

17 BEAUTICIANS, TATTOOISTS AND SKIN PIERCERS

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Beauticians, Tattooists and Skin Piercers

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PART 17: BEAUTICIANS, TATTOOISTS AND SKIN PIERCERS BYLAW 2002

The purpose of this bylaw is to prevent the transference of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via beautician practices, tattooing and skin piercing. Beautician, tattooist and skin piercing practices include such processes as tattooing, skin piercing, epilation (eg waxing and electrolysis), pedicures, manicures, paraffin treatment and extractions. Where relevant this includes jewellers, beauty therapists, tattooists and hairdressers.

Contamination of equipment such as needles, lack of general hygiene of premises and personal hygiene of the operator are recognised as potential modes for the transference of disease and infection.

Beauticians, skin piercers and tattooist operators must provide their clients with professionally competent, safe and hygienic services, within clean premises. It is essential for operators to be fully aware of the potential dangers and wider effects of their procedures, and understand the precautions that need to be taken to minimise the likelihood of infection or spread of disease.

This bylaw requires that premises at which beauty therapy, skin piercing and tattooing is practised are registered, and provides constructional and operational standards to be complied with in accordance with the licensing process.

Registered doctors, dentists, nurses, physiotherapists and podiatrists are exempted from the requirement of licensing due to their recognised training standards, however general standards of hygiene must still comply with the Infection Control Standards NZS 8142: 2000.

17.1 Short Title

The short title of this bylaw shall be the “Beauticians’, Tattooists’ and Skin Piercers’ Bylaw 2005.”

17.2 Interpretation

In this bylaw, unless the context otherwise requires:

COUNCIL means the Dunedin City Council.

ENVIRONMENTAL HEALTH OFFICER means an Environmental Health Officer appointed by the Council under the authority of the Health Act 1956 or any other Act.

BEAUTICIAN, SKIN PIERCING AND TATTOOIST PRACTICES include tattooing, permanent make-up, skin piercing, epilation (including electrolysis and waxing), pedicures, manicures, paraffin treatment and comedone extractions.

AUTHORISED OFFICER means, for the purpose of this bylaw, a person qualified for appointment as an Environmental Health Officer, Environmental Health Inspector or Environmental Health Assistant pursuant to the Health Act 1956, who has been specifically authorised either by name or position.

USED WAX, (including paraffin wax), means wax that has been previously applied to the body, remelted and sieved for removal of hair, left over in the cartridge of a roll on/pistol system that has been applied to any part of the body, left over in a heated pot from which it has been applied by spatula using the double dipping procedure, left in the cartridge of a flow on system that has been applied to any part of the body

17.3 Registration of Premises

- (1) No person shall use any premises for beautician, skin piercing and tattooist practices unless the premises are registered with the Council and the Certificate of Registration is still in force.
- (2) A Registration Certificate shall not be issued unless the premises concerned complies with all requirements of this bylaw.

17.4 Exemptions

- (1) The provisions of section 17.3 of this bylaw shall not apply to:
 - (a) A Medical Practitioner registered pursuant to the Medical Practitioners Act 1995, a Dentist registered under the Dental Act 1988, a Nurse registered under the Nurses Act 1977, a Physiotherapist registered under the Physiotherapists Act 1949, a Pharmacist registered under the Pharmacy Act 1970, or a Podiatrist registered under the Medical Auxiliaries Act 1966, where the practices are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy, or podiatry, respectively; or
 - (b) A person acting under the direction or supervision of any such medical practitioner, nurse, physiotherapist, podiatrist or dentist, where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively, or
 - (c) A situation where an Authorised Officer is satisfied that compliance with any requirements of this bylaw would be impractical or unreasonable having regard to the premises in question, or the prescribed process being undertaken, a written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

17.5 Applications

- (1) Applications for the registration of any premises under this bylaw shall be made by the owner or manager and shall be made on the prescribed form.
- (2) Fees (as set by Council annually) shall be payable on application for registration and renewed thereafter on an annual basis in accordance with this bylaw for a term of no more than one year.

17.6 General Conditions of Operation

- (1) No person shall carry out any beautician, skin piercing or tattooist practice on any person under the age of 16 years without the written permission of that person's parent or legal guardian.
- (2) No person shall carry out any beautician, skin piercing or tattooist practice on any person whom they suspect is under the influence of alcohol, drugs or mind altering substances.

- (3) No person shall smoke on the premises except in a part of the premises that is clearly separate from the area where a beautician, skin piercing or tattooist practice is carried out.
- (4) The operator of a premises where any beautician, skin piercing or tattooist practice takes place shall display in a prominent place a notice asking customers to inform them of any communicable or infectious disease they have which may be likely to have an effect on the process.
- (5) No person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or communicable disease, or associated conditions, shall carry out any beautician, skin piercing or tattooist practice, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- (6) No animals, except registered companion dogs, are to be permitted in that part of the premises where beauty therapy, skin piercing and tattooist practices take place.

17.7 Records

- (1) Any procedure (which invades someone's body in any way) performed without permission, may be regarded as assault. It is therefore essential that the person receiving the procedure gives consent to the procedure.

Information must be given in a manner, which fully explains the nature of the procedure, the outcomes of it and any risks involved. The information must be understandable and therefore take into account the age of the person involved and their understanding of the language used.

- (2) As part of any professional practice it is important to have good information about clients and the nature of the client contact. It is also important to emphasise that records should be strictly confidential and all personal client information should be made secure in an appropriate dedicated lockable area.

The main purpose for collecting the information should be to assist operators with providing aftercare advice for patients who have complicated piercings and to also be used as an opportunity to audit the quality of procedures, should complications occur.

Information that must be recorded includes:

- Name, address, phone contact
- Procedure type
- Consent

The operator must hold client records regarding such information on site. These records must be made accessible to Authorised Officers on request.

- (3) Sterilisation of Equipment (autoclave) - Time, temperature and pressure readings shall be recorded and be kept for a minimum period of 6 months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.
- (4) A record of medical waste disposal must be kept for a minimum period of six months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.

- (5) Any person who wishes to have a prescribed process carried out who knows or suspects that he/she is suffering from communicable or infectious disease; has a history of haemophilia (bleeding) or is taking medication such as anticoagulants which thin the blood or interfere with blood clotting; has a history of allergies or adverse reactions to pigments, dyes or has other skin sensitivities; or a history of epilepsy or seizures, shall inform the holder of the license, the manager, or other person for the time being appearing to be in charge of the premises prior to the commencement of any prescribed process.

The operator may decline to carry out any prescribed process on the basis of such information or agree to carry out the prescribed process subject to such conditions as are considered appropriate in the circumstances. Nothing in this Bylaw shall be construed as requiring any person to perform a prescribed process on any other person.

17.8 Physical aspects of premises

No person shall use, or allow any premises to be used for beautician, skin piercing or tattooing practice except in accordance with all of the following provisions:

- (1) The premises shall be constructed in accordance with the Building Act 1991. Premises constructed before this shall be in accordance with the NZS 1900 Model Building Bylaw.
- (2) The premises shall be maintained in a state of good repair and in a clean and tidy condition.
- (3) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any beautician, skin piercing or tattooist practice shall be constructed of materials that are continuously smooth, impervious and easily cleaned.
- (4) A wash hand basin supplied with splash guards, long lever/foot operated taps and a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall be provided in a readily accessible position within the working area associated with the beautician, skin piercing or tattooist practice.
- (5) A sink supplied with a constant piped supply of hot (63⁰C) and cold water shall be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment.
- (6) All parts of the premises shall be adequately ventilated.
- (7) All parts of the premises shall be provided with adequate lighting to facilitate cleaning and inspection.
- (8) There shall be provided at all times an adequate supply of cleaning, sanitising and sterilising agents, as are necessary, and suitable cleaning equipment, sufficient to enable regular and proper cleaning of the premises and of the equipment and containers used in the premises, and adequate provision for separate storage of such items when not in use.

- (9) Adequate and sufficient covered waste receptacles that are constructed of a readily cleanable material shall be provided.
- (10) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of a beautician, skin piercing or tattooist practice, shall be covered in an impervious and readily cleanable material. All linen/paper must be replaced after each client. The tables and equipment must be cleaned and disinfected before being used again for another client.
- (11) Adequate and separate storage shall be provided for clean and soiled laundry, beauty products and other chemicals, products or materials.
- (12) Where refreshments are served to customers, single use utensils are to be used unless approved dishwashing facilities are supplied. Refreshments are only to be served in customer waiting areas, not in work areas.

For the purposes of this clause approved dishwashing facilities means to the same standards as required for eating-houses in Regulation 35 of the Food Hygiene Regulations 1974.

17.9 Conduct

- (1) An operator whilst on the premises shall:
 - (a) At all times keep his or her clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing.
 - (b) Thoroughly clean his or her hands:
 - i) immediately before commencing and immediately after completing the process of beauty therapy, skin piercing or tattooing.
 - ii) immediately after using a toilet.
 - iii) immediately after smoking.
 - iv) immediately after blowing the nose.
 - v) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with beautician, skin piercing or tattooing practices.
 - (c) Prior to commencing any procedure, cleanse client's skin by swabbing with 70% alcohol (e.g. ethyl or isopropyl), or similar cleansing agents approved by an Authorised Officer, and allow to dry.
 - (d) Dispose of all blood or tissue contaminated materials, and dye residue into a puncture resistant container or otherwise in a manner approved by an Authorised Officer.
- (2) An operator shall, at the completion of any tattooing or skin piercing procedure, provide to each customer approved suitably written instructions for the subsequent care of the site to prevent its infection.

- (3) No person shall undertake any tattooing or skin piercing procedure unless that person covers their hands with new, single use gloves for each customer.
- (4) Any equipment used must be operated according to manufacturer specifications and for no other purpose other than given in such instructions.

17.10 Tattooing

- (1) The sterilisation of equipment used in tattooing shall include, but not be limited to, the sterilisation of needles, needle bars, tubes and tube tips.
- (2) Stencils must only be used for one client and then disposed of.
- (3) No operator shall, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding sufficient of the liquid for carrying out the tattoo on that customer only and is, while the process is being carried out on that customer, extracted or withdrawn only from that container.
- (4) The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.

17.11 Beauty Therapy/Skin Piercing/Epilation

- (1) No person shall remove hairs from moles, birthmarks and other abnormalities without medical permission.
- (2) The client's skin must be sanitised prior to waxing.
- (3) No person may use any instrument to pierce skin unless it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised disposable types or needles sterilised as directed in section **17.12 (1) (a)**. No needle or other instrument used to pierce skin may be touched by bare fingers, nor contaminated by packaging, which has been contacted by bare fingers.
- (4) Wax that has been applied to a customer's body for hair removal (used wax) shall not be reused.

17.12 Sterilisation of Equipment

- (1) No beautician, skin piercing or tattooing equipment, such as needles and similar equipment (including pedicure, manicure or waxing equipment) that has been used in any beautician, skin piercing or tattooing practice, shall be reused unless it has been sterilised in one of the following ways:
 - (a) Thoroughly cleansed and exposed to steam under pressure in a steriliser (autoclave) for:
 - (i) at least 15 minutes at not less than 121°C; or
 - (ii) at least 10 minutes at not less than 126°C; or

- (iii) at least 4 minutes at not less than 134°C.

The times quoted above are holding times and do not include the time taken for the steriliser (autoclave) to reach the required temperature.

Every steriliser used for the purpose of this Part of the Bylaw shall be fitted with time, temperature and pressure gauges. Additionally every time the autoclave is used chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached. Time, temperature and pressure readings shall be recorded and be kept for a minimum period of six months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request;

or

- (b) Thoroughly cleansed and exposed to dry heat for at least 60 minutes at not less than 170°C.
 - (c) Thoroughly cleansed then totally immersed in a glass bead steriliser operating at 250°C for a minimum of 4 minutes.
 - (d) Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by an Authorised Officer.
- (2) All disposable needles or other beautician, skin piercing and tattooing instruments must be disposed of in an appropriate “sharps” container for infectious waste, which in turn must be disposed of in an approved manner.
 - (3) All materials containing body fluids and hair follicles must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the property for any longer than two weeks.
 - (4) Where an instrument or like article used for projecting a needle into the skin of any person would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:
 - (a) A solution of industrial methylated spirit; or
 - (b) Ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol); or
 - (c) Chlorine solution having a minimum strength of 500 parts per million; or
 - (d) Similar approved solutions.

Prior to cleansing the hand piece the needle shall be removed from the hand piece and disposed of.

(Advisory Note: Chlorine solution will corrode metals.)

17.13 Cleansing and Repair

In the case of any premises, equipment or procedures used to carry out beauty therapy, skin piercing or tattooist operations that are in such a condition whereby customers may be exposed to contamination or communicable disease, the licensee shall on receipt of a notice signed by an Authorised Officer cleanse, reconstruct or repair the premises, equipment or procedures as directed within the time specified on the notice, or cease using the premises until any such time agreed by the Authorised Officer.

17.14 Appeals

Any occupier of any premises on which beautician, skin piercing or tattooist operations are carried out, in respect of which any decision or requirement has been made by an Authorised Officer under this bylaw, may appeal in writing against that decision or requirement to the Medical Officer of Health within 14 days after being notified in writing of the decision or requirement.

On hearing the appeal brought under this bylaw, the Medical Officer of Health may confirm, reverse, or modify the decision or requirement made by the Authorised Officer and the decision of the Medical Officer of Health on the appeal shall be final.

This right of appeal is in addition to any other statutory right made available to the occupier.

17.15 Offences

Failure to comply with this bylaw is an offence and the offender is liable accordingly under Sections 66 and 137 of the Health Act 1956 and Section 238 of the Local Government Act 2002.

17.16 Penalty

Every person who commits a breach of this bylaw, made under the Health Act 1956 and the Local Government Act 2002, is liable to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.

Where a person commits a continuing breach of this bylaw a District Court may, on application by the Council, grant an injunction restraining the further continuance of the breach by that person.

The continued existence of any work or thing in a state, or the intermittent repetition of any action, contrary to this bylaw shall be deemed to be a continuing breach.

17.17 Commencement

This bylaw shall come into force on 1 July 2005.