



NAPIER CITY

Tattooists and Skin Piercers Bylaw 2014

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Napier City Tattooists and Skin Piercers Bylaw 2014

CONTENTS

| | |
|---|----|
| 1. Scope..... | 5 |
| 2. Definitions and Interpretation..... | 6 |
| 3. Licensing..... | 6 |
| 4. Conditions of Operation..... | 7 |
| 5. Offences and penalties..... | 11 |
| SCHEDULE 1- Form of Application | 13 |
| SCHEDULE 2 - Certificate of Registration..... | 14 |

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1. Scope

1.1 Local Government Act 2002

- 1.1.1 Part 8 subpart 1 of the Local Government Act 2002 (the Act) and other relevant Acts including the Health Act 1956 outline some of the powers and requirements of the Council in regard to matters of health protection. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw and therefore the relevant sections of the Act and other Acts should also be read.
- 1.1.2 This bylaw comes into force on 1 February 2015.
- 1.1.3 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw 2014 are incorporated into and form part of this bylaw.
- 1.1.4 This bylaw revokes the Napier City Beauticians, Tattooists and Skin Piercers Bylaw 2008.
- 1.1.5 All Certificates of Registration issued under the Napier City Beauticians, Tattooists and Skin Piercers Bylaw 2008 will, after the coming into force of this bylaw be deemed to have been issued under this bylaw and be subject to the provisions of this bylaw.
- 1.1.6 All matters and proceedings commenced under the Napier City Beauticians, Tattooists and Skin Piercers Bylaw 2008 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

1.2 Purpose

- 1.2.1 The purpose of this bylaw is to prevent the transference of communicable diseases, such as Hepatitis B and C and HIV/AIDS, and the development of wound infections, by Skin Piercing Practices. For this purpose skin piercing includes such processes as body piercing for the implantation of jewellery, tattooing, acupuncture, epilation (e.g. waxing and electrolysis), red vein cauterisation, pedicure and manicure.
- 1.2.2 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.
- 1.2.3 This bylaw requires that Premises at which Skin Piercing Practices are carried out are registered, and provides for compliance with constructional and operational standards in accordance with the registration process.
- 1.2.4 Registered doctors, dentists, nurses, physiotherapists, podiatrists, acupuncturists, beauty therapists and pharmacists are exempted from the requirement for registration due to their recognised training standards. However, general standards of hygiene must be complied with.
- 1.2.5 Recognition is also given to the fact that Skin Piercing Practices may be performed on temporary Premises such as exhibition halls, or elsewhere in the case of a medical emergency.

1.3 Ministry of Health Guidelines

- 1.3.1 In the interests of promoting best practice the Ministry of Health Guidelines for the Safe Piercing of Skin should be used in conjunction with this bylaw.

2. Definitions and Interpretation

- 2.1 For the purposes of this bylaw the following definitions apply:

SKIN PIERCING PRACTICE includes the piercing of any body tissue for the purpose of jewellery, tattooing, acupuncture and red vein cauterization.

SKIN TREATMENTS that do not penetrate the skin but have a risk factor attached to them due to potential bleeding and risk of infection include epilation (e.g. electrolysis and waxing), manicure and pedicure. For the purpose of this bylaw these SKIN TREATMENTS are included as SKIN PIERCING PRACTICES.

PREMISES includes any commercial property, industrial property, residential property, community building, mobile premises, re-locatable premises or vehicle.

3. Licensing

3.1 Registration of Premises

No Person must use any Premises for Skin Piercing Practices unless the Premises are registered with the Council for this purpose.

A Registration Certificate will not be issued unless the Premises comply with the requirements of this bylaw.

3.2 Exemptions

The provisions of 3.1 will not apply to:

- (a) A Health Practitioner, as defined in section 5(1) of the Health Practitioners Competence Assurance Act 2003, provided that the Health Practitioner is at the relevant time providing a health service in accordance with section 8 of that Act.
- (b) An Acupuncturist, as defined in section 6(1) of the Accident Compensation Act 2001, provided that the acupuncturist is at the relevant time providing acupuncture treatment.
- (c) A Beauty Therapist who is a full member of the New Zealand Association of Registered Beauty Therapists, provided that the Beauty Therapist is at the relevant time providing beauty therapy treatment.
- (d) A person acting under the direct supervision of any of the above Persons described in (a) to (c) inclusive, where the process is carried out at their respective places of practice.

3.3 Applications

Every Person desirous of obtaining a certificate of registration must make application to the Chief Executive Officer in the form prescribed in the First Schedule of this bylaw.

The Council may issue a certificate of registration which will be in the form prescribed in the Second Schedule of this bylaw and every such certificate

(regardless of the time of the year it was issued) will terminate on 31st March next ensuing.

For every certificate of registration there will be paid to the Council such fee as the Council prescribes by resolution from time to time.

3.4 Cleansing and Repair

The Owner or Occupier of any Premises on which Skin Piercing Practices are carried out, which by reason of their state, situation, construction or disrepair are in a condition whereby skin piercing instruments or customers undergoing Skin Piercing Practices may be exposed to contamination or communicable disease, must on receipt of a notice signed by an authorised officer:

- (a) Cease to use the Premises for a period not exceeding 24 hours at any one time; and
- (b) Cleanse or reconstruct or repair the Premises as directed within the time specified on the notice.

3.5 Appeals

Any occupier of any Premises on which Skin Piercing Practices are carried out may appeal to the Council against any decision or requirement made by an Environmental Health Officer in respect of that Premises. On hearing the appeal, the Council may confirm, reverse, or modify the decision or requirement made by the Environmental Health Officer. This right of appeal is in addition to any other statutory right available to the Occupier.

4. Conditions of Operation

4.1 Operators

- 4.1.1 No Person shall carry out any Skin Piercing Practice on any Person without their permission.
- 4.1.2 No Person shall carry out any Skin Piercing Practice on any Person under the age of 16 years unless with the permission of that Person's parent or legal guardian. Permission shall be set out in writing or granted by the presence of the parent or guardian during the process.
- 4.1.3 No Person shall carry out any Skin Piercing Practice on any Person whom they suspect is under the influence of alcohol, drugs or mind altering substances.
- 4.1.4 No Person shall smoke on any Premises where Skin Piercing Practices are carried out, except in a part of the Premises that is clearly separate from the area where those Skin Piercing Practices are carried out and not already covered by the Smokefree Environments Act 1990.
- 4.1.5 The operator of any Premise where any Skin Piercing Practice takes place must provide a thorough explanation of the procedures involved and related risks to ensure that consent to continue is informed.
- 4.1.6 The operator of any premises where any Skin Piercing Practice takes place must employ standard universal precautions against infection and disease transmission in all aspects of practice.
- 4.1.7 Medical history or information collected about a client should include identification details, the procedure performed, the date it was performed confirmation that

informed consent was given (that is any consent forms), and permission to keep such records. All such records must:

Remain confidential; and

Remain consistent with the Human Rights Act 1993; and

Only be used for the purposes it was collected; and

Comply with the Health Information Privacy Code 1994 and commentary (2008 edition).

4.1.8 No animals, except registered companion dogs, are to be permitted in that part of the premises where Skin Piercing Practices take place.

4.1.9 No Person may use any instrument to pierce skin unless it is a single use sterile item or it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be pre-sterilised disposable types. 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.

4.1.10 All operators must have the knowledge and skills necessary to provide Skin Piercing Practices, which can be achieved through the following:

- (a) National Certificate (or international equivalent) in a field relevant to the Skin Piercing Practice they are conducting.
- (b) Commercial industry experience of five consecutive years or more, and evidence of professional development (for example: a current first aid certificate or District Health Board training in infection control) in the commercial service; or
- (c) evidence of training with a registered training provider.
- (d) Evidence of on-going supervision by an operator holding appropriate evidence of training AND a current first aid certificate.

4.2 Physical aspects of Premises

4.2.1 No Person must use or allow any Premises to be used for any Skin Piercing Practice except in accordance with the following provisions:

- (a) The Premises must be well constructed and comply with the Building Act 2004.
- (b) The Premises must be maintained in a state of good repair and in clean and tidy condition.
- (c) The floors, walls, ceilings, fixtures and fittings in any area connected with the carrying out of any Skin Piercing Practice must be constructed of materials that are light in colour, continuously smooth, impervious and easily cleaned.
- (d) A wash hand basin supplied with a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities must be provided in a readily accessible position within the working area associated with the Skin Piercing Practice.
- (e) A sink supplied with a constant piped supply of hot and cold water must be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment.
- (f) All parts of the Premises must be adequately ventilated.

- (g) All parts of the Premises must be provided with adequate lighting to facilitate cleaning and inspection.
- (h) There must 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.
- (i) There must be provided adequate provision for separate storage of such cleaning, sanitising and sterilizing items when not in use. Cleaning and sterilising equipment are to be kept strictly separate at all times.
- (j) Adequate and sufficient covered waste receptacles must be provided that are constructed of a readily cleanable material.
- (k) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of a Skin Piercing Practice, must be covered in an impervious and readily cleanable material, and must be maintained in good repair, and cleaned and disinfected after each client. Auxiliary covers must be provided freshly laundered for each client.
- (l) Adequate and separate storage must be provided for clean and soiled laundry, beauty products and other chemicals, products or materials.
- (m) Where refreshments are served to clients, single use utensils are to be used unless approved dishwashing facilities are supplied.

4.2.2 For the purposes of 4.2.1 (m) approved dishwashing facilities means dishwashing facilities where the owner can demonstrate that they effectively sanitise the equipment.

4.3 Conduct

4.3.1 Whilst on the Premises an operator must:

- (a) At all times keep their clothing, hands and fingernails clean, and 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 skin piercing.
 - ii) Immediately after using a toilet.
 - iii) Immediately after smoking.
 - iv) Immediately after blowing the nose.
 - v) Immediately after handling soiled laundry, biological matter or waste materials used or produced in connection with a Skin Piercing Practice.
- (c) Prior to commencing the Skin Piercing Practice cleanse the client's skin by swabbing with either 70% alcohol (ethyl or isopropyl) and allowing to dry, or chlorohexadine gluconate (Hibitane) in 70% alcohol, or providone-iodine (Betadine) in 70% alcohol, or similar cleansing agents. In all cases the operator must follow the manufacturer's instructions with regard to the cleansing product and allow 2 minutes contact time.
- (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 Environmental Health Officer.

- 4.3.2 An operator must not use a towel, sheet, cloth or any other protective garment or cover on or immediately under or over a client unless:
- (a) it has not been previously used, or
 - (b) where it has been previously used, it has been laundered to render it clean and hygienic since last having been used.
- 4.3.3 No Person will undertake any Skin Piercing Practice unless that Person covers their hands with new examination standard gloves for each client.
- 4.3.4 At the completion of any Skin Piercing Practice an operator must provide to each client suitably approved written instructions for the subsequent care of the pierced site to prevent infection.
- 4.3.5 Any equipment used must be operated according to manufacturer's specifications and for no other purpose than provided for in such instructions.

4.4 Tattooing

- 4.4.1 The sterilisation of equipment used in tattooing must include, but not be limited to, the sterilisation of needles, needle bars, tubes and tube tips.
- 4.4.2 Stencils used to transfer a pattern to the skin must either be disposed of after use or must otherwise be effectively washed and disinfected before reuse.
- 4.4.3 When tattooing a client, no operator must use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding sufficient quantity for carrying out the tattoo on that client only. While the process is being carried out on that client, the dye, pigment or solution must be extracted or withdrawn only from that container.
- 4.4.4 The operator must ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of as waste, and the container is either appropriately sterilised or discarded.

4.5 Epilation/Beauty Therapy/Acupuncture/Pedicure

- 4.5.1 Wax that has been applied to a client's body for hair removal must not be reused.
- 4.5.2 An operator must not:
- (a) Remove hair from moles; or
 - (b) Perform electrolysis on Persons who use a hearing aid, or who have metal plates or pace makers inserted in their body;
- without permission of the client's Doctor.
- 4.5.3 All operators must ensure pedicure chair basins and pipes are disinfected in between customers.

4.6 Sterilisation of Equipment

- 4.6.1 No skin piercing equipment (including pedicure or manicure equipment) that has been used in any Skin Piercing Practice must 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.

Service records validating operational effectiveness should be stored for reference.

- (b) Thoroughly cleansed and exposed to dry heat for at least 60 minutes at not less than 170°C. Records of weekly temperature checking should be stored for reference.
- (c) Thoroughly cleansed in an ultrasonic cleaner using a proprietary cleaning solution for a minimum of 20 minutes and then totally immersed in a clean chemical sterilant used according to its instructions. Service records validating the operational effectiveness should be stored for reference.
- (d) Thoroughly cleansed then totally immersed in a glass bead steriliser operating at 250°C for a minimum of 4 minutes. Records of weekly temperature checking should be stored for reference.

To clarify sterilisation means a process which kills all microorganisms including spores.

4.6.2 All disposable needles or other skin piercing instruments must be disposed of in an appropriate “sharps” container for infectious waste, which in turn must be disposed of in an approved manner.

4.6.3 Equipment for the implantation of jewellery must be similarly cleaned and sanitised or where manufacturers’ specifications dictate a specific method, according to that method.

5. Offences and penalties

Any person who:


- (a) Does anything, or causes anything to be done or knowingly permits anything to be done, contrary to any provision of this bylaw; or
- (b) Omits or neglects to do, or knowingly permits to remain undone, anything in this bylaw at the time and in the manner provided; or
- (c) Does not refrain from doing anything as required under any provision of this bylaw; or
- (d) Knowingly permits any condition of things to exist contrary to any provision of this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given under any provision of this bylaw; or
- (f) Obstructs or hinders any Authorised Officer or Authorised Agent of the Council in the performance of any duty to be discharged by such officer or Agent under, or in the exercise of, any power conferred under this bylaw, or any provision thereof;

then and in every such case commits a breach of this bylaw.


Every Person who breaches this bylaw commits an offence under section 239 of the Act and is liable to a fine as specified in section 242 of the Act, or to the issue of an infringement notice under section 245 of the Act.

This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.

Sealed with the Common Seal
Of the Napier City Council
In the presence of:



Mayor



Chief Executive



SCHEDULE 1- Form of Application

Please return this portion with your payment

**Ref: Application for Registration of Premises as Required by the
Napier City Tattooists and Skin Piercers Bylaw 2014**

-----hereby applies for the premises
known as -----
situated at -----
registered/licensed for use as -----

Address of Applicant: _____

Contact Phone Number: _____

E-mail address: _____

Signature of Applicant

Date: ____/____/____

For Office Use Only:

Ref: -----

Registration Fee:-----

Amount Paid: -----

SCHEDULE 2 - Certificate of Registration

Ref: _____

**CERTIFICATE OF REGISTRATION FOR
SKIN PIERCING PREMISES**

Premises Location: _____

Occupier: _____

Trading as: _____

Postal Address: _____

Special Conditions *(if any)*: _____

Environmental Health Officer

Expires:_____

Provided there is no change in occupier

Certificate of Registration issued in terms of Napier City Tattooisists and Skin Piercers
Bylaw 2014