

“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 fleshly 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.

## 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;

5. The names and addresses of all manufacturers of processing equipment, instruments, jewelry, and inks used for any and all body art procedures;

6. The make, model and serial number of the applicant's steam autoclave shall be printed on the back of a photograph of the autoclave; and

7. A copy of the manufacturer's specifications for operation of the autoclave.

(b) All construction, expansion or alteration to the building, structures, and facilities used by the public shall comply with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(c) All construction expansion or alteration, to the building, structures, and facilities shall be done in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

#### **8:27-2.2 Review of plans**

The health authority shall review the application for compliance with all the provisions of N.J.A.C. 8:27-2.1 to include the final plans, specifications, and reports and shall either approve or disapprove of the application in writing within 30 business days from the date of submission to the health authority.

#### **8:27-2.3 Denial of approval**

Persons denied approval shall be notified in writing by the health authority. Such notice shall specify the reason(s) for the action, and shall give the person(s) denied approval the opportunity for a hearing with the health authority within a reasonable time, not to exceed 15 business days from date the health authority denied approval of the application.

#### **8:27-2.4 Approval to operate**

(a) No body art establishment shall be permitted to open for operation until the health authority has given formal approval by issuance of an appropriate license or permit. This license or permit shall be renewed annually.

1. The license or permit shall be displayed in a conspicuous place on the premises where it may readily be observed by all clients.

2. No person shall operate a body art establishment whose license or permit has been suspended.

3. Proof of professional malpractice liability insurance for each practitioner shall be provided to the health authority as part of the initial and renewal license or permit application.

4. The operator shall provide a current copy of a negative biological indicator test result to the health authority as part of the initial license or permit application.

#### **8:27-2.5 Change of information notification requirements**

(a) Facility license or permit holders shall notify the local health authority by mail within five calendar days of a change in the following information:

1. The business name or ownership;
2. The area code and telephone number;
3. An address change resulting from city or postal service action;
4. License status, whether from active to inactive practice or from inactive to active practice;
5. Closure or sale of facility; or
6. A change in procedures or personnel.

#### **8:27-2.6 Prohibitions**

(a) A person who violates a prohibition under this section shall be subject to enforcement action authorized by this chapter, civil penalties as provided by N.J.S.A. 26:1A-10 and all other applicable law and/or injunctive action as provided by law.

1. Implants under the skin shall not be performed in a body art establishment.
2. Scarification such as branding and cutting shall not be performed in a body art establishment.
3. No person shall perform any body piercing procedure upon a person under 18 years of age without the presence, written consent and proper identification of a parent or legal guardian.
4. No person shall perform genital piercing upon a person under 18 years of age regardless of parental consent.
5. No tattoo or permanent cosmetics shall be applied to any person under 18 years of age, without the presence, written consent, and proper identification of a parent or legal guardian.
6. No person shall practice or attempt to practice body art in a non-licensed facility.
7. No person shall operate a facility unless it is at all times under the direct supervision of an operator.
8. No person shall display a sign or in any way advertise or purport to be a body art practitioner or to be engaged in the business of body art without first obtaining a license or permit for the facility from the health authority.

(b) An emancipated minor shall be exempt from (a)3 and 5 above upon legal proof documenting said emancipation.

#### 8:27-2.7 Insurance

Each practitioner shall maintain current professional malpractice liability insurance.

### SUBCHAPTER 3. PHYSICAL PLANT AND ENVIRONMENT

#### 8:27-3.1 Facility layout

(a) All facilities shall have a waiting area that is physically separated from the work stations and equipment cleaning room.

(b) All facilities that reprocess reusable instruments shall have an equipment cleaning room that is physically separated from the work stations. Facilities that use all disposable equipment shall be exempt from this requirement.

1. Design shall allow adequate space for receiving, cleaning, decontaminating, preparing and packaging.

2. Work flow and traffic patterns shall be designed to flow from soiled to clean areas.

3. Suitable signs to designate soiled and clean work spaces shall be used to limit the possibility of cross-contamination into clean work areas.

4. Hand washing facilities shall be operable and conveniently located in the equipment cleaning room.

5. Manual cleaning of instruments shall be conducted in a sink of sufficient size to process soiled instruments.

6. An emergency eye flushing device shall be provided where needle building activities are performed.

7. Exhaust hoods shall be provided over needle building work areas and shall have a dedicated exhaust directly to outside air.

(c) All rooms used for body art procedures shall be completely separated from any room used for human habitation, food service or other such activity which may cause potential contamination of work surfaces.

1. Display cases and retail sales shall be physically separated from work stations.

(d) The work station shall not be less than 80 square feet. Facilities existing as of February 19, 2002 are exempt from this requirement until renovations to expand are conducted.

1. A separate room shall be provided for permanent cosmetics.

2. Partitions shall be provided between work stations. The partitions shall be easily cleanable and kept in good repair. The partitions shall be at least six feet in height and capable of providing complete privacy which is required for nipple and genital piercings.

3. Storage cabinets shall be adequate to accommodate supplies needed for the procedure in the room.

(e) At least one hand-sink with hot and cold running water under pressure, and equipped with wrist, foot, or sensor operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible and provided for every two work stations within the body art establishment. All body art establishments shall be in compliance with this subsection by no later than August 19, 2003.

(f) Furniture in the procedure rooms shall be of nonporous materials and cleaned and sanitized after each use.

1. Work tables shall be constructed of smooth easily cleanable material and cleaned and sanitized between use.

#### 8:27-3.2 Environment

(a) All floors and walls shall be made of smooth, nonabsorbent and nonporous material that is easily cleanable.

1. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a washable surface.

2. Walls and ceilings shall be light colored.

3. The use of carpet in work areas and in the equipment cleaning room shall be prohibited.

(b) The work areas shall be ventilated to prevent odors.

(c) At least 50 foot-candles of artificial light shall be provided within the establishment.

1. At least 100 foot-candles of artificial light shall be provided at work stations and in the equipment cleaning room.

(d) The water supply shall be constructed, protected, operated and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 through 12A-11 and N.J.A.C. 7:10) and local laws, ordinances and regulations.

1. Drinking water fountains shall be constructed according to the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(e) All waste water shall be disposed of by one of the following approved methods.

1. Sanitary sewer: Waste water shall be discharged into a public sanitary sewer operated by a municipal sewer authority.

2. Subsurface sewer disposal facility: The location and construction of a subsurface sewage disposal system shall be in accordance with N.J.A.C. 7:9-2 (standards for the construction of individual subsurface sewage disposal systems), the New Jersey Water Pollution Control Act 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.

**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 having acquired immunodeficiency virus and related immunodeficiency conditions or the hepatitis B or hepatitis C virus shall observe and follow the standards for public service workers regarding personal protective equipment and disposal of blood or bodily fluid contaminated articles, tools and equipment as set forth in the Occupational Safety and Health Administration (OSHA) Rule 29 CFR part 1910.1030 incorporated herein by reference, and as amended and supplemented. This includes practitioners or employees providing services to clients who have been diagnosed with or are suspected of having human immunodeficiency virus, related conditions or the hepatitis B or hepatitis C virus.

6. Hepatitis B vaccination series and universal precautions policies shall be established for employees in accordance with the OSHA Rule 29 CFR part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

iv. The water and cleaning solution as recommended by the manufacturer shall be changed when visibly soiled or at a minimum, daily;

v. The chamber of the ultrasonic unit or cleaner shall be disinfected after use with 70 percent isopropyl alcohol; and

vi. Each time the chamber is filled with water, it shall be degassed to remove any air bubbles caused by the turbulence of the tank filling. This degassing process shall run at a five to 10 minutes cycle based upon manufacturer's recommendations.

#### **8:27-5.2 Packaging**

(a) All instruments to be sterilized shall be packaged individually in peel-packs.

1. All peel-packs shall contain a chemical indicator or internal temperature indicator.

2. Tape sealed or self-sealed peel packs shall be dated with an expiration date not to exceed 90 days or as specified in writing by the manufacturer.

#### **8:27-5.3 Sterilization procedures**

(a) All instruments that are processed by steam sterilization must first be cleaned. The manufacturer's instructions of the autoclave regarding water purity requirements, filling, draining, and general maintenance shall be followed. A copy of the instructions shall be maintained on site.

(b) Peel-packs shall be positioned standing on edge, paper to plastic. Loading racks or baskets specifically designed for these types of packages, or other means of holding them on edge and properly spaced, shall be used.

(c) The manufacturer's written instructions of the autoclave for the cycle parameters, time, temperature and pressure shall be followed.

(d) Policies and procedures shall be established when the cycle does not include a drying phase. Drying cycle shall be in accordance with the manufacturer's instructions.

(e) Wrapped items being cooled after removal from the autoclave shall remain untouched in the loading tray during the cooling period.

(f) All hinged instruments shall be processed in an open position.

#### **8:27-5.4 Biological and chemical monitoring**

(a) All steam sterilizers shall be biologically tested on a monthly basis and following repair or breakdown. The biological indicator test for steam sterilization shall consist of bacillus sterothermophilus spores. These tests shall be verified through an independent laboratory.

### **SUBCHAPTER 5. STERILIZATION AND DISINFECTION**

#### **8:27-5.1 Cleaning of reusable instruments**

(a) All reusable instruments shall either be washed by hand or processed mechanically:

1. Manual instrument washing shall consist of the following steps:

- i. An initial cold water rinse to remove visible soil;
- ii. An enzyme pre-soak shall be used prior to cleaning;
- iii. Warm water and the detergent appropriate for the particular item being cleaned shall be used;
- iv. The item shall be thoroughly rinsed; and
- v. Instruments shall be carefully inspected for cleanliness and damage and then dried before packaging.

2. Mechanical instrument washing shall include:

- i. An initial cold water rinse to remove visible soil;
- ii. An enzyme pre-soak shall be used prior to cleaning;
- iii. The instrument shall be placed directly into the ultrasonic unit for a 10 minute cycle or as recommended by the manufacturer;

(b) Biological monitoring of the steam sterilization cycle shall be conducted in a fully loaded chamber or as recommended by the sterilization manufacturer. The biological monitor shall be placed in the center of the load towards the front of the chamber.

(c) The following actions shall be taken if a biological indicator tests positive.

1. The independent laboratory shall notify the body art establishment within 24 hours of a positive test result;
2. The body art operator shall notify the local health authority of the positive test and inform him or her of the follow-up steps;
3. Instruments processed in that sterilizer shall be considered non-sterile and shall be reprocessed before use;
4. The sterilizer in question shall be immediately re-challenged with a biological indicator; and
5. The sterilizer shall not be used until a satisfactory test result (no growth) is reported by the independent laboratory.

(d) All biological test records shall be retained by the operator for a period of three years and made available upon request.

(e) Sterilizers with recording charts or printouts shall include a chemical integrator in the first working load each day a sterilization cycle is run.

1. All charts/printouts shall be reviewed and initialed by the sterilizer operator at the completion of each cycle and initialed to verify that all cycle parameters were met.

(f) Sterilizers without recording charts/printouts shall include a chemical integrator in each load run.

1. If the chemical integrator fails to meet the cycle parameters, all of the load contents shall be reprocessed.

#### 8:27-5.5 High-level disinfection

(a) All instruments that are processed by high level disinfection shall first be cleaned.

(b) The manufacturer's instructions for use shall be followed.

(c) The efficacy of chemicals used for high-level disinfection shall be verified by the use of a test specific to the chemical if a valid and reliable test method is available and feasible for use. The test shall be used daily.

(d) Personal protective equipment shall be worn to protect employees' skin and eyes from splashes and contact. Spills shall be cleaned immediately.

(e) Instruments that are removed from high level disinfectants shall be rinsed thoroughly, dried, and if not used immediately, are to be packaged in a zip-lock plastic bag.

(f) All body art establishments that use glutaraldehyde-based high level disinfectants shall monitor the environment to maintain exposure limits as recommended by the 2001 edition of "Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment," publication number 0101, by the American Conference of Governmental Industrial Hygienists (ACGIH), incorporated herein by reference, as amended and supplemented. A copy of this document may be obtained from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Suite 600, Cincinnati, Ohio 45240.

#### 8:27-5.6 Storage

(a) All instruments used for body art shall be stored to ensure the integrity of the packaging materials.

(b) When assembling instruments just prior to performing the procedure, the practitioner shall wear gloves and use an aseptic technique.

#### 8:27-5.7 Single use items

Single use items shall not be used on more than one client for any reason.

#### 8:27-5.8 Decontamination of environmental surfaces

(a) Blood spills on environmental surfaces shall be cleaned as specified in the Occupation Safety and Health Administration (OSHA) Rule 29 CFR part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(b) Aluminum foil or plastic covers shall be used to protect items and surfaces (for example, light handles) that may become contaminated by blood or saliva during use and that are difficult or impossible to clean and disinfect. Between clients, the coverings shall be removed, discarded, and replaced with clean material.

(c) A low-level disinfectant shall be used on general environmental surfaces.

1. Procedure surfaces shall be disinfected after each use.
2. Horizontal surfaces shall be disinfected daily.
3. Restrooms shall be disinfected daily.
4. General work surfaces in the equipment clean room shall be disinfected daily.
5. All storage cabinets shall be cleaned and disinfected on a frequency established by the operator.

(d) If decontamination and sterilization activities are performed in the same room:



1. Decontamination activities shall not take place simultaneously with packaging and/or sterilization activities; and

2. At the completion of decontamination activities, all countertops and work surfaces shall be disinfected with an approved disinfectant, gloves removed and hands washed before beginning and prep/packaging or sterilization activities.

## **SUBCHAPTER 6. BODY PIERCING**

### **8:27-6.1 Training requirements**

(a) An operator shall furnish proof of having experience in the operation of a body piercing facility for a period of at least 12 months and shall furnish all the following forms of proof to fulfill this experience requirement:

1. A signed testament from a previous employer that the applicant has been piercing professionally at least one full year;
2. A business license, business records or purchasing records verifying that the applicant operates out of a legitimate business;
3. The make, model and serial number of applicant's autoclave listed on the back of a photograph of the autoclave; and
4. One or more samples of the applicant's advertising.

(b) A practitioner shall perform the art of body piercing at a body piercing facility as an apprentice for a minimum of 1,000 hours prior to being qualified as a practitioner and shall:

1. Furnish business records which may include tax records, references from former employers, or certificates of course completion or memberships in professional organizations such as the Association of Professional Piercers or other organizations recognized by the New Jersey Department of Health and Senior Services;
2. Submit a minimum of 10 original photographs of various body piercings which the practitioner has personally performed and a minimum of three signed testaments from previous clients; and
3. Provide evidence of completion of a bloodborne pathogen course from the American Red Cross, the Association of Professional Piercers or a provider approved by the New Jersey Department of Health and Senior Services.

(c) An apprentice shall perform the art of body piercing at a body piercing facility as an apprentice for a minimum of 1,000 hours under the direct supervision of a practitioner.

### **8:27-6.2 Jewelry**

(a) All body piercing jewelry shall be made of high quality 14 karat solid gold, surgical grade stainless steel, niobium, titanium, platinum or inert plastics.

(b) All insertable jewelry shall be sterilized or disinfected prior to insertion at a new piercing site. Disinfection shall include the following:

1. Thorough cleaning of the jewelry in an ultrasonic cleaner;
2. Soaking the jewelry in a solution of 70 percent to 90 percent isopropyl alcohol for 15 minutes; and
3. Allowing the jewelry to air dry prior to packaging.

(c) Jewelry that shall not be immediately used after disinfection shall be packaged in a zip lock plastic bag.

(d) Jewelry that is damaged, scratched, intended for ear piercing or not expressly designed for body piercing shall not be used.

(e) Jewelry made of silver, gold plated or gold filled or other corrosive metal shall not be used.

(f) Body piercing jewelry previously worn by anyone other than the client shall be cleaned and autoclaved.

(g) Jewelry or ear studs designed for the ears shall not be used in other parts of the body.

### **8:27-6.3 Skin preparation**

(a) No body piercing procedures shall be done on skin surfaces which have sunburn, rash, keloids, pimples, boils, infections, open lesions, scar tissue or manifest any evidence of unhealthful conditions.

(b) Placement of the area to be pierced shall be marked only with a medical grade non-toxic marker after the area is thoroughly disinfected. Gentian violet may be utilized for marking of oral piercing.

(c) Markers shall not be reused.

### **8:27-6.4 Use of antiseptics**

(a) The minimum acceptable standards for the use of antiseptics for body piercing procedures shall be the following:

1. Before applying antiseptics, the practitioner shall thoroughly wash his or her hands in hot running water with liquid soap, then rinse hands and dry with clean disposable paper towels.
2. When performing a lip procedure or other general skin piercing, the external area of the skin to be pierced shall be thoroughly cleaned with Chlorhexidine, 70 percent to 90 percent isopropyl alcohol containing products, iodophors or iodine compounds.

i. Once applied, the antiseptic shall be allowed to dry before the procedure is performed.

3. Any oral skin piercing procedure shall be proceeded by the client performing not less than a one minute, vigorous application of an antiseptic mouthwash.

4. When performing a skin piercing of any area close to the eye, a Q-tip shall be used to thoroughly clean the area with soap and water.

5. When performing a skin piercing of the genitalia, the skin area to be pierced shall be thoroughly cleaned with iodophors or iodine compounds, Chlorhexidine or Triclosan.

#### 8:27-6.5 Body piercing procedures

(a) Piercing needles shall be sterile and for single service use. Reuse of piercing needles shall be strictly prohibited and practitioners shall appropriately dispose of the needle after performing each piercing procedure.

(b) Only a practitioner or an apprentice is permitted to conduct body piercing.

(c) Materials such as cork and wood cannot be sterilized and shall be stored in covered containers.

1. An aseptic technique shall be used to remove materials.

2. Single use items shall be discarded after each procedure.

(d) Sterile instruments shall be opened in the presence of the client and handled aseptically.

(e) Minimum gauge needles required for soft tissue body piercing of the earlobe, eye brow and other areas of the face including the septum shall be 18 gauge. Needles for genital areas shall be 14 to 8 gauge depending on the piercing. Needles for nipple, navel and tongue piercings shall be a minimum of 14 gauge.

#### 8:27-6.6 After care instructions

(a) After care instructions shall be administered to each client following the body piercing procedure. After care shall consist of both verbal and written instructions concerning proper care of the pierced area. A copy of the written after care instructions shall be signed by the client and kept on file with the client's records. Instructions shall minimally specify:

1. Responsibilities and care specific to the site of the piercing following service;

2. Information regarding tightness of balls attached to barbell studs to prevent accidental ingestion or imbedding of certain jewelry;

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 7. TATTOOING

#### 8:27-7.1 Training

(a) An operator shall furnish proof of having experience in the operation of a tattooing facility as a full time occupation or a designated operator for a period of at least 12 months and shall furnish all the following forms of proof to fulfill this experience requirement:

1. A signed testament from a previous employer that the applicant has been tattooing professionally for at least one full year;

2. A business license, tax records, business records or purchasing records along with other proof that the applicant operates out of a legitimate business;

3. The make, model and serial number of applicant's autoclave listed on the back of a photograph of the autoclave; and

4. One or more samples of the applicant's advertising.

(b) A practitioner shall have performed the art of tattooing as an apprentice for a minimum of 2,000 hours prior to being qualified as a practitioner and shall:

1. Furnish business records which may include tax records, references from former employers, or certificates of course completion or memberships in professional organizations such as the Alliance of Professional Tattooists or other organizations recognized by the New Jersey Department of Health and Senior Services;

2. Submit a minimum of 10 original photographs of tattoos which the tattooist has personally performed and a minimum of three signed testaments from previous clients; and

3. Provide evidence of completion of a bloodborne pathogen course by the American Red Cross, Alliance of Professional Tattooists, or a provider approved by the New Jersey Department of Health and Senior Services.

(c) An apprentice shall perform the art of tattooing at a tattooing facility as an apprentice for a minimum of 2,000 hours under the direct supervision of a practitioner.

#### 8:27-7.2 Shaving and preparation of the skin

(a) The first step in skin preparation shall be washing the area with soap and water.

(b) A single use disposable razor shall be used in shaving as necessary.

1. The razor may be disposed as general garbage only if the client's skin has not been broken during shaving.

2. The razor shall be disposed as regulated medical waste if the client's skin has been broken.

(c) Upon completion of shaving the client's skin, the skin and surrounding area shall be washed with soap and water. The pad used for washing the skin and surrounding area shall be discarded after a single use.

(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 Cosmet-

ic 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.

#### 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
5. Instructions to consult a physician if infection occurs.

**8:27-8.7 Pigments**

- (a) All dyes used for permanent cosmetics shall be non-toxic, nonirritating to tissue, stable to light and inert to tissue metabolism.
- (b) Pigments shall not contain talc, coal tar or any known carcinogens.
- (c) Nontoxic materials shall be used when preparing dyes or pigments.
- (d) Single use, individual containers for dyes or pigments shall be used for each client and discarded after each procedure.
- (e) Any excess dye or pigment applied to the skin shall be removed with a single use, lint free paper product.
- (f) A record of the dye(s) used for the tattoo, including the lot number of each pigment, shall be maintained for each client.
- (g) Colorants shall be free of acrylic monomers or polymers.

**SUBCHAPTER 9. EAR PIERCING**

**8:27-9.1 Scope**

This subchapter shall govern all businesses that offer piercing of the trailing edge of the ear with a pre-sterilized single use stud and clasp ear piercing system, except that individuals who pierce the ear lobe only shall be exempt from N.J.A.C. 8:27.

**8:27-9.2 Approval to operate**

(a) The ear piercing establishment shall obtain a license or permit from the health authority. This license shall be renewed annually.

1. The license or permit shall be displayed in a conspicuous place on the premises where it may be readily observed by all clients.
2. No person shall operate an ear piercing establishment whose license or permit has been suspended.

**8:27-9.3 Client records**

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

(b) Each client shall complete an application for ear piercing procedures. The application shall include the following:

1. The name, date of birth and address of the client; an emergency telephone and contact individual for the client; the date of the procedure; the name of the practitioner who performed the procedure(s); the location on the ear where the procedure was performed; the signature of the client authorizing the procedure(s) and, if the client is a minor, proof of parental or legal guardian's presence and signature authorizing the procedure(s);
2. An informed consent shall be established for each procedure and shall include an annotation on the informed consent that a verbal and written after care plan has been provided to the client. The informed consent shall minimally consist of the client's signed acceptance of the recommended procedure by the named practitioner, its risks, alternatives, and generally accepted results; and
3. The client shall be advised in writing that any blood thinning medications, medical condition, such as diabetes, allergies and/or cysts, shall increase the risks associated with the procedure and the client must consult a physician before proceeding with the ear piercing.

(c) Ear piercing of a person under 18 years of age shall not be performed without the written consent of the parent or legal guardian.

1. The parent or legal guardian shall accompany the client at the time of the ear piercing.
2. Government-issued photographic identification (I.D.) of the client shall be provided at the time of the piercing and the I.D. number shall be recorded on the application.
3. Identification of the parent or legal guardian shall be provided at the time of the ear piercing and the name, address, phone number and identification number shall be recorded on the application.

**8:27-9.4 Reporting requirements**

All infections requiring a medical referral or injuries resulting from ear piercing procedures 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.

**8:27-9.5 Hand washing and personal hygiene**

(a) When performing ear piercings, the practitioner shall maintain a high standard of personal cleanliness which shall



include wearing clean outer garments, washing hands after smoking, eating, drinking or visiting the restroom.

(b) Before performing each ear piercing procedure, the practitioner shall first thoroughly wash his or her hands in hot running water using liquid soap, then rinse his or her hands using hot running water, and dry his or her hands using clean disposable paper towels.

1. A waterless hand agent may be used where hand washing sinks are not readily available.

(c) The practitioner shall wear disposable medical grade procedure gloves on both hands before proceeding with any ear piercing.

(d) Under no circumstances shall a single pair of gloves be used on more than one person.

(e) Policies and procedures shall be established for management of employees or clients who have latex allergies.

#### **8:27-9.6 Piercing instrument standards**

(a) Ear piercing instruments shall not be used for piercing any part of the body other than the ear lobes and trailing edge of the ear.

(b) Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the ear lobes and the trailing edge of the ear.

(c) The operator of a business offering ear piercing services with an ear piercing instrument shall establish procedures to ensure that all individuals working on the business premises shall be adequately trained to properly use, clean, disinfect and store the ear piercing instrument, in accordance with the manufacturer's recommendations.

(d) An employee shall not independently perform ear piercing with an ear piercing instrument until the employee has successfully completed a training program and the competency of said employee is maintained on file by the operator and documented in the following manner:

1. The training program shall document the full name of the trainer, full name of employee and the content of the training program; and

2. The employee shall at a minimum perform three ear lobe and three cartilage procedures under the direct supervision of the operator.

(e) The entire area of the clasp retainer and all parts of the instrument in direct contact with the client's skin shall be cleaned with alcohol or a detergent recommended by the manufacturer before and after each piercing.

(f) New or disinfected piercing instrument tools shall be stored separately from used or soiled tools or other instruments.

## **SUBCHAPTER 10. TEMPORARY ESTABLISHMENTS**

### **8:27-10.1 Issuance of permit**

(a) Temporary establishments shall be governed by all the rules of a permanent establishment as set forth in this chapter.

(b) A temporary establishment may be authorized for body art procedures provided outside of the physical site of a licensed establishment for the purposes of product demonstration, industry trade shows, and/or educational reasons.

### **8:27-10.2 Permit requirements**

(a) Application for a temporary permit shall be submitted in writing to the health authority at least 30 days prior to the event. The application shall specify:

1. The purpose for which the permit is requested;

2. The period of time during which the permit is needed (not to exceed 14 calendar days per event), without re-application;

3. The applicant's legal name, home address, and telephone number, full business name, business address, post office address and telephone number;

4. A complete description of all services to be provided, the proposed hours of operation, the names and address of all practitioners;

5. A copy of the client application, health history, and informed consent forms for each procedure used for the event; and

6. The facility name and business address where services will be provided.

(b) The permit for the temporary establishment shall not be transferable from one place, location or person to another.

(c) The permit for the temporary establishment shall be posted in a prominent and conspicuous area readily observable by patrons.

### **8:27-10.3 Operation**

(a) The operation of a temporary establishment shall be in compliance with all of the requirements of this chapter.

(b) The temporary establishment shall be inspected by the health authority and a permit shall be issued prior to any procedures being performed.

(c) Body art performed pursuant to this section shall be done only in a completely enclosed non-mobile facility (for example, inside a permanent building).

(d) Conveniently located hand washing facilities with liquid soap, paper towels and hot and cold water under pressure shall be provided.

1. Tuberculocidal single use hand wipes to augment the hand washing requirements shall be available in each booth/cubicle.

(e) The work area shall not be less than 40 square feet.

(f) At least 100 foot-candles of artificial light shall be provided at work stations.

(g) Facilities to properly sterilize instruments shall be physically separated from procedure areas.

1. A biological indicator test shall be performed at the site prior to the event. A negative spore test shall be provided to the health authority.

2. Pre-packaged single use instruments or previously pre-packaged sterilized instruments shall be allowed.

(h) A notice shall be posted in a conspicuous place in each booth/cubicle containing the name and address of the practitioner and the procedure for filing a complaint or reporting an infection.

1. This procedure for filing a complaint or reporting an infection shall be given to each client with the written after care instructions, which shall be signed and maintained with the client's records.

## **SUBCHAPTER 11. ENFORCEMENT**

### **8:27-11.1 Legal authority**

All body art establishments shall be operated in compliance with the provisions of the chapter.

### **8:27-11.2 Inspection**

(a) The health authority shall inspect every body art establishment as often as the health authority deems necessary using an inspection report form approved by the Department of Health and Senior Services.

1. A representative of the health authority shall provide proper identification.

2. The operator shall permit access to all parts of the establishment and all pertinent records required for the inspection shall be made available to the health authority representative for review.

3. An inspection report shall identify in a narrative form any violations of this chapter and shall be cross-referenced to the section of the chapter being violated.

4. Results of the inspection shall be made available to the public upon request.

### **8:27-11.3 Criteria for closure**

(a) The approval, license or permit of any person to operate a body art establishment may be suspended at any time, when in the opinion of the health authority such action is necessary to abate a present or threatened menace to the public health.

(b) The following shall be reason(s) for closure:

1. Failure or lack of properly functioning equipment;
2. Unsanitary or unsafe conditions which may adversely impact the health of the public;
3. The health authority has reasonable cause to suspect that a communicable disease is, or may be, transmitted by an operator/practitioner;
4. The practitioner(s) has demonstrated gross incompetence in performing body piercing, ear piercing, tattooing, or micropigmentation;
5. The owner obtained or attempted to obtain a permit by means of fraud, misrepresentation or concealment;
6. The owner or practitioner(s) has been convicted in this or any other state of a crime directly related to the practice of tattooing, micropigmentation, body piercing or ear piercing;
7. The owner or practitioner(s) has permitted a genital piercing upon a person under 18 years of age; or
8. The operator has failed to prevent implants, branding and cutting to be performed in a body art establishment.

(c) The following shall be cause for, at a minimum, a seven-day suspension:

1. Failure to report to the health authority within 24 hours any infection or injury requiring a medical referral;
2. Performing a body art procedure on any person under the age of 18 years of age, without the presence, written consent, and proper identification of a parent or legal guardian;
3. Failure to notify the health authority within 24 hours of positive biological indicator test result of the autoclave; or
4. Using an ear piercing instrument for any part of the body other than the ear lobes and trailing edge of the ear.

### **8:27-11.4 Penalties**

Any person who shall violate any provision of this chapter or who shall refuse to comply with a lawful order or directive of the health authority, shall be liable for penalties as provided by N.J.S.A. 26:1A-10 and all other applicable law and/or injunctive action as provided by law, or both.

**8:27-11.5 Separability**

If any provision or application of any provision of this chapter is held invalid, that invalidity shall not affect other provisions or applications of this chapter.