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PUBLIC HEALTH ACT 1949
1949 : 24
THE PUBLIC HEALTH (BODY PIERCING, ELECTROLYSIS AND
TATTOOING) REGULATIONS 2001

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The Minister of Health and Family Services, in exercise of the powers conferred on him by sections 167, 170 and 171 of the Public Health Act 1949, makes the following regulations:—

PRELIMINARY

Citation

1 These Regulations may be cited as the Public Health (Body Piercing, Electrolysis and Tattooing) Regulations 2001.

Definitions

2 In these Regulations—

"Act" means the Public Health Act 1949;

"aseptic technique" means the practice of preventing the transmission of infectious agents into the human body by using standard aseptic procedures;

"body piercing" means the piercing of parts of the body other than the ear lobes;

"body piercing establishment" means an establishment where body piercing is carried out for a fee or charge;

"certified person" means a person authorized by a certificate of approval granted under Regulation 11 to perform body piercing or tattooing procedures, or both;

"disinfect" means to apply a process approved by the Chief Medical Officer for the removal of organisms that may cause disease;

"electrolysis" means the permanent removal of hair by application of an electric current;

"piercer" means a person who engages in the business of body piercing;

"sanitary" means clean and free of agents of infection or disease;

"sterilize" means to apply a process approved by the Chief Medical Officer for the destruction of organisms;

"tattooing" means the application of inks and dyes to the skin of a person leaving a permanent or semi-permanent representation known as a tattoo;

"tattooist" means a person who engages in the business of tattooing;

"tattooing establishment" means an establishment where tattooing is carried out for a fee or charge;

Application

3 Nothing in these Regulations shall apply to body piercing or tattooing carried out in any place other than a body piercing or tattooing establishment.

LICENSING

Licence to operate establishment

4 (1) No person shall operate a body piercing establishment or a tattooing establishment unless there is in force in respect to that establishment a valid licence granted under these Regulations.

(2) Where an establishment offers both body piercing and tattooing, neither activity shall be carried out unless the establishment is licensed with respect to that activity.

Application for licence

5 An application for the grant of a licence shall be made in such form as the Chief Medical Officer may determine.

Grant of licence

6 The Chief Medical Officer may, subject to these Regulations, grant a licence to operate a body piercing or tattooing establishment, or both.

Form and period of licence

7 (1) A licence granted under Regulation 6 shall be in such form as the Chief Medical Officer may determine, and shall state whether the establishment is licensed to carry out body piercing or tattooing, or both.

(2) A licence unless suspended or revoked shall remain in force until December 31 next succeeding the date of issue.

Renewal

8 A licence may, upon written application before December 16 of each year, be renewed by the Chief Medical Officer for a period of twelve months commencing on January 1 next succeeding the date of application.

Fees

9 An application for either the grant or renewal of a licence shall be accompanied by such fee as may be prescribed therefor under the Government Fees Act 1965.

Display of licence

10 The licence shall be displayed in a prominent position in the establishment.

CERTIFICATION**Certification of body piercer and tattooist**

11 (1) Body piercing and tattooing procedures shall only be performed in a licensed body piercing or tattooing establishment by a person approved under this Regulation.

(2) Where the Chief Medical Officer is satisfied that a person seeking approval under this Regulation—

- (a) is not less than 18 years of age;
- (b) has adequate training, skill and experience in body piercing or tattooing;
- (c) has demonstrated knowledge of aseptic technique, and
- (d) is of good character;

he shall grant a certificate of approval.

(3) Where for any reason the Chief Medical Officer considers that a certified person is no longer suitable, he may by a notice in writing to the licence holder and to the certified person revoke his certificate, whereupon the certified person shall return his certificate to the Chief Medical Officer.

(4) Where the Chief Medical Officer revokes his certificate of approval of a person under paragraph (2), he shall suspend the establishment licence unless he is satisfied that another certified person is engaged to carry out body piercing or tattooing in the establishment.

Record keeping

12 (1) Before carrying out any tattooing or body piercing procedure on any person, a certified person shall ensure that—

- (a) the person understands the risks involved and has given written consent to the procedure; or

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- (b) in the case of a person under the age of 18 years, the parent or guardian of that person has given written consent to the procedure and accompanies that person while the procedure is carried out.
- (2) A record of each client shall be kept and maintained which provides the following information—
- (a) the name, address, telephone number and age of the client;
 - (b) a copy of the photographic identification offered by the client as proof of the age of the client;
 - (c) details of the procedure including the type and body location and the date the procedure was performed;
 - (d) a copy of the consent form signed by the client or, as the case may be, by the parent or guardian of the client.
- (3) The certified person shall retain the records required by paragraph (2) for at least two years from the date of the procedure.

OPERATIONAL REQUIREMENTS

Work areas

13 The operator of a licensed body piercing or tattooing establishment shall comply with the following requirements with respect to the work areas within the establishment—

- (a) eating, drinking, smoking and applying lip balm or cosmetics are prohibited;
- (b) food and beverages shall not be placed on counter tops or bench tops where there is potential for contamination by blood and other contaminants;
- (c) the floor, walls and ceiling shall be sound and shall be kept clean and in good repair at all times;
- (d) the work area shall be adequately lighted and ventilated;
- (e) there must be appropriate facilities for the sanitary convenience of clients;
- (f) at least one hand basin, properly trapped and drained, shall be provided and an adequate supply of hot and cold water shall be available at all times;

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- (g) the area where body piercing and tattooing is carried out shall afford privacy and shall be kept in a clean, tidy and sanitary condition at all times;
 - (h) all work surfaces shall be smooth, non-porous and easily cleanable;
 - (i) all equipment such as clip cords, spray bottles and ink containers, shall be covered with plastic barriers to prevent cross-contamination;
 - (j) the area shall be scrubbed and disinfected at the end of each work day;
 - (k) floor, walls, counters, shelves, furniture and all equipment such as clip cords, spray bottles and ink containers, shall be disinfected after each procedure and allowed to air dry for 10 minutes prior to the next procedure;
 - (l) all sharps shall be disposed of in approved plastic puncture-proof containers;
 - (m) waste receptacles shall be lined with a plastic bag and waste shall be removed at least once daily and as often as necessary;
 - (n) the sharps container shall be delivered for disposal through the biooxidizer at the King Edward VII Memorial Hospital;
 - (o) a copy of information for the client relating to body piercing or tattooing procedures and the health risks inherent in them shall be displayed in a place readily visible to the public.

Equipment

14 The piercer or tattooist shall comply with the following requirements with respect to the use of equipment—

- (a) only single-use sterilized needles shall be used;
- (b) a fresh, clean paper sheet shall be used on the treatment table or chair;
- (c) only appropriate sterilized jewellery designed for the body parts shall be used, and ear studs or other jewellery designed for the ear lobes are not to be used on other areas;

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- (d) instruments shall be laid out on a clean, disinfected surface and packages opened immediately prior to the procedure;
 - (e) single-use applicators, razors, stencils and containers of dyes and ink, shall be used and discarded immediately after the procedure;
 - (f) all tools used in the tattooing or body piercing procedure shall be cleaned using an ultrasonic cleaner prior to sterilization;
 - (g) only sterilization units approved by the Chief Medical Officer shall be used;
 - (h) sterilizers shall be operated and maintained in accordance with manufacturer's instructions;
 - (i) sterilizers shall be spore tested at least once per month and results recorded and maintained for a minimum of two years;
 - (j) equipment that cannot be sterilized shall be washed thoroughly and then disinfected with Medicide, Environcide or an equivalent disinfectant approved by the Chief Medical Officer.

Personal protective equipment

15 The piercer or tattooist shall comply with the following requirements with respect to the use of personal protective equipment—

- (a) latex gloves, face shields or goggles, plastic apron or gown or laboratory coat worn by the piercer or tattooist shall be of such composition as does not permit blood or other infectious materials to pass through and contaminate clothing, skin, eyes, mouth or other mucous membranes;
- (b) all personal protective equipment or clothing which is soiled with blood shall be removed as soon as possible;
- (c) all personal protective equipment shall be removed prior to leaving the work area;
- (d) gloves shall—
 - (i) be worn for all procedures from preparation to bandaging,
 - (ii) not be washed and reused,

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- (iii) be replaced as soon as possible after contamination,
 - (iv) be removed by turning them inside out, beginning at the wrists and peeling off;
 - (e) hands are to be washed immediately after removal of gloves;
 - (f) personal items such as pens, combs, glasses and telephones shall not be handled when wearing gloves;

Personal hygiene

16 (1) The piercer, tattooist or person performing electrolysis shall comply with the following requirements with respect to personal hygiene—

- (a) wear clean suitable clothing that is light in colour and washable;
 - (b) before body piercing, tattooing or performing electrolysis on a client, scrub his hands and forearms with an antiseptic soap and warm water for two minutes using a clean individual hand brush;
 - (c) use disposable paper towels to dry his hands and forearms;
 - (d) ensure that cuts or sores are covered with a water-proof bandage;
 - (e) not engage in body piercing, tattooing or electrolysis if suffering from a communicable disease as defined in section 66 of the Act or any contagious infection of the skin;
 - (f) be vaccinated against the hepatitis B virus;
- (2) No procedure shall be performed on skin showing of intravenous drug use, open sores, lesions, infection or any evidence of unhealthful conditions.
- (3) Body piercing or tattooing shall not be performed on any person who is impaired by drugs or alcohol.
- (4) The skin surface to be pierced or tattooed shall first be cleansed and an approved antiseptic solution applied.
- (5) Written after-care instructions approved by the Chief Medical Officer shall be given to each client.

(6) If a piercer or tattooist is cut or is stuck by a needle penetrating the skin or is splattered by blood or other materials potentially infectious to his mucous membranes he shall—

- (a) wash or flush the area as soon as possible with water or saline;
- (b) report the incident to his supervisor; and
- (c) report to a physician within two hours of the incident.

Laundry procedures

17 The operator of a licensed body piercing or tattooing establishment shall comply with the following requirements with respect to laundry—

- (a) materials contaminated with blood and other potentially infectious materials, shall be laundered as soon as possible after contamination;
- (b) employees handling the contaminated laundry shall wear personal protective equipment to prevent contact with blood or other potentially infectious materials;

ENFORCEMENT

Suspension and revocation of licence

18 (1) Where a person, to whom a licence has been granted under Regulation 4, contravenes or fails to comply with any provision of these Regulations or with any order, instruction or condition made, given or imposed by any person under the authority of these Regulations, the licence—

- (a) may be suspended by the Chief Medical Officer for such period as he may think fit; or
- (b) may be revoked by the Minister.

(2) Where a licence is suspended under subsection (1)—

- (a) the suspension shall not continue to be effective after the expiry of twenty-one days from the date of the suspension unless, within that period, the suspension has been confirmed by the Minister; and
- (b) the Minister shall afford the person to whom the licence was granted an opportunity to be heard by him before he revokes the licence or, as the case may be, he confirms its suspension.

(3) Where a licence has been suspended or revoked, the person to whom the licence was granted may at any time—

(a) represent to the Chief Medical Officer in writing that the circumstances occasioning the suspension or revocation have been remedied; and

(b) apply for the restoration of the licence,

and in any such case the Chief Medical Officer, if satisfied by such inspection or other investigation as he in the circumstances thinks desirable, may, with the approval of the Minister or under any general authority delegated to him by the Minister in that behalf, restore the licence accordingly.

Offences

19 (1) Any person who—

(a) operates a body piercing or tattooing establishment without a licence under Regulation 6;

(b) performs body piercing or tattooing without a certificate under Regulation 11(2);

(c) contravenes any provision of these Regulations; or

(d) fails to comply with any order, direction or requirement lawfully made, given or imposed by any person acting on the authority of the Chief Medical Officer,

is guilty of an offence and is liable to the penalty specified in section 186 of the Act.

(2) Notwithstanding paragraph (1), where, in respect of the operation of a body piercing and tattooing establishment there is proved to be a contravention of any provision of these Regulations or of any order, direction or requirement lawfully made, given or imposed thereunder, then in any such case the person to whom the licence has been granted under these Regulations in respect of the body piercing or, as the case may be, tattooing establishment shall, without prejudice to any proceedings which may be taken against any other person, be guilty of an offence against these Regulations.

(3) Where a licence holder of a body piercing or a tattooing establishment is charged with an offence against these Regulations in pursuance of paragraph (2), it shall be a defence for him to prove that—

(a) the offence occurred without his consent;

(b) the offence was not due to any act or omission on his part; and

(c) he had taken reasonable steps to prevent the commission of the offence.

Commencement

20 These Regulations come into operation on 1st December, 2001.

Made this 9th day of November, 2001

The Minister of Health and Family Services