person affected with boils, infected wounds, open sores, abrasions, and/or weeping dermatological lesions shall work in a body art establishment until written documentation is obtained from a physician, provided to the operator, and kept on file, indicating the condition is no longer transmissible or communicable.

3. A practitioner or employee is prohibited from providing body art services or working in a facility while having an acute respiratory infection or other disease or condition which has been diagnosed by a physician to be in a communicable or transmissible form.

4. A practitioner or employee shall not diagnose or treat any suspected communicable or transmissible disease or condition.

5. A practitioner or employee providing services or working in a facility while diagnosed with or suspected of

(d) The skin and surrounding area shall be washed with a solution of 70 percent to 90 percent isopropyl alcohol and allowed to dry before starting the procedure.

8:27-7.3 Equipment and supplies

(a) A sterile needle shall be provided for each client.

1. Solder used for the attachment of needles to the needle bars shall be lead free.

(b) Art stencils shall be single use and disposable.

(c) Ointments shall be single use or foil packs.

(d) Soaps and other products shall be dispensed and applied on the area to be tattooed with paper towels or gauze or in a manner to prevent contamination of the original container and its contents.

(e) The gauze shall be single use and shall not be used more than once.

(f) Use of styptic pencils or alum solids to check any blood flow shall be prohibited.

(g) Sterilized needles, tubes or tips shall be on hand for each practitioner for the entire day, based on the average client need per day.

8:27-7.4 Pigments

(a) All dyes used in tattooing shall be nontoxic, nonirritating to tissue, stable to light and inert to tissue metabolism.

1. Pigments shall not contain talc.

(b) Nontoxic materials shall be used when preparing dyes or pigments.

1. Single use, individual containers for dyes or pigments shall be used for each patron.

(c) Any excess dye or pigment applied to the skin shall be removed with single use, lint-free paper products.

(d) Pigments shall be obtained only from a reputable tattoo supplier.

8:27-7.5 After care

(a) After care shall be administered to each client following the tattooing. After care shall consist of both verbal and written instructions concerning proper care of the tattooed area. A copy of the written after care instructions shall be signed by the client and kept on file with the clients records. Instructions shall, at a minimum, specify:

1. Responsibilities and care specific to the site of the tattooing following service;
2. Possible side effects;

3. Information regarding any physical, cosmetic or other restrictions;

4. Signs and symptoms of infection; and

5. Instructions to consult a physician if infection occurs.

SUBCHAPTER 8. PERMANENT COSMETICS

8:27-8.1 Training

(a) The practitioner shall have completed a 40-hour training program approved by the Society of Permanent Cosmetic Professionals or the International Micropigmentation Association, prior to being certified and shall submit a minimum of one photograph whereby the practitioner has personally performed one complete procedure for each of the following areas:

1. Eye brow simulation;
2. Lip liner;
3. Full lip color; and
4. Eye liner/eyelash enhancer.

(b) The practitioner shall be certified by the American Academy of Micropigmentation by February 19, 2004.

(c) A practitioner performing areola restoration shall have completed a minimum eight hour training program approved by the Society of Permanent Cosmetic Professionals or the International Micropigmentation Association.

(d) A practitioner shall have two years of experience prior to performing camouflage repairs.

1. Pigment removal shall be done by or under the immediate supervision of a physician.

2. All pigment removal solutions shall be labeled with ingredients, including percentages of active ingredients, pH, preservatives and directions for use.

(e) An apprentice shall have completed a 40-hour training program approved by the Society of Permanent Cosmetic Professionals or the International Micropigmentation Association, and shall perform under the direct supervision of a practitioner a minimum of five of each of the following procedures:

1. Eye brow simulation;
2. Lip liner;
3. Full lip color; and
4. Eye liner/eyelash enhancer.

(f) Client records shall be maintained by the operator to verify that the minimum requirements for the procedures were completed by the apprentice.

Petition for Rulemaking.
Sec: 49 N.J.R. 146(a), 286(a).

8:27-8.2 Personal protection

(a) The following precautions shall be taken by the practitioner during a procedure:

1. Wearing a clean, single use, water impervious gown;
2. Using medical grade gloves at all times;
3. Wearing a fluid resistant mask. The mask shall be changed if it becomes splattered or moist with blood or body fluids; and
4. Using protective eye wear to cover all exposed skin and mucous membranes of and around the eyes.

8:27-8.3 Use of antiseptics

(a) The following shall be the minimum acceptable standards for the use of antiseptics for permanent cosmetic procedures.

1. Before applying antiseptics, the practitioner shall thoroughly wash his or her hands in hot running water with liquid soap, then rinse his or her hands and dry with clean disposable paper towels.
2. When performing eyeliner or eyelash enhancement, the practitioner shall wash the skin thoroughly with a cotton swab, eye makeup remover, water or Vaseline.
3. When performing eye brow procedures, the practitioner shall use a Q-tip to thoroughly clean the area with soap and water or a 70 percent isopropyl alcohol disposable wipe and allow the skin to dry before the procedure is performed.
4. When performing a permanent cosmetic procedure to any other part of the body the external area of the skin shall be thoroughly cleaned with Chlorhexidine, 70 percent to 90 percent isopropyl alcohol containing products, iodophors or iodine compounds.
5. Once applied, the antiseptic shall be allowed to dry before the procedure is performed.

8:27-8.4 Permanent cosmetic procedures

(a) Over-the-counter cosmetics intended for public use cannot be left open in a procedure room.

1. Only disposable applicators or surgical markers shall be used following a permanent cosmetic procedure to avoid possible contamination.

(b) No permanent cosmetic procedure shall be done on skin surfaces which have sunburn, rash, keloids, pimples,

boils, infections, open lesions or manifest any evidence of unhealthy conditions.

(c) Permanent cosmetic procedures shall not be performed on a client during pregnancy.

(d) Permanent cosmetic procedures shall not be performed for a minimum of one year on clients taking tretinoin medication.

8:27-8.5 Topical anesthetics

(a) Only over-the-counter topical anesthetics shall be used for permanent cosmetic procedures by non-medical practitioners. A history of allergic reactions to local anesthetics are an absolute contraindication for their use.

(b) Labeling for topical anesthetics used for permanent cosmetic procedures shall be prepared by a FDA registered drug manufacturer and shall comply with 21 CFR 333, Topical antimicrobial anesthetic over the counter products for human use.

1. The name and lot number of each topical anesthetic used shall be recorded for each procedure in the client's chart.

(c) No liquid topical anesthetics shall be permitted for use in the proximity of the eye or eyelids.

1. Anesthetic eye drops are not permitted for permanent eyeliner procedures.

(d) Topical anesthetics are for external use only and not for injection or use in the eye.

1. Local anesthetics shall not be added to pigments.

(e) No occlusive dressings or external heat sources shall be applied to topical anesthetics used in proximity to the eye.

(f) No prescription topical anesthetics shall be used by practitioners unless by or under the direct and immediate supervision of a licensed physician.

8:27-8.6 After care

(a) After care shall be administered to each client following the micropigmentation. After care shall consist of both verbal and written instructions concerning proper care of the area. A copy of the written after care instructions shall be signed by the client and kept on file with the clients records. Instructions shall specify at a minimum:

1. Responsibilities and care specific to the site of the micropigmentation following service;
2. Possible side effects;
3. Information regarding any physical, cosmetic or other restrictions;
4. Signs and symptoms of infection; and