

ARTICLE XIII: TATTOO AND BODY PIERCING cont'd



Section 8. Workroom

- a. Each tattoo/body piercing shop shall have a workroom separate and apart from a waiting room or any room or rooms used as such. The workroom shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed/body pierced only in said workroom.
- b. Work tables shall be provided for each tattoo/body piercing artist. The surface of all work tables shall be constructed of metal or other material which is smooth, light colored, nonabsorbent, corrosive-resistant, and easily sanitized.
- c. Sterilizers shall be located away from work stations or areas frequented by the public.
- d. Each tattoo/body piercing shop shall be equipped with hand-washing facilities for its personnel with unobstructed access to the tattoo/body piercing area such that artists can return to the tattoo/body piercing area without having to touch anything with their hands. There shall be hand sinks for the exclusive use of the tattoo/body piercing artist for washing hands and preparing customers for tattooing/body piercing. Hand-washing facilities shall be equipped with hot and cold or tempered running water, wrist- or foot-action or other approved controls, soap, an EPA- or FDA-approved or hospital grade germicidal solution, individual hand brushes and fingernail files, single-service towels or other approved hand-drying devices, and a refuse container. Such facilities shall be kept clean and in good repair.
- e. Smoking shall be prohibited in any establishment regulated by this Article in accordance with Article XXIV, Sections 2. and 3.
- f. The tattoo/body piercing shop shall be kept free of rodents and vermin and protected from infestation by insects.
- g. Cabinets for the storage of instruments, dyes, pigments, carbon and stencils shall be provided for each tattoo/body piercing artist, and shall be maintained in a sanitary manner.
- h. All sewage, including liquid wastes, shall be disposed of in a public sewer or, in the absence thereof, in a manner satisfactory to the Department.
- i. Only articles considered necessary to the routine operation and maintenance of the tattoo/body piercing work area shall be permitted in the facility.
- j. No live bird, turtle, snake, dog, cat or other animal shall be permitted in any area used for the conduct of tattoo/body piercing operations, or in the immediate open adjacent areas, including the main waiting area and the public access to the toilet room.
- k. The water supply shall be adequate, of a safe and sanitary quality, from an acceptable source, and shall meet the requirements of the New York State Sanitary Code (10 NYCRR Part 5) and the Administrative Rules and Regulations of the New York State Department of Health (10 NYCRR Part 72).

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Section 9. Operational Standards – Client Records

- a. A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, signature (or, if applicable, the signature of a parent or legal guardian), address, age, the date of tattoo/body piercing, the design of the tattoo, if applicable, the location of the tattoo/body piercing on the patron's body, and the name, location and valid certification number of the tattoo/body piercing artist who performed the work. The record shall be entered in ink in a bound book kept solely for this purpose. Entries in the bound book must be kept in chronological order with pages numbered sequentially. If an entry must be voided, a single line is to be drawn through it; pages must not be removed at any time.
- b. Before tattooing/body piercing, there shall be a discussion conducted with the patron on the health risks involved with the tattoo/body piercing requested. The patron shall then fill out and sign an information form which lists these risks. One signed copy of the form shall be retained at the tattoo/body piercing shop, and the other copy shall be given to the patron.
- c. The tattoo/body piercing artist must explain aftercare instructions. There shall also be printed instructions given to each tattoo/body piercing patron. Such printed instructions shall include: information for the patron on the care of the tattoo/body piercing; instructions for the patron to consult his or her physician immediately should an infection become evident, and procedures for notifying the Department of any complications. The instruction form must also include the name, address, and phone number of the establishment. Information should also be provided with reference to the security or snugness of certain jewelry to prevent accidental ingestion and/or lodging in body cavities.
- d. There shall be a consent form, in which the patron acknowledges having received the printed aftercare instructions (see "d" of this Section), and discussed same with the tattooing/body piercing artist. A signed copy of the consent form shall be retained at the tattoo/body piercing shop for at least three (3) years, and the other copy shall be given to the patron.
- e. Nothing in this Section shall be construed to require the operator to perform a tattoo/body piercing procedure upon a client.
- f. Proof of age shall be determined upon presentation of two forms of valid identification. Valid identification shall include: a picture driver's license, picture sheriff's identification, passport, picture school identification card, or birth certificate. A photocopy of the valid identifications must be kept with the release form. Written consent for body piercing of minors, when legally permissible and required (i.e., parental consent is not required for piercing the ear lobe using a pre-sterilized single-use stud and clasp ear piercing system), shall be obtained from at least one parent or legal guardian. The written permission shall be notarized and presented by the parent in person at the tattoo/body piercing shop. A signed copy of the notarized consent form shall be retained at the tattoo/body piercing shop for at least three (3) years.
- g. For each patron, proper records of tattoos/body piercing administered as described in sections here above shall be maintained by the holder of a Shop Certificate of Sanitation. These records must be stored/kept on premises (at the approved facility) at all times. Records must be retained for a minimum of 3 years and must be made available to the Health Officer upon request.



Section 10. Tattoo and Body Piercing Procedures

- a. Each tattoo/body piercing artist shall wear clean outer garments and footwear, maintain a high standard of personal cleanliness, and conform to hygiene practices while on duty.
- b. The tattoo/body piercing artist shall keep fingernails clean and neatly trimmed. The artist shall not wear excessive cosmetics or excessive jewelry, deemed by the Department to interfere with proper hand-washing techniques, while engaged in tattoo/body piercing procedures.
- c. Tattoo/body piercing artists who are experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice, or draining (or open) skin infections, such as boils, impetigo or scabies, must refrain from tattooing or body piercing activities.
- d. Before granting permission to resume operations, the Health Officer may require from a tattoo/body piercing artist who is found to have a disease in communicable form, or suspected of having such a disease, a statement signed by a duly licensed physician stating that the person is free from communicable diseases.
- e. Any substance applied to the area to be tattooed or body pierced should be dispensed from a container in a sanitary manner that prevents contamination of the original container and its contents, preferably from single-use collapsible metal or plastic tubes. Jar-type containers are prohibited. The application may be spread by the use of gauze but not directly with fingers. The applicator shall be used only once and then discarded.
- f. Before working on each patron, the fingernails of the tattoo/body piercing artist shall be cleaned with a nail file. The artist shall clean his/her hands and exposed areas of the arms thoroughly by lathering and vigorously scrubbing for 20 seconds using soap. Hands shall be dried by disposable paper towels or other mechanical means.
- g. Before performing a tattoo/body piercing procedure, the immediate and surrounding area of the skin where the tattoo/body piercing procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used and discarded after each use, and the reusable holder shall be heat sterilized (see 12 i). Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.
- h. Following the cleaning and shaving of the patron's skin, the hands of the tattoo/body piercing artist shall again be washed and scrubbed (as required by "i" of this Section). Disposable gloves shall then be worn by the tattoo/body piercing artist. These gloves must be changed if they touch any other person or non-clean surface during tattoo application or body piercing, or if gloves become pierced or torn and for each new customer.
- i. Before placing the design on the patron's skin or penetrating the patron's skin, the tattoo/body piercing artist shall treat the skin area with an EPA- or FDA-approved or hospital grade germicidal solution, which is intended for human skin and which shall be applied with cotton or gauze. The area being pierced must be free of sores and lesions.

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Section 10. Tattoo and Body Piercing Procedures (cont'd)

- j. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single-use and disposed of immediately after use in appropriate covered contaminated-waste containers.
- k. For all body piercing, a single-use, sterilized disposable surgical piercing needle of the same gauge as the jewelry is required. Ear piercing guns and ear piercing needles may be used for piercing the outer perimeter and lobe of the ear only.
- l. Only sterilized jewelry or ornaments in new or good condition, and made of acceptable materials, shall be used for piercing. Acceptable metals include implant grade stainless steel, solid 14k-24k white or yellow gold, niobium, titanium, platinum, and a dense low-porosity plastic. Jewelry must be free of nicks, scratches, and irregular surfaces. Jewelry must be sterilized in an autoclave or by another approved method (see 12 i) before use. Jewelry that cannot be heat-sterilized must be sterilized by soaking for ten hours in either a liquid sterilant containing at least 2% glutaraldehyde or another FDA-approved high-level disinfectant or sterilant.
- m. When applied, jewelry should be pushed through the skin following the needle, in the same direction as the piercing.
- n. The use of single-service tissue and hectographic stencils shall be required for applying a tattoo outline to the skin. If drawn free-hand, non-toxic markers or other devices as approved by the Department shall be used.

Section 11. Dyes and Pigments

- a. In preparing nontoxic dyes or pigments to be used by a tattoo artist, only nontoxic material shall be used. Single-service or individual portions of dyes or pigments in clean, sterilized individual containers or single-service containers must be used for each patron.
- b. After tattooing, the remaining unused dye or pigment in the single-service or individual containers must be properly discarded.
- c. Patrons shall be provided printed warning of the potential physical reactions from the use of certain dyes, in a form acceptable to the Department.
- d. All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the manufacturer's instructions. Regular inventory of supplies and equipment is recommended. Expired items such as dye cannot be used and must be disposed of immediately. Approved inks, dyes or pigments may only be diluted with sterile water. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper or plastic cups or caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

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Section 12. Sanitation and Sterilization Procedures

- a. All multi-use, non-disposable instruments used for tattooing/body piercing shall be manually cleaned thoroughly by vigorous scrubbing with detergent or, preferably, enzymatic cleaner. After rinsing in water, the instruments shall be dried with a paper towel. Gloves must be worn during this cleaning. The use of an ultrasonic unit, according to the manufacturer's instructions, may be substituted for manual cleaning.
- b. After cleaning and drying, all non-disposable instruments used for tattoo/body piercing shall be packed in packages approved for the sterilization unit. Equipment shall be packed individually or as a set, provided such set is intended to be used for a single tattoo/body piercing procedure. Each package of equipment sterilized shall be monitored for sterilization and the date of sterilization shall be written on the package.
- c. All cleaned, non-disposable instruments, including needle tubes, used for tattoo/body piercing shall be sterilized (see "i" of this Section). The sterilizer shall be used, cleaned, and maintained (see "d" of this Section) according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of its sterilization unit must be available for inspection by the Department. If the tattoo/body piercing establishment uses all single-use, disposable instruments and products, and utilizes sterile supplies, a heat sterilizer shall not be required.
- d. Each holder of a permit to operate a tattoo/body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization. Testing shall be performed in each calendar quarter during which the establishment operates, using a biological indicator, such as spore strips or spore suspensions, and verified through an independent laboratory. The testing laboratory's written guidelines for the proper handling and placement of the biological indicator shall be readily available. Testing with the biological indicator shall be performed with a typical sterilizer load and results of the testing shall be submitted to the Health Department within 30 days of the date of the test. The testing results must identify the equipment being tested by manufacturer and identification or serial number. Sterilizing equipment that fails testing shall be immediately taken out of service and the Department of Health shall be notified of the failure no later than the following business day. No equipment that has been processed through a sterilizer that fails testing can be used without being re-sterilized in an approved sterilizer.
- e. The Department of Health may perform sterilization (spore) testing on any equipment prior to its use in any shop and during any inspection. No sterilization equipment that fails a Health Department test shall be used in any shop until it passes a sterilization test and is approved by the Health Department.
- f. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- g. All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. Prior to assembling instruments for use in performing body art procedures, the operator shall wash his or her hands (as described in 10f) and then put on disposable gloves. The artist shall use techniques to ensure that the instruments are not contaminated.

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Section 12. Sanitation and Sterilization Procedures (cont'd)

- h. Sterilized equipment stored in an approved manner shall be considered sterile as long as the integrity of the sterile package is intact.
- i. If pre-sterilized equipment is used, the tattooist/body piercer shall obtain documentation from the manufacturer that describes the method of sterilization utilized by the manufacturer and the manufacturer's recommendations for storage and maintenance of sterility. This documentation shall be available for inspection by the Health Officer. The tattooist/body piercer shall follow the manufacturer's instructions for storage and maintenance of sterility.
- j. Sterilization must be attained in an autoclave, operating at 121 degrees Celsius (250 degrees Fahrenheit) with a pressure of at least 15 pounds per square inch for not less than 30 minutes after the chamber of the autoclave has been evacuated of air and has reached the required temperature, or as specified in the manufacturer's operator's manual. Other method of sterilization may be used if prior approval of the Health Officer has been obtained.
- k. Each person responsible for the sterilization of equipment shall be able to demonstrate to the Health Officer the correct sterilization procedures.
- l. All work surfaces shall be end-sanitized with a liquid chemical germicide (see definition 17) between procedures and allowed to air-dry.

Section 13. Requirements for Single-use Items

- a. A set of individual, single-use sterile needles shall be used by a tattoo/body piercing artist for each new patron. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps containers, and disposed of by an approved medical waste disposal company.

Section 14. Aftercare of Tattoo and Body Piercing

- a. The completed tattoo/body piercing shall be washed with a piece of sterile gauze or cotton saturated with an EPA or FDA approved or hospital grade germicidal solution. It shall be allowed to air dry.
- b. After drying, antibacterial ointment shall be applied to a tattoo from a collapsible metal or plastic tube and the entire area covered with a piece of tissue and fastened to the site with adhesive tape. Piercings shall be treated with an antiseptic liquid such as, but not limited to, isopropyl alcohol.
- c. Clients shall be provided with written aftercare instructions (see 9d).



Section 15. Report of Infection or Allergic Reaction

- a. The tattoo/body piercing shop shall provide a written report of any infection, allergic reaction, complications, and/or diseases resulting from the application of a tattoo/body piercing to the Department within five working days of its occurrence or knowledge thereof. The report shall include:
 - i. The name of the affected client;
 - ii. The name and location of the tattoo/body piercing shop;
 - iii. The name of the tattooist;
 - iv. The date of the tattoo/body piercing;
 - v. The specific color or colors of the tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
 - vi. The location of the infection and the location on the body where the tattoo/body piercing was applied;
 - vii. The name and address of the health care provider, if any; and
 - viii. Any other information considered relevant to the situation.
- b. The Department shall utilize these reports in their efforts to identify the source of the adverse reaction(s) and to take action to prevent its recurrence.