

ARTICLE XVI

BODY ART

16.1.0 - Declaration of Policy

It is hereby declared to be the health policy of the Rockland County Health District to protect the health and safety of its citizens by assuring the sanitary and safe practice of body art and the operation of body art establishments and limited body art establishments. (*Amended 6/16/10.)

16.2.0 - Definitions

16.2.1 Adequate Light

The term "**adequate light**" shall mean that the body art establishment or limited body art establishment be so illuminated as to permit all methods of body art to be clearly visible without obstruction by shadow or darkness. (*Amended 6/16/10.)

16.2.2 Adequate Ventilation

The term "**adequate ventilation**" shall mean a free and unrestricted circulation of fresh air throughout the body art establishment or limited body art establishment and the expulsion of foul or stagnant air. (*Amended 6/16/10.)

16.2.3 Aftercare

The term "**aftercare**" shall mean written instructions given to the client, specific to the body art or limited body art procedure(s) rendered, regarding caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary. (*Amended 6/16/10.)

16.2.4 Applicant

The term "**applicant**" shall mean any person who applies to the Rockland County Department of Health for either a body art establishment permit, limited body art establishment permit, body art practitioner permit, guest body art practitioner permit or limited body art practitioner permit. (*Amended 6/16/10.)

16.2.5 Apprentice (*Added 6/16/10.)

The term "**apprentice**" shall mean an individual who does not have a permit to practice body art and holds her/himself out as one who wishes to receive instruction and training from a permitted body art practitioner at a permitted body art establishment in an effort to learn how to perform body art procedures.

16.2.6 Apprenticeship (*Added 6/16/10.)

The term “**apprenticeship**” shall mean instruction of or concerning body art procedures and practices given by a permitted body art practitioner at a permitted body art establishment to an individual who is not a permitted body art practitioner, which involves any actual performance of body art procedures on any individual, including but not limited to clients, family and friends, whether or not in exchange for monetary or any other compensation provided by the individual, apprentice and/or client.

16.2.7 Autoclave

The term “**autoclave**” shall mean an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

16.2.8 Autoclaving

The term “**autoclaving**” shall mean a process, which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty-five (35) minutes at twenty (20) pounds of pressure (psi) at a temperature of 270 degrees Fahrenheit.

16.2.9 Bloodborne Pathogens Standard

The term “**bloodborne pathogens standard**” shall mean U.S. Department of Labor Occupational Safety and Health Administration (OSHA) standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens”.

16.2.10 Body Art

The term “**body art**” shall mean the practice of physical body adornment by permitted establishments, limited establishments, practitioners, guest practitioners and limited practitioners using techniques, including but not limited to tattooing, cosmetic tattooing, branding, scarification, body piercing, including but not limited to piercing the ear, other than the earlobe, with a presterilized single-use stud-and-clasp ear-piercing system. This definition shall not include procedures that constitute the practice of medicine as defined by the New York State Education Department, such as tongue-splitting or implants, which are prohibited. (*Amended 6/16/10.)

16.2.11 Body Art Establishment or Establishment

The term “**body art establishment**” or “**establishment**” shall mean a location, place, or business that has been granted a permit by the Commissioner where the practices of body art are performed, whether or not for profit.

16.2.12 Body Art Practitioner or Practitioner

The term “**body art practitioner**” or “**practitioner**” shall mean a specifically identified individual who has been granted a permit by the Commissioner to perform body art in an establishment that has been granted a body art

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establishment permit by the Commissioner. This term includes, but is not limited to, tattoo artists and body piercers.

16.2.13 Body Art Work Station

The term "**body art work station**" shall mean the area within a body art establishment in which body art is performed. (*Amended 6/16/10.)

16.2.14 Body Piercing

The term "**body piercing**" shall mean puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. Such term shall not include tongue-splitting. Additionally, this definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing. (*Amended 6/16/10.)

16.2.15 Branding

The term "**branding**" shall mean inducing a pattern of scar tissue by any means, including but not limited to the use of heat, a heated material (usually metal), freezing, electricity or propane applied to the skin, making a serious burn, skinning or the infliction of any damage to the skin which eventually becomes a scar. (*Amended 6/16/10.)

16.2.16 Client

The term "**client**" shall mean a member of the public who requests a body art procedure at a body art establishment or limited body art establishment. (*Amended 6/16/10.)

16.2.17 Commissioner

The term "**Commissioner**" shall mean the Rockland County Commissioner of Health or any representative appointed or designated by the Commissioner to enforce the Rockland County Sanitary Code.

16.2.18 Cosmetic Tattooing (*Added 6/16/10.)

The term "**cosmetic tattooing**" shall mean a method of tattooing, which involves placing ink or other pigment into or under the skin or mucosa, including but not limited to the eyelids, eyebrow area and lips, by the aid of needles or any other instrument used to puncture the skin or mucosa, resulting in permanent coloration, which may or may not be referred to as permanent make-up.

16.2.19 Department

The term "**department**" shall mean the Rockland County Department of Health or its authorized representatives.

16.2.20 Disinfectant

The term “**disinfectant**” shall mean a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

16.2.21 Disinfection

The term “**disinfection**” shall mean the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

16.2.22 Earlobe Piercing (*Amended 6/16/10.)

The term “**earlobe piercing**” shall mean the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions. Such earlobe piercing shall be exempt from regulation under this Article. (*Amended 6/16/10.)

16.2.23 Ear Piercing (*Added 6/16/10.)

The term “**ear piercing**” shall mean the puncturing of the ear, other than the lobe of the ear, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions. Such ear piercing shall be subject to regulation under this Article.

16.2.24 Equipment

The term “**equipment**” shall mean 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 or limited body art establishment. (*Amended 6/16/10.)

16.2.25 Experience (*Added 6/16/10.)

The term “**experience**” shall mean knowledge, skill, understanding and years of body art practice at a body art establishment or limited body art establishment.

16.2.26 Guest Body Art Practitioner or Guest Practitioner (*Added 6/16/10.)

The term “**guest body art practitioner**” or “**guest practitioner**” shall mean a specifically identified individual who has been granted a temporary permit by the Commissioner to perform body art in an establishment that has been granted a body art establishment permit by the Commissioner. Such individual may perform a single body art procedure or multiple body art procedures during a time period not to exceed thirty (30) days. This term includes, but is not limited to, guest practitioners performing tattoos and body piercings.

16.2.27 Hand Sink

The term “**hand sink**” shall mean a lavatory equipped with hot and cold running potable water under pressure, used solely for washing hands, arms or other portions of the body.

16.2.28 Hot Water

The term “**hot water**” shall mean water that attains and maintains a temperature of 110 degrees to 130 degrees Fahrenheit.

16.2.29 Implant (*Added 6/16/10.)

The term “**implant**” shall mean the insertion of objects, including but not limited to jewelry, under the skin, including but not limited to transdermal, subdermal or microdermal insertions, whether fully or partially submerged under the skin.

16.2.30 Instruments Used for Body Art

The term “**instruments used for body art**” shall mean hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

16.2.31 Invasive

The term “**invasive**” shall mean entry into the client’s body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break or otherwise compromise the skin or mucosa.

16.2.32 Jewelry

The term “**jewelry**” shall mean any object inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches or irregular surfaces, is internally threaded and has been properly sterilized prior to use.

16.2.33 Limited Body Art (*Added 6/16/10.)

The term “**limited body art**” shall mean the practice of piercing the ear, other than the lobe of the ear, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer’s instructions.

16.2.34 Limited Body Art Establishment or Limited Establishment (*Added 6/16/10.)

The term “**limited body art establishment**” or “**limited establishment**” shall mean a location, place, or business that has been granted a limited body art permit by the Commissioner to solely practice piercings of the ear, other than the earlobe, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions, whether or not for profit.

16.2.35 Limited Body Art Practitioner or Limited Practitioner (*Added 6/16/10.)

The term “**limited body art practitioner**” or “**limited practitioner**” shall mean a specifically identified individual who has been granted a limited body art practitioner permit by the Commissioner to perform limited body art in a limited establishment that has been granted a limited body art establishment permit by the Commissioner. Such individual shall be permitted to perform piercings of

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the ear only, which includes other than the earlobe, with a presterilized single-use stud-and-clasp ear piercing system according to the manufacturer's instructions.

16.2.36 Limited Body Art Work Station (*Added 6/16/10.)

The term "**limited body art work station**" shall mean the area within a limited body art establishment in which piercing is limited to the ear using a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions.

16.2.37 Minor

The term "**minor**" shall mean any person under the age of eighteen (18) years.

16.2.38 Operator

The term "**operator**" shall mean any person who individually, jointly or severally with others, owns, controls, operates, conducts or manages, directly or indirectly, any body art establishment or limited body art establishment, whether or not actually performing the work of a body art practitioner or limited body art establishment. (*Amended 6/16/10.)

16.2.39 Permit

The term "**permit**" shall mean the Commissioner's approval in writing to: (1) operate a body art establishment (2) operate a limited body art establishment (3) operate as a body art practitioner or guest body art practitioner within a body art establishment or (4) operate as a limited body art practitioner within a limited body art establishment. Commissioner approval shall be granted solely for the practice of body art or limited body art pursuant to these regulations. (*Amended 6/16/10.)

16.2.40 Person

The term "**person**" shall mean an individual or any form of business or social organization, including but not limited to, corporations, partnerships, limited liability companies, associations, trusts or unincorporated organizations.

16.2.41 Physician

The term "**physician**" shall mean an individual licensed as a qualified physician under New York State Education Law.

16.2.42 Procedure Surface

The term "**procedure surface**" shall mean any surface of an inanimate object that contacts the client's unclothed body during a body art procedure or limited body art procedure, skin preparation of the area adjacent to and including the body art procedure or limited body art procedure or any associated work area, which may require sanitizing. (*Amended 6/16/10.)

16.2.43 Regulated Medical Waste

The term “**regulated medical waste**” shall mean waste as defined in 10 NYCRR 70-1.2.

16.2.44 Sanitary

The term “**sanitary**” shall mean clean and free of agents of infection or disease.

16.2.45 Sanitize

The term “**sanitize**” shall mean the application of a U.S. Environmental Protection Agency (EPA) registered sterilizer (contained on List A: EPA’s Registered Antimicrobial Products Registered with the EPA as Sterilizers) on a cleaned surface in accordance with the label instructions.

16.2.46 Scarification

The term “**scarification**” shall mean altering skin texture by any means, including but not limited to, cutting the skin and controlling the body’s healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids. (*Amended 6/16/10.)

16.2.47 Sharp

The term “**sharp**” shall mean any item capable of causing percutaneous injury as defined in 10 NYCRR 70-1.2.

16.2.48 Sharps Container

The term “**sharps container**” shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the International Biohazard Symbol.

16.2.49 Single-Use Items

The term “**single-use items**” shall mean products or items that are intended for one (1) time, one (1) person use and are disposed of after use on each client, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

16.2.50 Sterilize

The term “**sterilize**” shall mean the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

16.2.51 Tattoo

The term “**tattoo**” shall mean the indelible mark, figure, scroll, symbol or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

16.2.52 Tattooing

The term “**tattooing**” shall mean any method, which involves placing ink or other 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 term includes all forms of cosmetic tattooing.

16.2.53 Tongue-splitting (*Added 6/16/10.)

The term “**tongue-splitting**” shall mean the cutting of a person’s tongue into two (2) or more parts.

16.2.54 Training

The term “**training**” shall mean education or schooling obtained

16.2.54.1 at an institution other than the body art establishment or limited body art establishment, or (*Amended 6/16/10.)

16.2.54.2 by an individual or individuals at a body art establishment or limited body art establishment, which education is approved by the Commissioner. (*Added 6/16/10.)

16.2.55 Ultrasonic Cleaning Unit

The term “**ultrasonic cleaning unit**” shall mean a unit approved by the Commissioner, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

16.2.56 Universal Precautions

The term “**Universal Precautions**” shall mean a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) 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. 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.

16.3.0 - Inspections

The Commissioner shall have access to the body art establishment or limited body art establishment, whether open to the public for service or not, for the purpose of determining compliance with the Rockland County Sanitary Code. (*Amended 6/16/10.)

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16.4.0 - Exemptions

- 16.4.1** Physicians licensed in accordance with New York State Education Law who perform body art or limited body art procedures as part of patient treatment shall be exempt from these regulations. (*Amended 6/16/10.)
- 16.4.2** Individuals who pierce only the earlobe with a presterilized single-use stud-and-clasp ear-piercing system shall be exempt from these regulations. (*Amended 6/16/10.)

16.5.0 - Restrictions

- 16.5.1** No tattooing, piercing of genitalia, branding or scarification shall be performed on a minor.
- 16.5.2** Body piercing, other than piercing the genitalia, may be performed on a minor, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure.
- 16.5.3** The performance of laser removal of tattoos shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State Department of Education.
- 16.5.4** The performance of any kind of implant shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State Department of Education. (*Added 6/16/10.)
- 16.5.5** The performance of tongue-splitting shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State Department of Education. (*Added 6/16/10.)
- 16.5.6** No apprentice shall perform or practice any body art procedure nor shall any apprenticeship be permissible in any body art establishment.

16.6.0 - Operation of Body Art Establishments

Unless otherwise ordered or approved by the Commissioner, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

16.6.1 General Physical Facility

The building and equipment shall be maintained in a state of good repair at all times. The body art establishment premises shall be kept clean, neat and free of litter and rubbish.

- 16.6.1.1 Walls, floors, ceilings and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including but not limited to client chairs and

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benches, shall be of such construction as to be non-porous and easily cleaned and sanitized after each client. No cleaning of any portion of the work station shall be undertaken while actual body art is being performed.

- 16.6.1.2 The floor of the body art establishment shall be of impervious material.
- 16.6.1.3 The body art establishment shall have adequate light and adequate ventilation and be provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled. (*Amended 6/16/10.)
- 16.6.1.4 The body art establishment shall be separate from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales or any other such activity that may cause potential contamination of work surfaces.
- 16.6.1.5 All body art establishments shall be supplied with potable water and no other source of water shall be permitted.
- 16.6.1.6 There shall be a minimum of one (1) toilet facility containing a toilet and sink for clients. The toilet facility shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. At least one (1) covered, foot operated waste receptacle shall be provided in each toilet facility. Such facilities shall be in compliance with the Rockland County Sanitary Code. (*Revised 6/16/10.)
- 16.6.1.7 A separate, readily accessible hand sink with hot and cold running potable water under pressure, equipped with foot-operated controls and supplied with liquid soap and disposable paper towels stored in fixed dispensers, shall be readily accessible within the body art establishment. (*Amended 6/16/10.)
- 16.6.1.8 At least one (1) janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size, equipped with hot and cold running potable water under pressure and permit the cleaning of the body art establishment and any equipment used for cleaning. (*Amended 6/16/10.)
- 16.6.1.9 All instruments and supplies, including but not limited to, needles, dyes and pigments shall be stored in clean, dry and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.

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- 16.6.1.10 The body art establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of thirty-six (36) inches from the required ultrasonic cleaning unit. (*Amended 6/16/10.)
- 16.6.1.11 The body art establishment operator shall provide for the disposal of all types of waste products in compliance with 10 NYCRR 70 and the Rockland County Sanitary Code. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises at least weekly. (*Amended 6/16/10.)
- 16.6.1.12 The body art establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the body art establishment. (*Amended 6/16/10.)
- 16.6.1.13 The body art establishment shall have a customer waiting area, exclusive and separate from any body art work station, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity. (*Amended 6/16/10.)
- 16.6.1.14 No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
- 16.6.1.15 Smoking shall be prohibited in all areas of the body art establishment.

16.6.2 Body Art Work Station

- 16.6.2.1 Each body art establishment shall have one (1) or more body art work stations separated by a wall from the waiting room or any room or rooms used as such. No work station shall be used as a corridor for access to other rooms. Body art shall be performed on clients only in said work station.
- 16.6.2.2 Each body art work station shall be used by one (1) body art practitioner for the purpose of performing body art on one (1) client at any given time.
- 16.6.2.3 Each body art work station shall have a minimum of forty-five (45) square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art work stations shall be separated by partitions at a minimum. (*Amended 6/16/10.)
- 16.6.2.4 The surface of all work tables shall be constructed of metal or other material which is smooth, light-colored, non-absorbent, corrosive-resistant and easily sanitized.

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- 16.6.2.5 Each body art work station shall be equipped with a hand sink with foot-operated controls and hot and cold running potable water, for the exclusive use of the body art practitioner.
- 16.6.2.6 At least one (1) covered, foot-operated waste receptacle shall be provided in each body art work station. Receptacles in the work stations shall be emptied daily.
- 16.6.2.7 Eating or drinking shall be prohibited in the body art work station, with the exception of fluids being offered to a client during or after a body art procedure.

16.6.3 Requirements for Single-Use Items Including Inks, Dyes and Pigments

- 16.6.3.1 Single-use items shall not be used on more than one (1) client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 10 NYCRR 70-1.3. There shall be a sharps container at each body art work station properly affixed so as to facilitate safe and sanitary disposal. (*Amended 6/16/10.)
- 16.6.3.2 All products applied to the skin, including but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
- 16.6.3.3 Hollow bore needles or needles with a cannula shall not be reused.
- 16.6.3.4 All inks, dyes, pigments, solid core needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. Only non-toxic dyes and pigments shall be used for tattooing.
- 16.6.3.5 Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

16.6.4 Sanitation and Sterilization Measures and Procedures

- 16.6.4.1 All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- 16.6.4.2 After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. Sterilization shall be accomplished by placing in an autoclave for a minimum of thirty-five (35) minutes at twenty (20) pounds of pressure (psi) at a temperature of 270

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degrees Fahrenheit. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months. Sterilization methods must meet the requirements of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Disinfection and Sterilization of Patient-Care Equipment, 1985.

- 16.6.4.3 The autoclave shall be used, cleaned and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Commissioner. Autoclaves shall be located away from work stations or areas frequented by the public.
- 16.6.4.4 Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Commissioner. These test records shall be retained by the operator for a period of five (5) years and made available to the Commissioner upon request.
- 16.6.4.5 All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 16.6.4.6 Following sterilization, instruments shall be handled and stored in such a manner as to prevent contamination. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- 16.6.4.7 If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- 16.6.4.8 When assembling instruments used for body art procedures, the practitioner shall wear disposable medical gloves and use medically recognized standards to ensure that the instruments and gloves are not contaminated.
- 16.6.4.9 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

16.6.5 Posting Requirements

The following shall be prominently and conspicuously displayed in the body art establishment, clearly visible to the client: (*Revised 6/16/10.)

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- 16.6.5.1 A disclosure statement, as approved by the Commissioner. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- 16.6.5.2 Printed instructions, as approved by the Commissioner, on the care of the skin after the performance of body art as a precaution to prevent infection. A copy of such instructions shall also be given to each client.
- 16.6.5.3 The address and telephone number of the Rockland County Department of Health, Environmental Division, Body Art Program, which has jurisdiction and the procedure for filing a complaint.
- 16.6.5.4 An emergency plan, including:
 - (a) a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - (b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - (c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- 16.6.5.5 An occupancy and use permit as issued by the local building official.
- 16.6.5.6 A current body art establishment permit as issued by the Commissioner.
- 16.6.5.7 Each body art practitioner's permit as issued by the Commissioner.

16.6.6 Body Art Establishment Recordkeeping (*Amended 6/16/10.)

The body art establishment shall maintain the following records in a secure place for a minimum of five (5) years, and such records shall be made available to the Commissioner upon request: (*Amended 6/16/10.)

- 16.6.6.1 Body art establishment information, which shall include: (*Amended 6/16/10.)
 - (a) name, address and telephone number of the establishment;
 - (b) hours of operation of the establishment;
 - (c) name, address and telephone number of the owner or operator;
 - (d) a complete description of all body art procedures performed;

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- (e) an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
- (f) a Material Safety Data Sheet, when available, for each ink and dye used by the establishment;
- (g) a copy of the U.S. OSHA standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens";
- (h) a Bloodborne Pathogens Exposure Control Plan as mandated by U.S. OSHA;
- (i) a copy of these regulations.

16.6.6.2 Employee information, which shall include:

- (a) full name of the employee;
- (b) exact duties of the employee; (*Added 6/16/10.)
- (c) date of birth of the employee;
- (d) residence address of the employee;
- (e) residence and work telephone numbers of the employee; and

16.6.6.3 Client Information, which shall be prepared prior to any procedure being performed, and include:

- (a) name and signature of the client;
- (b) date of birth and age of the client;
- (c) residence address and telephone number of the client;
- (d) date of the procedure;
- (e) name of the practitioner who performed the procedure(s);
- (f) description of procedure(s) performed and the location on the body;
- (g) a signed consent form as specified by section 16.6.8.4.2; and (*Revised 6/16/10.)
- (h) if the client is a person under the age of eighteen (18), proof of parental or guardian identification, presence and consent

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including a copy of the photographic identification of the parent or guardian as specified by section 16.5.2.

- 16.6.6.4 The records of body art performed shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. Additionally, all fully completed and signed client consent forms shall be kept in a binder in reverse chronological order of the date of the procedure(s). Both the bound book and the consent form binder shall be available for examination by the Commissioner and shall be preserved for at least five (5) years from the date of the last entry therein. (*Amended 6/16/10.)
- 16.6.6.5 Before any body art procedure is performed, the body art practitioner or guest body art practitioner shall inform the client of the risks involved in the body art requested, and any possible complications, proof of which shall be entered in the record. (*Amended 6/16/10.)
- 16.6.6.6 Client information shall be kept confidential at all times.

16.6.7 Hepatitis B Vaccination Series

The body art establishment shall require that all body art practitioners and guest body art practitioners have either completed, or were offered and declined, in writing, the Hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Commissioner upon request. (*Amended 6/16/10.)

16.6.8 Standards of Practice

Body art practitioners and guest body art practitioners are required to comply with the following minimum health standards: (*Amended 6/16/10.)

- 16.6.8.1 A practitioner or guest practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention. (*Amended 6/16/10.)
- 16.6.8.2 A practitioner or guest practitioner shall refuse service to any person who may be under the influence of alcohol, drugs or any intoxicant, or any person with skin lesions or any communicable disease. (*Amended 6/16/10.)
- 16.6.8.3 Practitioners or guest practitioner who use ear piercing systems must conform to the manufacturer's directions for use and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the ear. (*Amended 6/16/10.)
- 16.6.8.4 Health History and Client Informed Consent

Prior to performing a body art procedure on a client, the practitioner or guest practitioner shall: (*Amended 6/16/10.)

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16.6.8.4.1 Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:

- (a) history of diabetes;
- (b) history of hemophilia (bleeding);
- (c) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
- (e) history of epilepsy, seizures, fainting or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
- (g) Hepatitis, HIV or any other communicable disease.

16.6.8.4.2 Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 16.6.5.2.

16.6.8.5 A practitioner or guest practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices and wear clean clothes; specifically a clean outer garment when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash his/her hands in hot running potable water with liquid soap and individual hand brush, then rinse hands and dry with disposable paper towels or by mechanical means. This shall be done as often as necessary to remove contaminants. (*Amended 6/16/10.)

16.6.8.6 In performing body art procedures, a practitioner or guest practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section 16.6.8.5 before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one (1) person. The use of disposable single-use gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program. (*Revised 6/16/10.)

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- 16.6.8.7 The skin of the practitioner or guest practitioner shall be free of rash or infection. No practitioner or guest practitioner experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice or affected with draining or open skin infections such as boils, impetigo, scabies, infected wounds, open sores, abrasions or weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms. (*Amended 6/16/10.)
- 16.6.8.8 The Commissioner may require any practitioner or guest practitioner found to have any communicable disease or suspected of having such a disease, as designated in 10 NYCRR 2, to obtain a certificate signed by a duly licensed physician stating that the person has recovered from and is no longer infectious or is free from a communicable disease before permission to resume operation as a practitioner is granted. Said certificate shall be available for inspection by the Commissioner. (*Revised 6/16/10.)
- 16.6.8.9 Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 16.6.8.10 Preparation and care of a client's skin area must comply with the following:
- 16.6.8.10.1 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 16.6.8.10.2 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
- 16.6.8.10.3 In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers and disposed of in accordance with 10 NYCRR 70-1.3.

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- 16.6.8.10.4 Before placing the design on the client's skin, the practitioner or guest practitioner shall treat the skin area with an EPA approved or hospital grade germicidal solution, which shall be applied with sterile cotton or sterile gauze. Only sterile petroleum jelly (petrolatum) shall be applied to the area to be tattooed and only from single-use, collapsible metal or plastic tubes. The application may be spread by the use of sterile gauze or other sterile applicator but not directly with the fingers. (*Amended 6/16/10.)
- 16.6.8.10.5 Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- 16.6.8.11 The practitioner or guest practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. Said aftercare instructions shall be approved by the Commissioner. A copy of the aftercare instructions shall be provided to the client. The written instructions shall advise the client: (*Amended 6/16/10.)
- 16.6.8.11.1 of the proper cleansing of the area, which received the body art;
- 16.6.8.11.2 that a completed tattoo shall be washed with a piece of sterile gauze or sterile cotton saturated with an EPA approved or hospital grade germicidal solution from a single-use container. It shall be allowed to air dry. After drying, an anti-bacterial ointment shall be applied to the tattoo and the entire area covered with material appropriate to prevent contamination;
- 16.6.8.11.3 to consult a health care provider for:
- (a) unexpected redness, tenderness or swelling at the site of the body art procedure;
 - (b) any rash;
 - (c) unexpected drainage at or from the site of the body art procedure; or
 - (d) a fever within two (2) hours of the body art procedure; and
- 16.6.8.11.4 of the name, address and telephone number of the body art establishment.

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16.6.8.11.5 contaminated waste shall be stored, treated and disposed in accordance with 10 NYCRR 70-1.3 and 70-1.4.

16.6.9 Body Art Establishment Permit (*Revised 6/16/10.)

16.6.9.1 It shall be unlawful for any person to operate a body art establishment in Rockland County unless such person possesses a valid Permit to Operate a Body Art Establishment issued by the Commissioner, pursuant to this Article.

16.6.9.2 An establishment permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner.

16.6.9.3 Application for a Body Art Establishment Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications. (*Amended 6/16/10.)

16.6.9.4 The Commissioner shall require that the applicant provide, at a minimum, the following information in order to be issued a body art establishment permit:

16.6.9.4.1 name, address and telephone number of:

- (a) the establishment;
- (b) the operator of the establishment; and
- (c) the practitioner(s) working at the establishment;

16.6.9.4.2 the manufacturer, model number, model year and serial number, where applicable, of the autoclave used in the establishment;

16.6.9.4.3 a signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Rockland County Sanitary Code, Article XVI, Body Art; a drawing of the floor plan of the proposed establishment to scale for a plan review by the Commissioner, as part of the permit application process; and

16.6.9.4.4 such additional information as the Commissioner may reasonably require.

16.6.9.5 A permit for a body art establishment shall not be transferable from one place or person to another.

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16.6.10 Body Art Practitioner Permit (*Revised 6/16/10.)

16.6.10.1 It shall be unlawful for any person to practice body art or perform any body art procedure in Rockland County unless such person possesses a valid Permit to Practice Body Art issued by the Commissioner, pursuant to this Article.

16.6.10.2 A practitioner shall be a minimum of eighteen (18) years of age.

16.6.10.3 A Body Art Practitioner Permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner and shall not be transferable from one place or person to another. (*Amended 6/16/10.)

16.6.10.4 Application for a Body Art Practitioner Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner. An applicant shall submit all information required by the form and accompanying instructions. The term “application” as used herein shall include the original and renewal applications. (*Added 6/16/10.)

16.6.10.5 Application for a practitioner permit shall include:

16.6.10.5.1 photographs identifying the practitioner. Two (2) 2” x 3” passport photos taken within thirty (30) days shall accompany the submission of the practitioner application. One (1) photo submitted with the application shall be maintained as a permanent record in the Department’s file. The second photo shall be affixed to the practitioner’s permit and kept on file and available for inspection at the establishment;

16.6.10.5.2 name of the practitioner, which includes legal name as well as any trade name, nickname, name also known as (aka) and alias associated with the individual in the body art profession;

16.6.10.5.3 date of birth of the practitioner;

16.6.10.5.4 residence address of the practitioner;

16.6.10.5.5 residence telephone number of the practitioner;

16.6.10.5.6 mailing address of the practitioner;

16.6.10.5.7 place(s) of employment as a practitioner; and

16.6.10.5.8 Practitioner training, education and/or experience:
(*Revised 6/16/10.)

Training, education and experience may include certifications, courses and/or seminars provided by

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professional body art organizations or associations, equipment manufacturers, hospitals or other health care or educational institutions, which shall be submitted to the Commissioner for approval. All courses shall be attended in person; no on-line courses shall be acceptable. Required practitioner training, education and/or experience shall be as follows:

- (a) Documentation of bloodborne pathogen training program (or equivalent), which includes infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques as set forth by U.S. OSHA. Examples of courses approved by the Commissioner include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA); and
- (b) Documentation of first aid certification.
- (c) Documentation of cardiopulmonary resuscitation (CPR) certification.
- (d) Documentation of successful completion of a course in anatomy, successfully completed an examination in anatomy or possesses an equivalent combination of training and experience deemed acceptable to the Commissioner.
- (e) Documentation of successful completion of a course in skin diseases, disorders and conditions, including diabetes, or successfully completed an examination in skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Commissioner.
- (f) Documentation of experience, in lieu of the requirements set forth in sections 16.6.10.5.8 (d) and (e) acquired in other states that regulate body art as deemed acceptable to the Commissioner.

16.6.10.5.9 A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of Article XVI.

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16.6.10.5.10 Any guest practitioner at any body art establishment shall be required to obtain a guest practitioner permit, which shall be subject to all of the aforementioned requirements and the following: (*Amended 6/16/10.)

16.6.10.5.10.1 A guest practitioner permit shall be valid from the date of issuance and shall automatically expire no longer than thirty (30) days from the date of issuance unless revoked sooner by the Commissioner and shall not be transferable from one place or person to another. (*Amended 6/16/10.)

16.6.10.5.10.2 A guest practitioner application shall be completed by the guest practitioner, submitted and signed by the owner or operator of the permitted body art establishment where the guest practitioner intends to practice and be accompanied by a copy of the body art establishment's valid permit. (*Added 6/16/10.)

16.7.0 - Operation of Limited Body Art Establishments (*Added 6/16/10.)

Unless otherwise ordered or approved by the Commissioner, each limited body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

16.7.1 General Physical Facility

The building and equipment shall be maintained in a state of good repair at all times. The limited body art establishment premises shall be kept clean, neat and free of litter and rubbish.

16.7.1.1 Walls, floors, ceilings and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including but not limited to client chairs and stools, shall be of such construction as to be non-porous and easily cleaned and sanitized after each client. No cleaning of any portion of the limited body art work station shall be undertaken while actual limited body art is being performed.

16.7.1.2 The floor of the limited body art establishment shall be of impervious material.

16.7.1.3 The limited body art establishment shall have adequate light and adequate ventilation and be provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be

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provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

- 16.7.1.4 The limited body art establishment shall be separate from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon or any other such activity that may cause potential contamination of work surfaces.
- 16.7.1.5 All limited body art establishments shall be supplied with potable water and no other source of water shall be permitted.
- 16.7.1.6 There shall be access to a toilet facility, containing a toilet and sink for clients, within three hundred (300) feet of the limited body art establishment and without requiring the need to go outdoors. The toilet facility shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser and a waste receptacle. Such facilities shall be in compliance with the Rockland County Sanitary Code.
- 16.7.1.7 All instruments and supplies shall be stored in clean, dry and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- 16.7.1.8 The limited body art establishment operator shall provide for the disposal of all types of waste products in compliance with 10 NYCRR 70 and the Rockland County Sanitary Code. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises at least weekly.
- 16.7.1.9 The limited body art establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the establishment.
- 16.7.1.10 No animals of any kind shall be allowed in a limited body art establishment, except service animals used by persons with disabilities (e.g., seeing eye dogs).
- 16.7.1.11 Smoking shall be prohibited in all areas of the limited body art establishment.

16.7.2 Limited Body Art Work Station

- 16.7.2.1 Each limited body art establishment shall have one (1) or more limited body art work stations. Limited body art shall be performed on clients only in said work station.
- 16.7.2.2 Each limited body art work station shall be used by one (1) limited body art practitioner for the purpose of performing limited body art on one (1) client at any given time.
- 16.7.2.3 Each limited body art work station shall have a minimum of thirty (30) square feet of floor space for each limited body art practitioner.

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- 16.7.2.4 All limited body art work station surfaces shall be constructed of metal or other material which is smooth, light-colored, non-absorbent, corrosive-resistant and easily sanitized.
- 16.7.2.5 Each limited body art station shall be equipped with a hand sink with hot and cold running potable water, for the exclusive use of the limited body art practitioner.
- 16.7.2.6 At least one (1) covered, foot-operated waste receptacle shall be provided in each limited body art work station. Receptacles in the work stations shall be emptied daily.
- 16.7.2.7 Eating or drinking shall be prohibited in the limited body art work station, with the exception of fluids being offered to a client during or after a limited body art procedure.

16.7.3 Requirements for Single-Use Items

- 16.7.3.1 Single-use items shall not be used on more than one (1) client for any reason. After use, any single use items discarded during the limited body art procedure shall be immediately disposed of in accordance with 10 NYCRR 70-1.3.
- 16.7.3.2 All products applied to the ear, including but not limited to applicators and gauze shall be single-use and disposable.
- 16.7.3.3 All equipment shall be specifically manufactured for performing ear piercings and shall be used according to the manufacturer's instructions.

16.7.4 Sanitation and Sterilization Measures and Procedures

- 16.7.4.1 The limited body art establishment shall use only sterile single-use, disposable instruments and products and sterile supplies in accordance with manufacturer's instructions.
- 16.7.4.2 When assembling instruments used for limited body art procedures, the limited practitioner shall wear disposable medical gloves and use medically recognized standards to ensure that the instruments and gloves are not contaminated.
- 16.7.4.3 The presterilized single-use stud-and-clasp ear piercing system shall be properly sanitized and sterilized according to manufacturer's instructions and/or sanitation, disinfection and sterilization methods and techniques as set forth by U.S. OSHA.

16.7.5 Posting Requirements

The following shall be prominently and conspicuously displayed in the limited body art establishment, clearly visible to the client:

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- 16.7.5.1 A disclosure statement, as approved by the Commissioner. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of limited body art procedures.
- 16.7.5.2 Printed instructions, as approved by the Commissioner, on the care of the ear after the performance of limited body art as a precaution to prevent infection. A copy of such instructions shall also be given to each client.
- 16.7.5.3 The address and telephone number of the Rockland County Department of Health, Environmental Division, Body Art Program, which has jurisdiction and the procedure for filing a complaint.
- 16.7.5.4 An emergency plan, including:
 - (a) a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - (b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - (c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- 16.7.5.5 An occupancy and use permit as issued by the local building official.
- 16.7.5.6 A current limited body art establishment permit as issued by the Commissioner.
- 16.7.5.7 Each limited body art practitioner's permit as issued by the Commissioner.

16.7.6 Limited Body Art Establishment Recordkeeping

The limited body art establishment shall maintain the following records in a secure place for a minimum of five (5) years, and such records shall be made available to the Commissioner upon request:

- 16.7.6.1 Limited body art establishment information, which shall include:
 - (a) name, address and telephone number of the limited establishment;
 - (b) hours of operation of the limited establishment;
 - (c) name, address and telephone number of the owner or operator;
 - (d) a complete description of the limited body art procedures performed;

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- (e) an inventory of all instruments and ear jewelry used in limited body art procedures, including names of manufacturers and serial numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
- (f) a copy of the U.S. OSHA standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens".
- (g) A Bloodborne Pathogens Exposure Control Plan as mandated by U.S. OSHA.
- (h) a copy of these regulations.

16.7.6.2 Employee information, which shall include:

- (a) full name of the employee;
- (b) exact duties of the employee;
- (c) date of birth of the employee;
- (d) residence address of the employee;
- (e) residence and work telephone numbers of the employee; and

16.7.6.3 Client Information, which shall be prepared prior to any limited body art procedure being performed, and include:

- (a) name and signature of the client;
- (b) date of birth and age of the client;
- (c) residence address and telephone number of the client;
- (d) date of the limited body art procedure;
- (e) name of the limited body art practitioner who performed the procedure(s);
- (f) description of limited body art procedure(s) performed and the location on the ear;
- (g) a signed consent form as specified by section 16.7.8.4.2; and
- (h) if the client is a person under the age of eighteen (18), proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian as specified by section 16.5.2.

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- 16.7.6.4 The records of limited body art performed shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. Additionally, all fully completed and signed client consent forms shall be kept in a binder in reverse chronological order of the date of the procedure(s). Both the bound book and the consent form binder shall be available for examination by the Commissioner and shall be preserved for at least five (5) years from the date of the last entry therein.
- 16.7.6.5 Before performing limited body art, the limited practitioner shall inform the client and parent or guardian of any minor of the risks involved in the limited body art requested, and any possible complications, proof of which shall be entered in the record.
- 16.7.6.6 Client information shall be kept confidential at all times.

16.7.7 Hepatitis B Vaccination Series

The limited body art establishment shall require that all limited body art practitioners have either completed, or were offered and declined, in writing, the Hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Commissioner upon request.

16.7.8 Standards of Practice

Limited body art practitioners are required to comply with the following minimum health standards:

- 16.7.8.1 A limited practitioner shall perform all limited body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.
- 16.7.8.2 A limited practitioner shall refuse service to any person who may be under the influence of alcohol, drugs or any intoxicant, or any person with skin lesions or any communicable disease.
- 16.7.8.3 Limited practitioners who use ear piercing systems shall conform to the manufacturer's directions for use and to applicable U.S. Food and Drug Administration requirements. No limited practitioner shall use an ear piercing system on any part of the client's body other than the ear.
- 16.7.8.4 Health History and Client Informed Consent

Prior to performing a limited body art procedure on a client, the limited body art practitioner shall:

- 16.7.8.4.1 Inform the client and parent or guardian of a client who is a minor, verbally and in writing, that the following health conditions may increase health risks associated with receiving a limited body art procedure:

- (a) history of diabetes;

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- (b) history of hemophilia (bleeding);
- (c) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
- (e) history of epilepsy, seizures, fainting or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
- (g) Hepatitis, HIV or any other communicable disease.

16.7.8.4.2 Require that the client and parent or guardian of a client who is a minor sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving limited body art, that the client and parent or guardian of a client who is a minor consents to the performance of the limited body art procedure and that the client and parent or guardian of a client who is a minor has been given the aftercare instructions as required by section 16.7.5.2.

16.7.8.5 A limited practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices and wear clean clothes; specifically a clean outer garment when performing limited body art procedures. Before performing limited body art procedures, the limited practitioner must thoroughly wash his/her hands in hot running potable water with liquid soap and individual hand brush, then rinse hands and dry with disposable paper towels or by mechanical means. This shall be done as often as necessary to remove contaminants.

16.7.8.6 In performing limited body art procedures, a limited practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section 16.7.8.5 before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.

16.7.8.7 The skin of the limited practitioner shall be free of rash or infection. No limited practitioner experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice or affected with draining or open skin infections such as boils, impetigo, scabies,

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infected wounds, open sores, abrasions or weeping dermatological lesions or acute respiratory infection shall work in any area of a limited body art establishment in any capacity in which there is a likelihood that that person could contaminate limited body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

- 16.7.8.8 The Commissioner may require any limited practitioner found to have any communicable disease or suspected of having such a disease, as designated in 10 NYCRR 2, to obtain a certificate signed by a duly licensed physician stating that the person has recovered from and is no longer infectious or is free from a communicable diseases before permission to resume operation as a limited practitioner is granted. Said certificate shall be available for inspection by the Commissioner.
- 16.7.8.9 Any item or instrument used for limited body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 16.7.8.10 Preparation and care of a client's ear must comply with the following:
 - 16.7.8.10.1 The ear surface to receive the limited body art procedure shall be free of rash or any visible infection.
 - 16.7.8.10.2 Before a limited body art procedure is performed, the immediate area of the ear surrounding where the ear piercing is to be performed shall be washed with soap and water or an approved surgical skin preparation. The washing pad shall be discarded after a single use.
 - 16.7.8.10.3 In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers and disposed of in accordance with 10 NYCRR 70-1.3.
 - 16.7.8.10.4 Before piercing the ear, the limited practitioner shall treat the ear with an EPA approved or hospital grade germicidal solution, which shall be applied with sterile cotton or sterile gauze. The cotton or gauze shall be used once and then discarded.
- 16.7.8.11 The limited practitioner shall provide each client and parent or guardian of a client who is a minor with verbal and written instructions on the aftercare of the area of the ear, which received the limited body art procedure. Said aftercare instructions shall be approved by the Commissioner. A copy of the aftercare instructions shall be provided to the client and parent or guardian of a client who is a minor. The written instructions shall advise the client and parent or guardian of a client who is a minor:

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- 16.7.8.11.1 of the proper cleansing of the area of the ear, which was pierced;
- 16.7.8.11.2 to consult a health care provider for:
 - (a) unexpected redness, tenderness or swelling at the site of the limited body art procedure;
 - (b) any rash;
 - (c) unexpected drainage at or from the site of the limited body art procedure; or
 - (d) a fever within two (2) hours of the limited body art procedure; and
- 16.7.8.11.3 of the name, address and telephone number of the limited body art establishment.
- 16.7.8.11.4 contaminated waste shall be stored, treated and disposed in accordance with 10 NYCRR 70-1.3 and 70-1.4.

16.7.9 Limited Body Art Establishment Permit

- 16.7.9.1 It shall be unlawful for any person to operate a limited body art establishment in Rockland County unless such person possesses a valid Permit to Operate a Limited Body Art Establishment issued by the Commissioner, pursuant to this Article.
- 16.7.9.2 A limited establishment permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner.
- 16.7.9.3 Application for a Limited Body Art Establishment Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- 16.7.9.4 The Commissioner shall require that the applicant provide, at a minimum, the following information in order to be issued a limited body art establishment permit:
 - 16.7.9.4.1 name, address and telephone number of:
 - (a) the limited establishment;

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- (b) the operator of the limited establishment; and
 - (c) the limited practitioner(s) working at the limited establishment;
- 16.7.9.4.2 the manufacturer, model number, model year and serial number, where applicable, of the presterilized single-use stud-and-clasp ear-piercing system used in the limited establishment;
- 16.7.9.4.3 a signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Rockland County Sanitary Code, Article XVI, Body Art;
- 16.7.9.4.4 a drawing of the floor plan to scale of the proposed limited establishment for a plan review by the Commissioner, as part of the permit application process; and
- 16.7.9.4.5 such additional information as the Commissioner may reasonably require.
- 16.7.9.5 A permit for a limited body art establishment shall not be transferable from one place or person to another.

16.7.10 Limited Body Art Practitioner Permit

- 16.7.10.1 It shall be unlawful for any person to practice limited body art or perform any limited body art procedure in Rockland County unless such person possesses a valid Permit to Practice Limited Body Art issued by the Commissioner, pursuant to this Article.
- 16.7.10.2 A limited practitioner shall be a minimum of eighteen (18) years of age.
- 16.7.10.3 A limited practitioner permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner and shall not be transferable from one place or person to another.
- 16.7.10.4 Application for a limited practitioner permit shall include:
- 16.7.10.4.1 photographs identifying the limited practitioner. Two (2) 2" x 3" passport photos taken within thirty (30) days shall accompany the submission of the limited practitioner application. One (1) photo submitted with the application shall be maintained as a permanent record in the Department's file. The second photo shall be affixed to the limited practitioner's permit and kept on file and available for inspection at the limited establishment;

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- 16.7.10.4.2 name of the limited practitioner, which includes legal name as well as any trade name, nickname, name also known as (aka) and alias associated with the individual in the body art profession;
- 16.7.10.4.3 date of birth of the limited practitioner;
- 16.7.10.4.4 residence address of the limited practitioner;
- 16.7.10.4.5 residence telephone number of the limited practitioner;
- 16.7.10.4.6 mailing address of the limited practitioner;
- 16.7.10.4.7 place(s) of employment as a limited practitioner; and
- 16.7.10.4.8 Practitioner training, education and/or experience

Training, education and experience may include certifications, courses and/or seminars provided by professional body art organizations or associations, equipment manufacturers, hospitals or other health care or educational institutions, which shall be submitted to the Commissioner for approval. All courses shall be attended in person; no on-line courses shall be acceptable. Required practitioner training, education and/or experience shall be as follows:

- (a) Documentation of bloodborne pathogen training program (or equivalent), which includes infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques as set forth by U.S. OSHA. Examples of courses approved by the Commissioner include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA); and
- (b) Documentation of first aid certification.
- (c) Documentation of cardiopulmonary resuscitation (CPR) certification.
- (d) The applicant shall provide documentation, acceptable to the Commissioner, that s/he successfully completed training on the proper use of the presterilized single-use stud-and-clasp ear-piercing system.

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16.7.10.4.9 A limited practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of Article XVI.

16.8.0 - Injury Reports

A written report of any injury, infection, complication or disease suffered by a client, as a result of a body art procedure, limited body art procedure or complaint thereof, shall be forwarded by the Operator to the Rockland County Department of Health with a copy to the injured client within five (5) days of its occurrence or knowledge thereof. The report shall include: (*Revised 6/16/10.)

- 16.8.1** the name of the affected client;
- 16.8.2** the name and location of the body art establishment or limited body art establishment involved; (*Amended 6/16/10.)
- 16.8.3** the nature of the injury, infection, complication or disease;
- 16.8.4** any other information considered relevant to the situation.

16.9.0 - Complaints

- 16.9.1** The Commissioner shall review complaints and conduct any necessary investigations received about a body art establishment or limited body art establishment and/or body art practitioner's, guest body art practitioner's or limited body art practitioner's practices or acts, which may violate any provision of the Rockland County Sanitary Code. (*Revised 6/16/10.)
- 16.9.2** If such investigation reveals a finding that said act(s) or practice(s) is in violation of the Rockland County Sanitary Code, then the Commissioner shall take any and all enforcement action is necessary to remedy the situation. (*Revised 6/16/10.)

16.10.0 - Denial, Revocation or Refusal to Renew Permit (*Revised 6/16/10.)

- 16.10.1** The Commissioner may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for denial, revocation or refusal to renew: (*Amended 6/16/10.)
 - 16.10.1.1 any actions that pose a risk to the health or safety of the public; (*Revised 6/16/10.)
 - 16.10.1.2 fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 - 16.10.1.3 practicing body art while impaired by alcohol, drugs, any intoxicant, physical disability, or mental instability; (*Revised 6/16/10.)

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- 16.10.1.4 being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs or intoxicants having similar effects;
- 16.10.1.5 knowingly encouraging, permitting, aiding or abetting an unauthorized person to perform body art activities requiring a permit herein; (*Amended 6/16/10.)
- 16.10.1.6 continuing to practice while his/her body art permit is denied, lapsed, suspended or revoked; (*Amended 6/16/10.)
- 16.10.1.7 having been disciplined in another jurisdiction, in any way, by the proper permitting authority for reasons substantially the same as the regulations set forth herein those set forth in the Commissioner's regulations; and (*Amended 6/16/10.)
- 16.10.1.8 other just and sufficient cause that would render the establishment, limited establishment, practitioner, guest practitioner, limited practitioner or applicant unfit to practice body art as deemed by the Commissioner. (*Revised 6/16/10.)

16.10.2 A permit may be denied, revoked or renewal refused after notice and an opportunity for a hearing has been provided by the Commissioner. (*Revised 6/16/10.)

16.10.3 Applicants denied a permit may reapply at any time after denial.

16.11.0 - Suspension of Permit (*Revised 6/16/10.)

A permit may be suspended by the Commissioner, without notice upon violation by the permit holder of the requirements set forth herein this Article, when in his/her opinion there exists an imminent threat to public health, safety or welfare. If the Permit is not reinstated within 5 days of suspension, the permit holder shall be entitled to notice and an opportunity for a hearing on the violation. (*Revised 6/16/10.)

16.12.0 - Fees

A fee shall be charged for each body art establishment, limited body art establishment, body art practitioner, guest body art practitioner and limited body art practitioner permit issued in accordance with Article I of the Rockland County Sanitary Code. This fee shall be paid either by certified check or money order made payable to the Commissioner of Finance of Rockland County. Payment shall accompany the application for permit. (*Revised 6/16/10.)

16.13.0 - Severability

If any provision contained in Article XVI is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

16.14.0 - Effective Date

The effective date of this Article is January 21, 2009. Added to, amended and revised June 16, 2010.