

N.J.A.C. 8:27

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CHAPTER 27. BODY ART AND EAR-PIERCING FACILITY STANDARDS

Title 8, Chapter 27 -- Chapter Notes

Statutory Authority

CHAPTER AUTHORITY:

N.J.S.A. 24:1-1 et seq., particularly 24:2-1, 24:5-18, and 24:17-1 et seq., and 26:1A-7(n), (o), and (p); and Reorganization Plan No. 003-2005 (Governor Codey, June 27, 2005).

History

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2022 d.089, effective June 14, 2022.

See: 54 N.J.R. 229(a), 54 N.J.R. 1392(a)

CHAPTER HISTORICAL NOTE:

Chapter 27, Body Art Procedures, was adopted as new rules by R.2002 d.55, effective February 19, 2002. See: 33 N.J.R. 949(a), 34 N.J.R. 923(b).

Chapter 27, Body Art Procedures, was readopted as R.2007 d.292, effective August 15, 2007. See: 39 N.J.R. 826(a), 39 N.J.R. 3914(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 27, Body Art Procedures, was scheduled to expire on August 15, 2014. See: 43 N.J.R. 1203(a).

Chapter 27, Body Art Procedures, was readopted, effective July 11, 2014. See: 46 N.J.R. 1816(a).

In accordance with N.J.S.A. 52:14B-5.1, Chapter 27, Body Art Procedures, was scheduled to expire on July 11, 2021. Pursuant to Executive Order Nos. 127

(2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and is extended 180 days from the later of the existing expiration date or the date of filing of this notice of proposed readoption, whichever is later, which date is June 19, 2022, pursuant to N.J.S.A. 52:14B-5.1.c, Executive Order No. 244 (2021), and P.L. 2021, c. 103. See: 54 N.J.R. 229(a).

Chapter 27, Body Art Procedures was readopted as R.2022 d.089, effective June 14, 2022. As a part of R.2022 d.089, Chapter 27, Body Art Procedures, was renamed Body Art and Ear-Piercing Facility Standards, Subchapter 4, Health Safety and Occupational Health, was renamed Client and Occupational Health and Safety, and Subchapter 8, Permanent Cosmetics, was repealed and Subchapter 8, Permanent Cosmetics was adopted as new rules, effective July 18, 2022. See: Source and Effective Date. See, also, section annotations.

NEW JERSEY ADMINISTRATIVE CODE

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SUBCHAPTER 1. GENERAL PROVISIONS

§ 8:27-1.1 Purpose

This chapter establishes sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, permanent cosmetics, and ear and body piercing in order to protect the public's health.

§ 8:27-1.2 Scope

- (a)** Except as a subchapter otherwise indicates, this chapter applies to:
 - 1. Persons and entities that apply for licensure or permission to operate body art and ear-piercing establishments; and
 - 2. Operators of body art and ear-piercing establishments.
- (b)** The general and discipline-specific standards in this chapter for qualification and training of practitioners and apprentices to perform body art and ear-piercing procedures at an operator's establishment or under an operator's license or permit do not apply to health care providers performing body art and ear-piercing procedures at an operator's establishment or under an operator's license or permit.
- (c)** Pursuant to N.J.S.A. 26:1A-7, this chapter is part of the State Sanitary Code, has the force and effect of law, and is enforceable by the New Jersey Department of Health (Department), other health authorities, and State and local police, pursuant to N.J.S.A. 26:1A-9.
- (d)** This chapter implements provisions at N.J.S.A. 24:1 through 17, addressing devices and cosmetics, and is enforceable by the Department, other health authorities, and State and local police, pursuant to N.J.S.A. 24:2-1 and 24:17-1 and 2.

§ 8:27-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adverse reaction" means a negative physiological response to a body art or ear-piercing procedure, such as an injury, rash, infection, or allergy.

"After-care instruction" means direction and information that a practitioner gives to a client following the performance of a body art or ear-piercing procedure, in both spoken and printed form, which are specific to the procedure performed, and which identify:

1. Client responsibilities and procedures for care of the body art or ear piercing and the surrounding area;
2. Physical, cosmetic, and/or other restrictions;
3. Indicators of infection and other adverse reactions, upon the appearance of which a client should seek medical treatment; and
4. With respect to body piercing, the need to maintain the tightness of the balls attached to barbell studs to prevent:
 - i. The client's ingestion of the jewelry; and/or
 - ii. The imbedding of jewelry into a client's skin or mucosal linings.

"Alliance of Professional Piercers," means the entity by that name for which the contact information is PO Box 1287, Lawrence, KS 66044, telephone: (785) 841-6060, website: <https://safepiercing.org>.

"Alliance of Professional Tattooists, Inc.," means the entity by that name for which the contact information is 7770 Regents Rd., Suite 113, #635, San Diego, CA 92122, telephone: (816) 979-1300, website: <https://safe-tattoos.com>.

"American Academy of Micropigmentation" means the entity by that name for which the contact information is 11641 Sherman Way, North Hollywood, CA 91605, telephone (310) 882-9538, website <https://micropigmentation.org>.

"American Conference of Governmental Industrial Hygienists" (ACGIH) means that private nonprofit organization which, for the purposes of this chapter, provides technical materials and expertise and is located at 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240.

"Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

"Apprentice" means any person that performs the art of tattooing, permanent cosmetics and/or body piercing under the direct supervision of a practitioner in order to learn body art procedures.

"Areola restoration" means a body art procedure that a permanent cosmetics practitioner performs, typically following lumpectomy, mastectomy, breast augmentation surgery, and/or breast reconstruction surgery, to:

1. Simulate an areola and/or nipple or establish another image at the current or former site of an areola;
2. Address asymmetry or other aesthetic irregularity;
3. Camouflage post-surgical scarring; and/or
4. Restore the preoperative appearance of a breast.

"Biological indicator" means a standardized viable population of microorganisms known to be resistant to the mode of sterilization being monitored.

"Bloodborne pathogens standard" means 29 CFR 1910.1030, and includes interpretations thereof, established in applicable "Standard Interpretations" that the United States Department of Labor, Occupational Safety and Health Administration issues, which are available at <https://www.osha.gov/laws-regs/standardinterpretations/standardnumber/1910/1910.1030%20-%20Index/result>.

"Body art" means the practice of physical body adornment using the following techniques, but does not include ear piercing:

1. Body piercing;
2. Tattooing; and
3. Permanent cosmetics.

"Body art establishment" means any place or premises, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

"Body piercing" means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized or disinfected jewelry or other adornment thereto in the opening.

"Branding" means the application of a heated material (usually metal) to the skin, creating a serious burn that eventually results in a scar.

"Camouflage" means a body art procedure that a permanent cosmetics practitioner performs to restore by pigment insertion the appearance of skin that has been altered by:

1. An injury (such as scarring resulting from an accident, a burn, or a communicable disease, such as varicella or measles);
2. A clinical condition (such as pigment loss resulting from vitiligo); and/or

3. The clinical treatment of an injury, an illness, or a clinical condition (such as scarring that results from surgery or the application of hair transplants, and hyperpigmentation that results from chemotherapy).

"Chemical integrator" means a chemical or physical device designed to provide an integrated response to various defined combinations of temperature, time, and the presence of steam.

"Clean" or "cleanliness" means the absence of soil and dirt.

"Communicable disease" means "communicable disease" as N.J.A.C. 8:57 defines that term.

"Concealment" means a body art procedure that a tattoo or permanent cosmetics practitioner performs to change the appearance of an atypical area of skin or existing body art by covering the area with patterns, pictures, or legends; provided a tattoo artist shall not perform concealment to restore the appearance of skin altered by an injury, an illness, or the treatment thereof, that is, to perform camouflage.

"Contaminated waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined, N.J.A.C. 7:26-3A.

"Cutting" (also known as scarification) means creating a design by cutting skin or other soft tissue to leave a scar, using acid, a sharp blade, a knife, or another chemical, implement, or device the manufacturer of which neither designed nor intended for the purpose of performing body art.

- 1.** In "cutting," one might rub pigment or another substance into the cut skin, leaving a colored or raised scar.
- 2.** The term "cutting" does not include microblading.

"Disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

- 1.** Disinfection for purposes of preparing jewelry for body piercing consists of:
 - i.** Thorough cleaning of the jewelry in an ultrasonic cleaner;
 - ii.** Soaking the jewelry in a solution of 70 percent to 90 percent isopropyl alcohol for 15 minutes; and

iii. Allowing the jewelry to air dry prior to packaging.

"Ear piercing" means the puncturing of the ear lobe and the trailing edge of the ear using a pre-sterilized single-use, stud-and-clasp ear-piercing system following the manufacturer's instructions.

"Emancipated minor" means a person under 18 years of age that has been freed from the legal authority, care, custody, and control of another by the effect of a written law or court order.

"Equipment" means 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.

"Establishment" means a physical place of business that is permanent in nature, and includes all areas used by persons performing body art or ear piercing and their clients, including, but not limited to, treatment areas and waiting/reception areas.

"Hand-sink" means a fixture equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

"Hand Hygiene Guideline" means CDC, *Guideline for Hand Hygiene in Health-Care Settings: Recommendations of the Healthcare Infection Control Practices Advisory Committee and the HICPAC/SHEA/APIC/IDSA Hand Hygiene Task Force*, MMWR 2002;51(16)(RR16):1-44, incorporated herein by reference, as amended and supplemented, and available at <https://www.cdc.gov/handhygiene/providers/guideline.html>.

"Health authority" means a registered environmental health specialist or health officer representing the Department or a local health agency with jurisdiction.

"Health care provider" means a physician or physician assistant licensed by the State of New Jersey pursuant to Title 45 of the Revised Statutes who is acting within the licensee's applicable scope of practice, as determined by the applicable licensing board.

"High level disinfection" means a process that kills vegetative bacteria, tubercle bacillus, fungi, lipid and non-lipid viruses and bacterial spores.

"HIV" means human immunodeficiency virus, in accordance with the Revised Surveillance Case Definition at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr6303a1.htm>.

"Hot water" means water which attains and maintains a temperature between 95 degrees and 110 degrees Fahrenheit.

"Implant" means any object implanted fully under the skin.

"Instruments" means body art equipment. Such equipment includes, but is not limited to, hand pieces, piercing needles, needle bars, insertion tapers, forceps, hemostats, tweezers, or other implements used to pierce, puncture or be inserted into any part of the human body for the intended purpose of making a permanent hole; or may come in contact with a client's body or possible exposure to bodily fluids during body art procedures. Such equipment also includes studs, hoops, rings or other decorative jewelry, materials or apparatuses inserted in any part of the human body for the intended purpose of placement in the hole resulting from piercing.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

"Jewelry" means any personal ornament inserted into a newly pierced area, and may be made of surgical implant grade stainless steel, solid 14 karat or 18 karat white or yellow gold, niobium, titanium, platinum, glass or a dense, low-porosity plastic.

"Legal guardian" means an individual who, by legal appointment or by the effect of a written law, has been given custody of a minor or adult.

"Lip" means either of the two fleshy parts or folds that surround the mouth or oral cavity and are used for human speech.

"Low level disinfectant" means a process that kills most vegetative bacteria, some fungi, and some viruses, but cannot be relied on to kill resistant microorganisms such as mycobacteria or bacteria spores.

"Measure of pH" or "pH" means the acidity or alkalinity of a solution relative to the pH scale.

"Medical gloves" means gloves that are a "device" within the meaning of that term at Department 201(h) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321(h), and that comport with the medical device standards at 21 CFR Parts 878, 880, and 895 for surgeons' gloves and patient examination gloves.

1. Pursuant to a Final Rule of the Food and Drug Administration of the United States Department of Health and Human Services, the following are banned devices: powdered surgeons' gloves, powdered patient examination gloves, and absorbable powder for lubricating surgeons' gloves. 81 FR 91722 (published December 19, 2016; effective January 18, 2017), available at <https://www.federalregister.gov/d/2016-30382>.

"Microblading" means a permanent cosmetics procedure performed by a qualified permanent cosmetics practitioner or apprentice at a permanent cosmetics establishment, using a configuration of needles attached to a handle, often described as a blend between a scalpel and a fine-toothed comb, to manually create small cuts that resemble eyebrow hairs, which are then filled in with pigment to achieve the appearance of fuller brows, and as further described in the National Environmental Health Association, *Policy Statement on Microblading* (Denver, CO, July 2018), incorporated herein by reference, as amended and supplemented, available at https://www.neha.org/sites/default/files/publications/position-papers/NEHA_Policy_Statement_Microblading_FINAL.pdf.

"Minor" means a person under 18 years of age.

"Needle building" means a process of assembling steel needles from a loose pack into bundles or arrangements. The needles are then attached to a stainless steel bar.

"Occupational exposure" means occupational exposure as the bloodborne pathogens standard defines that term.

"Operator" means an owner of an establishment.

1. The term, "operator," includes a person whom an owner designates as having control, custody, and/or management of the day-to-day operations, of a body art establishment.

"Permanent cosmetics" or "micropigmentation" means the intradermal implanting of inert pigments, colors, and/or dyes, which results in permanent alteration of tissue to gain a cosmetic effect, and includes the form of micropigmentation known as "microblading."

"Permit" means written approval by the health authority to operate a body art establishment. Approval is given in accordance with this chapter and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

"Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons.

"Piercing instrument" means a hand-held tool manufactured exclusively for piercing the earlobe, or trailing edge of the ear, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed or spring loaded action to create a permanent hole. The tool is made of plastic, stainless steel or other material that is able to be disinfected.

"Pigment" means "color additive" as 21 CFR Part 70, particularly at § 70.3, defines that term.

"Practitioner" means any person that performs the act of tattooing, permanent cosmetics and/or ear and body piercing.

"Premises" means the entire building or structure within which body art services are provided.

"Processing equipment" means mechanical devices used for the cleaning and sterilization of instruments used for body art, such as ultrasonic cleaners and steam sterilization units.

"Procedure surface" means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the site of the body art procedure or any associated work area which may require sanitizing.

"Public Health and Food Protection Program" means the Public Health and Food Protection Program within the Consumer, Environmental, and Occupational Health Service of the Division of Epidemiology, Environmental and Occupational Health within the Public Health Services Branch of the Department, for which the contact information is Public Health and Food Protection Program, PO Box 369, Trenton, NJ 08625-0369, telephone (609) 913-5150.

"Responsible person" means an adult who is a practitioner and whom the operator specially trains in the obligations and duties of an operator.

"Safety data sheet" means "safety data sheet" as the hazard communication standard at 29 CFR 1910.1200 defines that term.

"Separate area" means an area away from public access and viewing, isolated from a reception or waiting area, where piercings are conducted upon the genital, nipple, or any other discretionary part of a person's body, or a designated area which is segregated from other business activities or services when ear piercings are conducted.

"Single use" means to be used one time for only one client and to be discarded after use.

1. Examples of single-use items are cotton swabs, cotton balls, tissues, paper products, paper or plastic cups, gauze, dressings, bandages, sanitary coverings, razors, needles, stencils, pigment cups, gowns, markers, and medical gloves.

"Society of Permanent Cosmetic Professionals" means the entity by that name for which the contact information is 69 N Broadway St, Des Plaines, IL 60016, telephone (847) 635-1330, website <https://www.spcp.org>.

"SofTap(R), Inc." means the entity by that name for which the contact information is 550 North Canyons Parkway, Livermore, CA 94551, telephone (925) 248-6301, website <https://www.softaps.com>.

"Standard precautions" means Parts II D, E, and F of Siegel JD, Rhinehart E, Jackson M, Chiarello L, and the Healthcare Infection Control Practices Advisory Committee, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, incorporated herein by reference, as amended and supplemented (last update July 2019), available at <https://www.cdc.gov/infectioncontrol/guidelines/isolation/index.html>, provided references therein to:

1. The terms "healthcare facility," "healthcare organization," and the like shall be construed to mean an establishment;
2. The terms "healthcare worker," "healthcare professional," and the like shall be construed to mean a practitioner, apprentice, and other staff with occupational exposure; and
3. The term "patient" shall be construed to mean client.

"Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

"Suspend" means disciplinary action taken by the health authority.

"Tattooing" means any method of placing ink or other inert 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 includes all forms of permanent cosmetics.

"Temporary establishment" means an establishment that has been issued a permit by the local health authority to operate for the purpose of performing body art procedures for not more than 14 calendar days in conjunction with a single event.

"Tip" means the stainless steel replacement part that attaches to the body of the tube.

"Trainer or instructor of permanent cosmetics" means a permanent cosmetics practitioner holding one or more of the following credentials:

1. American Academy of Micropigmentation Board Certified Platinum Trainer;
2. Society of Permanent Cosmetic Professionals Trainer Membership; or
3. SofTap(R), Inc., Trainer.

"Tube" means the stainless steel component which is attached to the tattoo machine and the tip.

"Work station" means the area or room used for the purpose of performing body art procedures by a practitioner, operator or apprentice.

SUBCHAPTER 2. ADMINISTRATION

§ 8:27-2.1 Procedure to locate and construct establishment

- (a) An operator shall apply, in writing, to the health authority for review and approval before commencing the construction, expansion, alteration, or operation of a body art or ear-piercing establishment.
- (b) An application for authorization to operate a body art establishment shall require an applicant to submit at least the following information:
1. The applicant's legal name, home address and telephone number, full business name, business address, post office address, and telephone number. The application shall also include whether the applicant is an individual, partnership, firm, or corporation. If the applicant is a partnership, the names and addresses of the partners shall be included on the application. If the applicant is a corporation, the names and addresses of all corporate officers shall be included on the application;
 2. Plans and specifications shall illustrate the location of the proposed establishment and a floor plan of the establishment as it is proposed to be operated. An exact inventory of all processing equipment as it is to be used. Plans shall indicate the layout of the reception area, the procedure areas, the cleaning and sterilization area, the storage area, and the toilet facilities;
 3. A statement of approval from the municipal agency responsible for the administration of planning and zoning ordinances for the proposed construction or expansion of the body art establishment;
 4. A complete description of all services to be provided, the proposed hours of operation, the name of the operator, the names of all regular practitioners and apprentices, the body art or ear-piercing disciplines that they will perform at the establishment, and the forms of written informed consent that are to be presented to clients for each type of procedure that the establishment proposes to offer.

i. An operator shall notify the health authority before persons other than listed regular practitioners, such as apprentices, occasional or temporary practitioners, or health care providers, are to perform body art or ear-piercing services at the establishment, and shall obtain the same documentation that operators are to obtain from practitioners and apprentices pursuant to N.J.A.C. 8:27-4.8, and ear-piercing practitioners pursuant to N.J.A.C. 8:27-9.6.

5. The names and addresses of all manufacturers of processing equipment, instruments, jewelry, and inks used for any and all body art procedures;

6. The make, model and serial number of the applicant's steam autoclave shall be printed on the back of a photograph of the autoclave; and

7. A copy of the manufacturer's specifications for operation of the autoclave.

(c) All construction, expansion or alteration to the building, structures, and facilities used by the public shall comply with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(d) All construction expansion or alteration, to the building, structures, and facilities shall be done in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

§ 8:27-2.2 Review of plans

The health authority shall review the application for compliance with all the provisions of N.J.A.C. 8:27-2.1 to include the final plans, specifications, and reports and shall either approve or disapprove of the application in writing within 30 business days from the date of submission to the health authority.

§ 8:27-2.3 Denial of approval

Persons denied approval shall be notified in writing by the health authority. Such notice shall specify the reason(s) for the action, and shall give the person(s) denied approval the opportunity for a hearing with the health authority within a reasonable time, not to exceed 15 business days from date the health authority denied approval of the application.

§ 8:27-2.4 Approval to operate

(a) No body art establishment shall be permitted to open for operation until the health authority has given formal approval by issuance of an appropriate license or permit. This license or permit shall be renewed annually.

1. The license or permit shall be displayed in a conspicuous place on the premises where it may readily be observed by all clients.
2. No person shall operate a body art establishment whose license or permit has been suspended.
3. Proof of professional malpractice liability insurance for each practitioner shall be provided to the health authority as part of the initial and renewal license or permit application.
4. The operator shall provide a current copy of a negative biological indicator test result to the health authority as part of the initial license or permit application.

§ 8:27-2.5 Change of information notification requirements

(a) Facility license or permit holders shall notify the local health authority by mail within five calendar days of a change in the following information:

1. The business name or ownership;
2. The area code and telephone number;
3. An address change resulting from city or postal service action;
4. License status, whether from active to inactive practice or from inactive to active practice;
5. Closure or sale of facility; or
6. A change in procedures or personnel.

§ 8:27-2.6 Prohibitions

(a) Operators shall ensure that the following prohibited activities do not occur at a body art or ear-piercing establishment:

1. The implantation of any object under the skin;

2. The performance of scarification or the removal of pigment by laser;
3. The performance of a body art or ear-piercing procedure upon a minor without the presence, written consent, and proper identification of a parent or legal guardian, unless the minor provides a court order declaring the minor to be an emancipated minor;
4. The performance of genital piercing upon a minor, regardless of parental consent;
5. The use of a high-impact stud-and-clasp piercing system on the trailing edge of the ear or at any body location other than the earlobe;
6. The operation of a body art or ear-piercing establishment other than in accordance with the applicable requirements of this chapter; and
7. The performance of body art or ear piercing in an establishment, unless the operator or a responsible person is present on the premises and supervising the establishment, provided:
 - i. Notwithstanding the operator's designation of a responsible person, the operator retains responsibility for compliance and liability associated with any action or inaction on the part of the responsible person.

(b) The following constitute the unlawful practice of body art and are subject to the enforcement proceedings, civil penalties, and other applicable remedies, as provided at (c) below:

1. Advertisement or performance of a body art or ear-piercing procedure for which this chapter requires an operator's license by a person who does not have an operator's license or whose license is not in effect and good standing; and
2. The performance by any person, regardless of licensure status, of any activity prohibited pursuant to (a) above.

(c) A person who commits an act prohibited pursuant to (a) above or engages in the unlawful practice of body art pursuant to (b) above is subject to the enforcement actions established at N.J.A.C. 8:27-11, civil penalties, as provided at N.J.S.A. 26:1A-10, and other applicable remedies, sanctions, and/or injunctive relief provided by law.

§ 8:27-2.7 Insurance

Each practitioner shall maintain current professional malpractice liability insurance.

SUBCHAPTER 3. PHYSICAL PLANT AND ENVIRONMENT

§ 8:27-3.1 Facility layout

- (a)** All facilities shall have a waiting area that is physically separated from the work stations and equipment cleaning room.
- (b)** All facilities that reprocess reusable instruments shall have an equipment cleaning room that is physically separated from the work stations. Facilities that use all disposable equipment shall be exempt from this requirement.
1. Design shall allow adequate space for receiving, cleaning, decontaminating, preparing and packaging.
 2. Work flow and traffic patterns shall be designed to flow from soiled to clean areas.
 3. Suitable signs to designate soiled and clean work spaces shall be used to limit the possibility of cross-contamination into clean work areas.
 4. Hand washing facilities shall be operable and conveniently located in the equipment cleaning room.
 5. Manual cleaning of instruments shall be conducted in a sink of sufficient size to process soiled instruments.
 6. An emergency eye flushing device shall be provided where needle building activities are performed.
 7. Exhaust hoods shall be provided over needle building work areas and shall have a dedicated exhaust directly to outside air.
- (c)** All rooms used for body art procedures shall be completely separated from any room used for human habitation, food service or other such activity which may cause potential contamination of work surfaces.
1. Display cases and retail sales shall be physically separated from work stations.
- (d)** The work station shall not be less than 80 square feet. Facilities existing as of February 19, 2002 are exempt from this requirement until renovations to expand are conducted.
1. A separate room shall be provided for permanent cosmetics.

2. Partitions shall be provided between work stations. The partitions shall be easily cleanable and kept in good repair. The partitions shall be at least six feet in height and capable of providing complete privacy which is required for nipple and genital piercings.

3. Storage cabinets shall be adequate to accommodate supplies needed for the procedure in the room.

(e) At least one hand-sink with hot and cold running water under pressure, and equipped with wrist, foot, or sensor operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible and provided for every two work stations within the body art establishment. All body art establishments shall be in compliance with this subsection by no later than August 19, 2003.

(f) Furniture in the procedure rooms shall be of nonporous materials and cleaned and sanitized after each use.

1. Work tables shall be constructed of smooth easily cleanable material and cleaned and sanitized between use.

§ 8:27-3.2 Environment

(a) All floors and walls shall be made of smooth, nonabsorbent and nonporous material that is easily cleanable.

1. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a washable surface.

2. Walls and ceilings shall be light colored.

3. The use of carpet in work areas and in the equipment cleaning room shall be prohibited.

(b) The work areas shall be ventilated to prevent odors.

(c) At least 50 foot-candles of artificial light shall be provided within the establishment.

1. At least 100 foot-candles of artificial light shall be provided at work stations and in the equipment cleaning room.

(d) The water supply shall be constructed, protected, operated and maintained in conformance with the New Jersey Safe Drinking Water Act

(N.J.S.A. 58:12A-1 through 12A-11 and N.J.A.C. 7:10) and local laws, ordinances and regulations.

1. Drinking water fountains shall be constructed according to the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(e) All waste water shall be disposed of by one of the following approved methods.

1. Sanitary sewer: Waste water shall be discharged into a public sanitary sewer operated by a municipal sewer authority.

2. Subsurface sewer disposal facility: The location and construction of a subsurface sewage disposal system shall be in accordance with N.J.A.C. 7:9-2 (standards for the construction of individual subsurface sewage disposal systems), the New Jersey Water Pollution Control Act Regulations (N.J.A.C. 7:14) and local laws, ordinances and regulations.

§ 8:27-3.3 Sanitary facilities

(a) A public restroom shall be available and in operable condition to clients during all business hours.

(b) Water closets and lavatories shall be in conformance with the regulations set forth in the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

(c) Fixtures shall comply with all applicable local ordinances and conform to the following requirements:

1. Toilet tissue and paper towel holders, supplied with tissue and paper towels shall be provided in each toilet;

2. Suitable receptacles shall be provided for the disposal of paper towels and waste materials;

3. Common towels shall not be permitted; and

4. Liquid soap and dispensers shall be provided and maintained at each lavatory. The dispenser shall be of all metal or plastic. No glass shall be permitted in these dispensers.

§ 8:27-3.4 Waste management

(a) Plastic bags shall be used for the removal of soiled waste.

1. Bags shall be of sufficient strength to safely contain waste from point of origin to point of disposal and shall be effectively closed prior to disposal.
2. Outside storage containers for solid waste shall be kept covered and shall comply with local ordinances.

(b) For the purpose of this chapter, solid waste generated during body art procedures that are sharp such as needles and razors or items saturated and/or dripping with blood or body fluids shall be handled, stored, packaged, labeled, transported and disposed of in accordance with the provisions and standards found at N.J.A.C. 7:26-3A.

§ 8:27-3.5 Pest control and animal control

(a) Controls shall be used to minimize or eliminate the presence of rodents, flies, roaches, and other vermin. The premises shall be kept in such condition as to prevent the breeding, harborage, or feeding of vermin.

1. The application of pesticide shall conform to the requirements of the New Jersey Pesticide Control Rules, N.J.A.C. 7:30.

(b) No live animals shall be kept or allowed in any room where body art is conducted. An exception shall be made for service animals, which shall be permitted for the purpose of accompanying physically disabled persons.

SUBCHAPTER 4. CLIENT AND OCCUPATIONAL HEALTH AND SAFETY

§ 8:27-4.1 Scope

This subchapter applies to body art establishments.

§ 8:27-4.2 Client records

(a) All client records shall be retained for a minimum of three years and made available upon request to the health official.

(b) Each client shall complete an application for all body art procedures. The application shall include the following:

1. The name, date of birth, proof of age, and address of the client; an emergency telephone number and contact individual for the client; the date of the procedure; the name of practitioner who performed the procedure(s); the type and location of the procedure performed; the signature of client and, if the client is a minor, proof of parental or guardian presence and written consent;
2. A medical health history form that includes a history of any information that would aid the practitioner in the client's body art healing process evaluation. The health history form shall, at a minimum, include medical conditions, such as diabetes, allergies, skin conditions, and a list of medications; and
3. A consent form, which shall be established for each procedure and shall be reviewed verbally with the client prior to performing any procedure(s). Said consent form shall minimally consist of the type of procedure(s) to be performed, its risks, alternatives, generally accepted results, an after care plan, and the client's signed acceptance of the recommended procedure by the named practitioner.

(c) Body art procedures on a person under 18 years of age shall not be performed without the written consent of the parent or legal guardian of such minor.

1. Government issued photographic identification of the client shall be photocopied and maintained on file with the client's application.
2. Identification of the parent or legal guardian shall be photocopied and maintained on file with the client's application.
3. The parent or legal guardian shall accompany the client at the time of the body art procedure.

§ 8:27-4.3 General provisions

(a) No body art shall be done on a skin surface that has a rash, pimples, boils, infections, scar tissue or manifests any evidence of unhealthy conditions.

(b) Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.

(c) Smoking, eating, or drinking by anyone shall be prohibited in the work area, bathrooms, and the equipment cleaning room.

§ 8:27-4.4 Health care provider instruction required for certain procedures

(a) A permanent cosmetics practitioner who is credentialed to perform areola restoration or camouflage shall do so in accordance with specific written instructions issued by the client's health care provider, which the practitioner shall maintain with the client's application.

(b) Subsection (a) above does not apply to concealment procedures, which can be performed by both permanent cosmetics and tattoo practitioners.

§ 8:27-4.5 Emergency management

(a) The telephone numbers of local emergency medical services, the local fire department and the local police shall be prominently posted at the main telephone.

(b) An eye wash shall be operable and included in the cleaning room.

(c) A standard first aid kit shall be available at all times and shall be fully restocked within 24 hours of use.

(d) The telephone number of the local health department and local health officer shall be posted in a conspicuous place.

§ 8:27-4.6 Operator reporting requirements

(a) Operators shall ensure that:

1. The establishment creates a written record of reports it receives from clients or health care providers of adverse reactions, such as infection, after the performance of a body art procedure.

- i. The written record shall identify the site of the reaction, the date the client first perceived the reaction, the date the establishment received the report, and, if the establishment issued recommendations to the client to respond to the adverse reaction, the recommendations;
2. The establishment maintains a written record of adverse reactions created pursuant to (a)1 above with the client application for the procedure; and
3. The establishment notifies the local health authority, either by telephone or in-person, within 24 hours of receiving the client's report of an adverse reaction, and then, in writing, within two business days of receiving the report, if:
 - i. The client obtained, or states an intention to obtain, medical treatment for the reaction;
 - ii. The establishment recommends that the client seek medical treatment; or
 - iii. The adverse reaction is or appears to be an allergic response to pigment.

§ 8:27-4.7 Hand hygiene, use of standard precautions, infection control, bloodborne pathogens training, and records maintenance

- (a)** When performing body art procedures, the operator or practitioner shall maintain a high standard of personal cleanliness, which shall include wearing clean outer garments, and washing hands after smoking, eating, drinking or visiting the restroom.
- (b)** Operators shall ensure that before, during, and after the performance of body art procedures, practitioners and apprentices adhere to the Hand Hygiene Guideline.
- (c)** Operators shall establish written policies and procedures addressing the needs of employees, practitioners, apprentices, and clients who have latex allergies and shall supply alternatives to latex medical gloves and other latex-containing items to which practitioners, apprentices, and clients who have latex allergies may be exposed to in the establishment.
- (d)** Operators shall ensure that practitioners and apprentices adhere to applicable provisions of the standard precautions and the bloodborne pathogens standards before, during, and after the performance of body art

procedures and whenever a practitioner, apprentice, or another worker has actual or potential occupational exposure.

(e) Operators shall establish and implement policies and procedures to ensure that:

1. The skin of practitioners and apprentices is free of rash or infection;
2. Persons who have boils, infected wounds, open sores, abrasions, and/or weeping dermatological lesions do not work in, or be present at, a body art establishment until the operator has and maintains written documentation, issued by the person's health care provider, indicating that the condition is neither transmissible nor communicable;
3. Practitioners, apprentices, and workers who have an acute respiratory infection or suspected or confirmed communicable disease are not present at the body art establishment and do not return to the establishment until the operator receives written documentation issued by a health care provider indicating that the condition is not transmissible, which documentation the operator shall maintain in the establishment's file on the affected practitioner, apprentice, or worker.
 - i. Paragraph (e)3 above shall not be construed to exclude persons with bloodborne diseases, such as hepatitis B, hepatitis C, and HIV from performing body art in a body art establishment;
4. All practitioners, apprentices, and workers, including those having suspected or confirmed infection with bloodborne diseases, adhere to the standard precautions and the bloodborne pathogens standard;
5. At an operator's expense and on the operator's time, the operator offers employees (who may include practitioners and apprentices) the hepatitis B vaccination in accordance with the bloodborne pathogens standard, written evidence of which offer the operator maintains in the establishment's file on each employee; and
6. The operator maintains a copy of the document, such as a certificate of completion, memorializing completion of bloodborne pathogens training for each practitioner, apprentice, or other employee who is required by applicable law to receive this training, in the file the establishment maintains for each practitioner, apprentice, and employee.

(f) Operators that enroll in the On-Site Consultation Program of the New Jersey Department of Labor and Workforce Development can receive bloodborne pathogens and other OSHA compliance guidance and training without charge. See

[https://www.nj.gov/labor/lsse/employer/Occupational Safety and Health O
n-site Consultation Program.html](https://www.nj.gov/labor/lsse/employer/Occupational_Safety_and_Health_Onsite_Consultation_Program.html).

§ 8:27-4.8 Minimum standards for operators of body art establishments in the appointment of practitioners and apprentices

(a) The operator of a body art establishment shall:

1. Allow only qualified practitioners and apprentices, as specified at N.J.A.C. 8:27-6.1, 7.1, and/or 8.1, as applicable, to perform body art procedures at the establishment;
2. Require practitioners to present documentation that each practitioner meets the qualifications at N.J.A.C. 8:27-6.1, 7.1, and/or 8.1, as applicable, subject to (b) below;
3. Require apprentices to present documentation of each apprentice's successful completion of a bloodborne pathogens course, subject to (b) below;
4. Maintain a personnel or apprenticeship file on each person that the operator allows to perform or study the particular body art discipline that the establishment is authorized to provide, in which the operator retains copies of the documentation that operators are to obtain from practitioners and apprentices pursuant to this section; and
5. Make each personnel and apprenticeship file available for Department or health authority inspection upon request.

(b) In accordance with the bloodborne pathogens standard, particularly at 29 CFR 1910.1030(g)(2), an operator who employs a person to work in an establishment shall:

1. Provide bloodborne pathogens training to each employee who has occupational exposure, at no cost to the employee and during working hours; and
2. Institute a bloodborne pathogens training program and ensure employee participation in the program.

§ 8:27-4.9 Pigments

(a) Operators shall ensure that pigments that practitioners and apprentices use to perform body art:

1. Are non-irritating to tissue, stable to light, and inert to tissue metabolism;
2. Do not contain substances that are known to be human carcinogens or may reasonably be anticipated to be human carcinogens, as specified in National Toxicology Program, Report on Carcinogens, 14th Edition (2016), Research Triangle Park, NC, United States Department of Health and Human Services, Public Health Service, incorporated herein by reference, as amended and supplemented, and available at <http://ntp.niehs.nih.gov/go/roc14>;
3. Do not contain substances at exposure levels that are known, or may reasonably be anticipated, to have adverse noncancer health effects as determined by the National Toxicology Program, which are listed at <http://ntp.niehs.nih.gov/whatwestudy/assessments/noncancer/index.html>, incorporated herein by reference, as amended and supplemented;
4. Are stored out of direct sunlight; and
5. Are not subjected to autoclave processing.

(b) Operators shall ensure that practitioners and apprentices:

1. Apply pigments using single-use, individual pigment containers for each client;
2. Remove excess pigment applied to the skin with single-use, lint-free paper products;
3. Record the pigments used for each procedure, including the lot number of each pigment, in the client record of the procedure; and
4. Use pigment removal solutions bearing labels that list their ingredients, including percentages of active ingredients, measure of pH, preservatives, and directions for use.

SUBCHAPTER 5. STERILIZATION AND DISINFECTION

§ 8:27-5.1 Cleaning of reusable instruments

(a) All reusable instruments shall either be washed by hand or processed mechanically:

1. Manual instrument washing shall consist of the following steps:
 - i. An initial cold water rinse to remove visible soil;
 - ii. An enzyme pre-soak shall be used prior to cleaning;
 - iii. Warm water and the detergent appropriate for the particular item being cleaned shall be used;
 - iv. The item shall be thoroughly rinsed; and
 - v. Instruments shall be carefully inspected for cleanliness and damage and then dried before packaging.
2. Mechanical instrument washing shall include:
 - i. An initial cold water rinse to remove visible soil;
 - ii. An enzyme pre-soak shall be used prior to cleaning;
 - iii. The instrument shall be placed directly into the ultrasonic unit for a 10 minute cycle or as recommended by the manufacturer;
 - iv. The water and cleaning solution as recommended by the manufacturer shall be changed when visibly soiled or at a minimum, daily;
 - v. The chamber of the ultrasonic unit or cleaner shall be disinfected after use with 70 percent isopropyl alcohol; and
 - vi. Each time the chamber is filled with water, it shall be degassed to remove any air bubbles caused by the turbulence of the tank filling. This degassing process shall run at a five to 10 minutes cycle based upon manufacturer's recommendations.

§ 8:27-5.2 Packaging

(a) All instruments to be sterilized shall be packaged individually in peel-packs.

1. All peel-packs shall contain a chemical indicator or internal temperature indicator.

2. Tape sealed or self-sealed peel packs shall be dated with an expiration date not to exceed 90 days or as specified in writing by the manufacturer.

§ 8:27-5.3 Sterilization procedures

- (a)** All instruments that are processed by steam sterilization must first be cleaned. The manufacturer's instructions of the autoclave regarding water purity requirements, filling, draining, and general maintenance shall be followed. A copy of the instructions shall be maintained on site.
- (b)** Peel-packs shall be positioned standing on edge, paper to plastic. Loading racks or baskets specifically designed for these types of packages, or other means of holding them on edge and properly spaced, shall be used.
- (c)** The manufacturer's written instructions of the autoclave for the cycle parameters, time, temperature and pressure shall be followed.
- (d)** Policies and procedures shall be established when the cycle does not include a drying phase. Drying cycle shall be in accordance with the manufacturer's instructions.
- (e)** Wrapped items being cooled after removal from the autoclave shall remain untouched in the loading tray during the cooling period.
- (f)** All hinged instruments shall be processed in an open position.

§ 8:27-5.4 Biological and chemical monitoring

- (a)** All steam sterilizers shall be biologically tested on a monthly basis and following repair or breakdown. The biological indicator test for steam sterilization shall consist of bacillus sterothermophilus spores. These tests shall be verified through an independent laboratory.
- (b)** Biological monitoring of the steam sterilization cycle shall be conducted in a fully loaded chamber or as recommended by the sterilization manufacturer. The biological monitor shall be placed in the center of the load towards the front of the chamber.
- (c)** The following actions shall be taken if a biological indicator tests positive.

1. The independent laboratory shall notify the body art establishment within 24 hours of a positive test result;
 2. The body art operator shall notify the local health authority of the positive test and inform him or her of the follow-up steps;
 3. Instruments processed in that sterilizer shall be considered non-sterile and shall be reprocessed before use;
 4. The sterilizer in question shall be immediately re-challenged with a biological indicator; and
 5. The sterilizer shall not be used until a satisfactory test result (no growth) is reported by the independent laboratory.
- (d)** All biological test records shall be retained by the operator for a period of three years and made available upon request.
- (e)** Sterilizers with recording charts or printouts shall include a chemical integrator in the first working load each day a sterilization cycle is run.
1. All charts/printouts shall be reviewed and initialed by the sterilizer operator at the completion of each cycle and initialed to verify that all cycle parameters were met.
- (f)** Sterilizers without recording charts/printouts shall include a chemical integrator in each load run.
1. If the chemical integrator fails to meet the cycle parameters, all of the load contents shall be reprocessed.

§ 8:27-5.5 High-level disinfection

- (a)** All instruments that are processed by high level disinfection shall first be cleaned.
- (b)** The manufacturer's instructions for use shall be followed.
- (c)** The efficacy of chemicals used for high-level disinfection shall be verified by the use of a test specific to the chemical if a valid and reliable test method is available and feasible for use. The test shall be used daily.
- (d)** Personal protective equipment shall be worn to protect employees' skin and eyes from splashes and contact. Spills shall be cleaned immediately.

(e) Instruments that are removed from high level disinfectants shall be rinsed thoroughly, dried, and if not used immediately, are to be packaged in a zip-lock plastic bag.

(f) All body art establishments that use glutaraldehyde-based high level disinfectants shall monitor the environment to maintain exposure limits as recommended by the 2001 edition of "Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment," publication number 0101, by the American Conference of Governmental Industrial Hygienists (ACGIH), incorporated herein by reference, as amended and supplemented. A copy of this document may be obtained from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Suite 600, Cincinnati, Ohio 45240.

§ 8:27-5.6 Storage

(a) All instruments used for body art shall be stored to ensure the integrity of the packaging materials.

(b) When assembling instruments just prior to performing the procedure, the practitioner shall wear gloves and use an aseptic technique.

§ 8:27-5.7 Single use items

Single use items shall not be used on more than one client for any reason.

§ 8:27-5.8 Decontamination of environmental surfaces

(a) Blood spills on environmental surfaces shall be cleaned as specified in the Occupation Safety and Health Administration (OSHA) Rule 29 CFR part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(b) Aluminum foil or plastic covers shall be used to protect items and surfaces (for example, light handles) that may become contaminated by blood or saliva during use and that are difficult or impossible to clean and disinfect. Between clients, the coverings shall be removed, discarded, and replaced with clean material.

(c) A low-level disinfectant shall be used on general environmental surfaces.

1. Procedure surfaces shall be disinfected after each use.
2. Horizontal surfaces shall be disinfected daily.
3. Restrooms shall be disinfected daily.
4. General work surfaces in the equipment clean room shall be disinfected daily.
5. All storage cabinets shall be cleaned and disinfected on a frequency established by the operator.

(d) If decontamination and sterilization activities are performed in the same room:

1. Decontamination activities shall not take place simultaneously with packaging and/or sterilization activities; and
2. At the completion of decontamination activities, all countertops and work surfaces shall be disinfected with an approved disinfectant, gloves removed and hands washed before beginning and prep/packaging or sterilization activities.

SUBCHAPTER 6. BODY PIERCING

§ 8:27-6.1 Qualifications of body piercing practitioners and apprentices

(a) To qualify as a body piercing practitioner, a person shall submit to the establishment operator originals, or electronic or paper copies, of:

1. Records demonstrating that the person has completed an apprenticeship in body piercing, consistent with (b) below, such as:

i. Tax records;

ii. References from former employers;

iii. Certificates or diplomas indicating the person's completion of an apprenticeship; and

iv. Membership in good standing in a professional body piercing organization that conditions membership on the applicant's documentation to the organization of education and experience that are at least equivalent to the apprenticeship criteria at (b) below.

(1) Upon information and belief, and subject to verification as that entity might amend and supplement its membership criteria, membership as a "business member," a "business member-at-large," and/or an "associate piercer member," of the Association of Professional Piercers, <https://www.safepiercing.org>, meets the apprenticeship criteria at (b) below;

2. At least 10 client applications, accompanying adverse reaction reports (if applicable), and photographs (or digital images) of body piercings that the practitioner has personally performed.

(b) A completed apprenticeship consists of the apprentice having performed body piercing at a body piercing establishment as an apprentice for a minimum of 1,000 hours under the direct supervision of a practitioner.

§ 8:27-6.2 Jewelry

(a) Operators shall ensure that jewelry used in body piercing is:

1. Compliant with the Association of Professional Piercers Initial Jewelry Standards (adopted February 05, 2009, most recent revision approved May 28, 2019), incorporated herein by reference, as amended and supplemented, available at <https://www.safepiercing.org/jewelry-for-initial-piercings>;

2. Sterilized or disinfected;

3. If not immediately used after disinfection, packaged in a heat-sealed or zipper-topped (such as a Ziploc(R)) plastic bag;
4. If manufacturer-designated only for use in or at specified body parts or areas, used only in the designated locations on the body and is not used in other body locations; and
5. If previously worn by anyone other than the client, cleaned and autoclaved and the operator shall ensure that the client receives written notice of the jewelry's pre-worn status before use.

§ 8:27-6.3 Skin preparation

- (a) Operators shall ensure that practitioners and apprentices:
1. Do not perform body piercing procedures on or at skin surfaces that have sunburn, rash, keloids, pimples, boils, infection, open lesion, or scar tissue, or manifest an indication of an unhealthful condition;
 2. Thoroughly disinfect the area at which a body piercing is to be located before marking the specific placement area; and
 3. Mark areas at which body piercings are to be placed using only medical-grade, non-toxic, single-use markers or, for marking an oral piercing location, gentian violet applied with a single-use applicator.

§ 8:27-6.4 Use of antiseptics

- (a) The minimum acceptable standards for the use of antiseptics for body piercing procedures shall be the following:
1. Before applying antiseptics, the practitioner shall thoroughly wash his or her hands in hot running water with liquid soap, then rinse hands and dry with clean disposable paper towels.
 2. When performing a lip procedure or other general skin piercing, the external area of the skin to be pierced shall be thoroughly cleaned with Chlorhexidine, 70 percent to 90 percent isopropyl alcohol containing products, iodophors or iodine compounds.

- i. Once applied, the antiseptic shall be allowed to dry before the procedure is performed.
3. Any oral skin piercing procedure shall be preceded by the client performing not less than a one minute, vigorous application of an antiseptic mouthwash.
4. When performing a skin piercing of any area close to the eye, a Q-tip shall be used to thoroughly clean the area with soap and water.
5. When performing a skin piercing of the genitalia, the skin area to be pierced shall be thoroughly cleaned with iodophors or iodine compounds, Chlorhexidine or Triclosan.

§ 8:27-6.5 Body piercing procedures

- (a) Piercing needles shall be sterile and for single service use. Reuse of piercing needles shall be strictly prohibited and practitioners shall appropriately dispose of the needle after performing each piercing procedure.
- (b) Only a practitioner or an apprentice is permitted to conduct body piercing.
- (c) Materials such as cork and wood cannot be sterilized and shall be stored in covered containers.
 1. An aseptic technique shall be used to remove materials.
 2. Single use items shall be discarded after each procedure.
- (d) Sterile instruments shall be opened in the presence of the client and handled aseptically.
- (e) Minimum gauge needles required for soft tissue body piercing of the earlobe, eye brow and other areas of the face including the septum shall be 18 gauge. Needles for genital areas shall be 14 to 8 gauge depending on the piercing. Needles for nipple, navel and tongue piercings shall be a minimum of 14 gauge.

§ 8:27-6.6 After care instructions

(a) After care instructions shall be administered to each client following the body piercing procedure. After care shall consist of both verbal and written instructions concerning proper care of the pierced area. A copy of the written after care instructions shall be signed by the client and kept on file with the client's records. Instructions shall minimally specify:

1. Responsibilities and care specific to the site of the piercing following service;
2. Information regarding tightness of balls attached to barbell studs to prevent accidental ingestion or imbedding of certain jewelry;
3. Information regarding any physical, cosmetic or other restrictions;
4. Signs and symptoms of infection; and
5. Instructions to consult a physician if infection occurs.

SUBCHAPTER 7. TATTOOING

§ 8:27-7.1 Qualifications of tattooing practitioners and apprentices

(a) To qualify as a tattooing practitioner, a person shall submit to the establishment operator originals, or electronic or paper copies, of:

1. Records demonstrating that the person has completed an apprenticeship in tattooing, consistent with (b) below, such as:
 - i. Tax records;
 - ii. References from former employers;
 - iii. Certificates or diplomas indicating the person's completion of an apprenticeship;
 - iv. Membership in good standing in a professional tattooing organization, such as the Alliance of Professional Tattooists, Inc., that conditions membership on the applicant's documentation to the organization of education and experience that are at least equivalent to the apprenticeship criteria at (b) below; and
2. At least 10 client applications, accompanying adverse reaction reports (if applicable), and photographs (or digital images) of tattoos that the tattooist has personally performed.

(b) A completed apprenticeship consists of the apprentice having performed tattooing at a tattooing establishment as an apprentice for a minimum of 2,000 hours under the direct supervision of a practitioner.

§ 8:27-7.2 Shaving and preparation of the skin

(a) The first step in skin preparation shall be washing the area with soap and water.

(b) A single use disposable razor shall be used in shaving as necessary.

1. The razor may be disposed as general garbage only if the client's skin has not been broken during shaving.

2. The razor shall be disposed as regulated medical waste if the client's skin has been broken.

(c) Upon completion of shaving the client's skin, the skin and surrounding area shall be washed with soap and water. The pad used for washing the skin and surrounding area shall be discarded after a single use.

(d) The skin and surrounding area shall be washed with a solution of 70 percent to 90 percent isopropyl alcohol and allowed to dry before starting the procedure.

§ 8:27-7.3 Equipment and supplies

(a) A sterile needle shall be provided for each client.

1. Solder used for the attachment of needles to the needle bars shall be lead free.

(b) Art stencils shall be single use and disposable.

(c) Ointments shall be single use or foil packs.

(d) Soaps and other products shall be dispensed and applied on the area to be tattooed with paper towels or gauze or in a manner to prevent contamination of the original container and its contents.

(e) The gauze shall be single use and shall not be used more than once.

(f) Use of styptic pencils or alum solids to check any blood flow shall be prohibited.

(g) Sterilized needles, tubes or tips shall be on hand for each practitioner for the entire day, based on the average client need per day.

§ 8:27-7.4 Pigments

(a) All dyes used in tattooing shall be nontoxic, nonirritating to tissue, stable to light and inert to tissue metabolism.

1. Pigments shall not contain talc.

(b) Nontoxic materials shall be used when preparing dyes or pigments.

1. Single use, individual containers for dyes or pigments shall be used for each patron.

(c) Any excess dye or pigment applied to the skin shall be removed with single use, lint-free paper products.

(d) Pigments shall be obtained only from a reputable tattoo supplier.

§ 8:27-7.5 After care

(a) After care shall be administered to each client following the tattooing. After care shall consist of both verbal and written instructions concerning proper care of the tattooed area. A copy of the written after care instructions shall be signed by the client and kept on file with the clients records. Instructions shall, at a minimum, specify:

1. Responsibilities and care specific to the site of the tattooing following service;
2. Possible side effects;
3. Information regarding any physical, cosmetic or other restrictions;
4. Signs and symptoms of infection; and
5. Instructions to consult a physician if infection occurs.

SUBCHAPTER 8. PERMANENT COSMETICS

§ 8:27-8.1 Qualifications of permanent cosmetics practitioners and apprentices

(a) Subject to (d) and (e) below, to qualify as a permanent cosmetics practitioner, a person shall submit to the establishment operator, originals, or electronic or paper copies, of:

- 1.** Record demonstrating successful completion of the basic training program in permanent cosmetics specified at (b) below, evidence of which is an original certificate, diploma, or other documentation that a training program issues to indicate successful completion; and
- 2.** Subject to (c) below, records demonstrating that the person, under the direct supervision of a trainer or instructor, personally performed permanent cosmetics procedures of the types and quantities of each procedure specified below, evidence of which is a copy of the client application for each procedure and a photograph of the completed permanent cosmetics procedure that corresponds to each client application:
 - i.** Five eyebrow simulation procedures;
 - ii.** Five lip lining or shading procedures; and
 - iii.** Five eyeliner or eyelash enhancement procedures.

(b) To qualify as a permanent cosmetics apprentice, a person shall submit to the establishment operator, originals, or electronic or paper copies, of:

- 1.** Records demonstrating completion of a basic training program that required the person to:
 - i.** Successfully complete at least 100 hours of training provided by one or more trainers or instructors, evidence of which is an original certificate, diploma, or other documentation that a training program issues to indicate successful completion; and
 - ii.** Obtain a passing grade on one of the following examinations:
 - (1)** The American Academy of Micropigmentation permanent cosmetics practitioner examination;
 - (2)** The Society of Permanent Cosmetic Professionals certified permanent cosmetic professional examination; or

(3) The SofTap(R), Inc., permanent cosmetics practitioner examination.

(c) As an alternative to meeting the criteria at (a)2 above, a person who performs procedures of the type, and in the quantity, specified at (a)2 above, but not under the direct supervision of a trainer or an instructor, shall perform one additional permanent cosmetics procedure of each type specified at (a)2 above, and the subsequent follow-up or touch-up of that procedure, under the direct supervision of a trainer or an instructor, evidence of which is a copy of the client application for the procedure that the trainer or instructor verifies as the apprentice's work by signature, date, and credential, and a photograph of the completed permanent cosmetics procedure that corresponds to the client application.

(d) An operator shall ensure that a qualified permanent cosmetics practitioner who is to perform the discipline of areola restoration, has the credentials specified at (a) above and:

1. Has successfully completed a training program in areola restoration of at least 16 hours in length provided by a trainer or an instructor, evidence of which is an original certificate, diploma, or other documentation that a training program issues to indicate successful completion.

(e) An operator shall ensure that a qualified permanent cosmetics practitioner who is to perform the discipline of camouflage has the credentials specified at (a) above and:

1. Has completed six months of experience as a full-time permanent cosmetics practitioner, evidence of which is timesheets, paystubs, an employer or operator certification under the penalty of perjury, or other documentation that enables the health authority to confirm the length of the practitioner's practice experience; and
2. Has successfully completed a training program in camouflage of at least 16 hours in length provided by a trainer or an instructor, evidence of which is an original certificate, diploma, or other documentation of successful completion that a training program issues.

(f) An operator of a permanent cosmetics establishment shall not allow the performance of permanent cosmetics procedures in the disciplines of areola restoration or camouflage, unless the operator's documentation on file with the local health authority states that the establishment will perform permanent cosmetics in the disciplines of areola restoration or camouflage; and identifies the permanent cosmetics practitioners who are to perform areola restoration or camouflage at the establishment; and

(g) An operator of a body art establishment shall maintain a file for each practitioner and apprentice containing copies of applicable documentation of qualifications and other required records, and to make these records available upon request of the health authorities.

§ 8:27-8.2 Minimum standards for permanent cosmetics apprenticeship programs

(a) The operator of a permanent cosmetics establishment that elects to offer an apprenticeship program in permanent cosmetics shall ensure that the apprenticeship program meets, and adheres to, the following minimum standards:

- 1.** An operator of a permanent cosmetics establishment shall not allow the conduct of a permanent cosmetics apprenticeship program, unless the operator's documentation on file with the health authority states that the establishment will provide an apprenticeship program, names the permanent cosmetics practitioners who are to serve as trainers or instructors, and states that the trainers or instructors are qualified;
- 2.** The theoretical and practical components of the apprenticeship program curriculum shall meet or exceed the curriculum for the basic permanent cosmetics training program of the Society of Permanent Cosmetic Professionals, the American Academy of Micropigmentation, or SofTap(R), Inc.;
- 3.** Upon successful completion of an apprenticeship program, an apprentice shall have performed under the direct supervision of one or more trainers or instructors at least five:
 - i.** Eyebrow simulation procedures;
 - ii.** Lip lining or shading procedures; and
 - iii.** Eyeliner and/or eyelash enhancement procedures;
- 4.** Subject to (a)6 below, no trainer or instructor shall serve as the supervising trainer or instructor of more than four apprentices who are physically present at the same time in an establishment to perform apprenticeship duties;
- 5.** An operator shall not allow an apprentice to perform a permanent cosmetics procedure on a person unless, during the performance of the procedure, the apprentice's supervising trainer or instructor constantly is:

- i. Present in person in the workstation and not performing procedures on another client at the same time; and
 - ii. Visually observing the apprentice and the person receiving the procedure;
6. A trainer or an instructor shall not supervise the performance of a permanent cosmetics procedure by more than one apprentice at a time;
7. An operator contemporaneously shall maintain, during each day of an apprentice's training, a log that identifies:
 - i. The dates and hours the apprentice trains each day;
 - ii. The persons serving as the apprentice's supervising trainers or instructors each day;
 - iii. The types of procedures performed, and training provided, each day in hours (or portions thereof); and
 - iv. The status of the apprentice's efforts to complete each of the minimum curriculum components at (a)3 above;
8. Regardless of whether an apprentice completes an apprenticeship program, an operator shall:
 - i. Retain the log that (a)7 above requires for five years from the commencement of the apprenticeship, provided the operator shall maintain the log onsite for at least the six months following an apprentice's completion or discontinuation of an apprenticeship; and
 - ii. Provide a copy of the apprentice's logged activity to the apprentice in accordance with (a)9 below;
9. An operator shall provide a copy of an apprentice's activity log to a current or former apprentice:
 - i. Within one business day of a request, if the operator maintains the log onsite of the establishment premises; and
 - ii. Within 10 business days of a request if the operator maintains the log other than onsite.

§ 8:27-8.3 Skin preparation for permanent cosmetics procedures

- (a) Operators shall ensure that practitioners and apprentices:

1. Comply with N.J.A.C. 8:27-4.7 before preparing a client's skin for the application of permanent cosmetics; and
2. Prepare a client's skin at the site of the permanent cosmetics application by:
 - i. Cleaning the skin thoroughly with dispensed soap, in foam or liquid form, and water;
 - ii. Applying isopropyl alcohol of at least 70 percent concentration to the permanent cosmetics application site; and
 - iii. Allowing the skin to dry before commencing the procedure.

§ 8:27-8.4 Practice standards for permanent cosmetics procedures

(a) Operators shall establish and implement policies and procedures that ensure that, in performing permanent cosmetics procedures, practitioners and apprentices, as applicable:

1. Discard single-use devices after use;
2. Administer, and have the client execute, a new client application form in accordance with N.J.A.C. 8:27-4.2 by, and with, each client who requests a touch-up of prior permanent cosmetics work of the establishment if more than 180 days have elapsed since the performance of the prior work;
3. Administer after-care instruction before each procedure;
4. Do not allow to remain in a procedure room, when not in use, opened over-the-counter cosmetics that are for use by, or on, members of the public;
5. Do not perform permanent cosmetics procedures on skin surfaces that have sunburn, rash, keloids, pimples, boils, infections, or open lesions, or bear indicia of illness or unhealthful conditions; and
6. Do not perform permanent cosmetics procedures on persons who are:
 - i. Pregnant; or
 - ii. Taking, or took, within the preceding year, oral tretinoin or isotretinoin medication.

SUBCHAPTER 9. EAR PIERCING

§ 8:27-9.1 Scope

This subchapter applies to operators of ear-piercing establishments that a health authority authorizes pursuant to N.J.A.C. 8:27-9.2.

§ 8:27-9.2 Approval to operate

(a) A person or entity seeking to operate an ear-piercing establishment shall apply to the health authority for a license or permit, which shall have an effective period of one year, and annually shall apply for renewal of a license or permit.

1. An operator shall display the license or permit in a conspicuous place on the premises where clients can readily observe it.
2. No person shall operate an ear-piercing establishment without a license or permit that is in good standing and has not been suspended or revoked.

§ 8:27-9.3 Client records

(a) Operators shall retain client records for a minimum of three years and make them available to a health authority upon request.

(b) Subject to (d) below, an operator shall require a person applying for ear-piercing procedures to complete an application that requires:

1. The applicant to submit the following information on the application:
 - i. The applicant's name, date of birth, and address and, if the applicant is executing the application as the parent or guardian of a minor, the name, date of birth, and address of the minor;
 - ii. The telephone number and name of the applicant's emergency contact;
 - iii. Whether the applicant is on blood-thinning medication, or has hemophilia, diabetes, allergies, and/or ear cysts; and

vi. The applicant acknowledges receipt of written and spoken after-care instruction from the practitioner and agrees to adhere to that instruction.

(d) An operator shall not permit the performance of ear piercing on a minor without the written consent and physical presence of the minor's parent or legal guardian at the time of the ear piercing, and shall ensure that:

- 1.** The parent or legal guardian executes the application as the applicant's parent or legal guardian pursuant to (b) and (c) above;
- 2.** The practitioner who is to perform the procedure personally examines, and makes photocopies, which are to be affixed to the application, of government-issued identification of the minor, and government-issued photographic identification of the parent or legal guardian, which collectively show the age of both, and the relationship between, the minor and the parent or guardian; and
- 3.** If the address the applicant provides pursuant to (b)1i above is not the same for both the minor and the parent or guardian, then the practitioner shall require the applicant to provide a copy of a court order or other government-issued documentation showing that the parent or guardian has custody of the minor, a copy of which the practitioner shall affix to the application.
 - i.** Neither the practitioner nor the application form shall inform the applicant of this requirement in advance of an applicant's execution and submission of an application.
 - ii.** If an applicant is unable to provide documentation showing custody of the minor and the procedure is not performed, the applicant shall retain the application on file for at least 180 days, and shall cross-check any new applications against the retained applications during that period.

§ 8:27-9.4 Reporting requirements

(a) An operator of an ear-piercing establishment shall report to the health authority, within 24 hours of becoming aware or being informed of, infections or injuries resulting from ear-piercing procedures performed at the establishment.

(b) A health authority that receives reports pursuant to (a) above shall submit those reports to the Department in the succeeding January of each year, using the form at the chapter Appendix.

§ 8:27-9.5 Hand washing and personal hygiene

(a) Operators shall ensure that practitioners performing ear piercings:

1. Maintain a high standard of personal cleanliness, which shall include wearing clean outer garments, washing their hands after smoking, eating, drinking, or visiting the restroom before performing each ear-piercing procedure, in accordance with (b) or (c) below, and wearing medical gloves.

(b) Required hand washing consists of a person:

1. Wetting the hands first with water;
2. Applying soap in foam or liquid form to the hands;
3. Rubbing the hands together vigorously for at least 15 seconds, covering all surfaces of the hands and fingers with soap;
4. Rinsing the hands with water; and
5. Using single-use paper towels to dry the hands and to turn off the faucet.

(c) If hand washing sinks with running water are not readily available, hand washing shall be performed by use of alcohol-based hand rub, provided the hands are not visibly dirty or soiled with blood or body fluids, in which case, hand washing pursuant to (b) above shall be performed first, elsewhere, followed by use of alcohol-based hand rub upon the practitioner's return to the establishment premises.

(d) An operator that provides a reusable soap dispenser for practitioner hand washing shall ensure that the dispenser is emptied and cleaned before being refilled.

(e) Operators shall ensure that practitioners wear single-use medical gloves on both hands at all times during the performance of ear-piercing procedures.

(f) Operators shall establish written policies and procedures addressing the needs of employees, piercers, and clients who have latex allergies, and shall supply alternatives to latex medical gloves and other latex-containing items

to which employees, piercers, and clients who have latex allergies may be exposed in the establishment.

§ 8:27-9.6 Piercing instrument standards

- (a)** Ear piercing instruments shall not be used for piercing any part of the body other than the ear lobes and trailing edge of the ear.
- (b)** Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the ear lobes and the trailing edge of the ear.
- (c)** The operator of a business offering ear piercing services with an ear piercing instrument shall establish procedures to ensure that all individuals working on the business premises shall be adequately trained to properly use, clean, disinfect and store the ear piercing instrument, in accordance with the manufacturer's recommendations.
- (d)** An employee shall not independently perform ear piercing with an ear piercing instrument until the employee has successfully completed a training program and the competency of said employee is maintained on file by the operator and documented in the following manner:
 - 1.** The training program shall document the full name of the trainer, full name of employee and the content of the training program; and
 - 2.** The employee shall at a minimum perform three ear lobe and three cartilage procedures under the direct supervision of the operator.
- (e)** The entire area of the clasp retainer and all parts of the instrument in direct contact with the client's skin shall be cleaned with alcohol or a detergent recommended by the manufacturer before and after each piercing.
- (f)** New or disinfected piercing instrument tools shall be stored separately from used or soiled tools or other instruments.

SUBCHAPTER 10. TEMPORARY ESTABLISHMENTS

§ 8:27-10.1 Issuance of permit

(a) Temporary establishments shall be governed by all the rules of a permanent establishment as set forth in this chapter.

(b) A temporary establishment may be authorized for body art procedures provided outside of the physical site of a licensed establishment for the purposes of product demonstration, industry trade shows, and/or educational reasons.

§ 8:27-10.2 Permit requirements

(a) Application for a temporary permit shall be submitted in writing to the health authority at least 30 days prior to the event. The application shall specify:

1. The purpose for which the permit is requested;
2. The period of time during which the permit is needed (not to exceed 14 calendar days per event), without re-application;
3. The applicant's legal name, home address, and telephone number, full business name, business address, post office address and telephone number;
4. A complete description of all services to be provided, the proposed hours of operation, the names and address of all practitioners;
5. A copy of the client application, health history, and informed consent forms for each procedure used for the event; and
6. The facility name and business address where services will be provided.

(b) The permit for the temporary establishment shall not be transferable from one place, location or person to another.

(c) The permit for the temporary establishment shall be posted in a prominent and conspicuous area readily observable by patrons.

§ 8:27-10.3 Operation

(a) The operation of a temporary establishment shall be in compliance with all of the requirements of this chapter.

(b) The temporary establishment shall be inspected by the health authority and a permit shall be issued prior to any procedures being performed.

(c) Body art performed pursuant to this section shall be done only in a completely enclosed non-mobile facility (for example, inside a permanent building).

(d) Conveniently located hand washing facilities with liquid soap, paper towels and hot and cold water under pressure shall be provided.

1. Tuberculocidal single use hand wipes to augment the hand washing requirements shall be available in each booth/cubicle.

(e) The work area shall not be less than 40 square feet.

(f) At least 100 foot-candles of artificial light shall be provided at work stations.

(g) Facilities to properly sterilize instruments shall be physically separated from procedure areas.

1. A biological indicator test shall be performed at the site prior to the event. A negative spore test shall be provided to the health authority.

2. Pre-packaged single use instruments or previously pre-packaged sterilized instruments shall be allowed.

(h) A notice shall be posted in a conspicuous place in each booth/cubicle containing the name and address of the practitioner and the procedure for filing a complaint or reporting an infection.

1. This procedure for filing a complaint or reporting an infection shall be given to each client with the written after care instructions, which shall be signed and maintained with the client's records.

SUBCHAPTER 11. ENFORCEMENT

§ 8:27-11.1 Scope

This subchapter applies to body art and ear-piercing establishments.

§ 8:27-11.2 Inspection, inspection report, and plan of correction

- (a)** The local health authority with jurisdiction shall inspect every body art and ear-piercing establishment at least annually.
- (b)** The State health authority shall inspect each temporary body art establishment occurring in State-operated facilities.
- (c)** Each body art and ear-piercing establishment is subject to applicable provisions of Titles 24 and 26 of the Revised Statutes, including the right of a health authority to have access to and inspect premises, records, and items located therein.
1. A representative of the health authority shall present proper identification to an operator, or other person in charge at an establishment, upon commencing an inspection.
- (d)** An operator shall:
1. Permit a health authority to have full access to the establishment; and
 2. Make available for inspection and copying, upon request of the health authority, all records that this chapter requires the operator to maintain.
- (e)** A person who obstructs or interferes with a health authority in the performance of an inspection or other duty is subject to penalty pursuant to applicable provisions of Titles 24 and 26 of the Revised Statutes.
- (f)** Following an inspection, a health authority shall issue a written inspection report in which the health authority:
1. Identifies any deficiencies in the operator's compliance with Titles 24 and 26 of the Revised Statutes, and/or this chapter, citing to the section of the title or chapter, with respect to which the operator is deficient;
 2. Identifies deficiencies that the operator immediately must abate to avoid suspension or closure pursuant to N.J.A.C. 8:27-11.3; and
 3. Specifies applicable fines and/or penalties for each cited deficiency pursuant to N.J.A.C. 8:27-11.4.
- (g)** Within 10 business days of an operator's receipt of a health authority's written inspection report that identifies deficiencies pursuant to (d) above, the operator:

1. Shall submit, to the health authority, a written plan of correction in which the operator specifies the manner and the dates by which the operator will correct, and avoid in the future, each cited deficiency; and
 2. May submit to the health authority:
 - i. A request for reconsideration of a deficiency finding that the operator contends to be inconsistent with the facts or an applicable compliance standard; and
 - ii. Supplemental documents or materials in support of the operator's contention.
- (h)** Within 10 business days of its receipt of a plan of correction and/or request for reconsideration pursuant to (f) above, a health authority shall review the plan and/or the request and:
1. Notify the operator, in writing, of:
 - i. The health authority's determination to accept and/or reject an operator's plan of correction in whole or in part;
 - ii. The reasons it rejects any parts of the plan of correction by explaining how a rejected proposed corrective measure would be inadequate to meet an applicable compliance standard; and
 - iii. The health authority's determination on an operator's request for reconsideration and any associated requirements to implement the determination;
 2. Direct and authorize the operator to complete the accepted parts of the plan of correction and notify the health authority, in writing, as to the status of completion of each corrective measure on or before the date the plan of correction specifies for completion of each measure; and
 3. Direct the operator to submit a revised plan of correction as to any rejected parts of the submitted plan within 10 business days of the date of the notice of rejection.
- (i)** A health authority may conduct a repeat inspection to confirm the operator's acceptable performance of deficiency corrections.
- (j)** An operator is subject to additional or enhanced enforcement action, pursuant to N.J.A.C. 8:27-11.3, if the operator fails to timely:
1. Pay assessed fines and/or penalties;
 2. Submit a plan of correction;

3. Resubmit a plan of correction that is acceptable to the health authority, if the health authority rejected the operator's initial plan of correction in whole or in part;
4. Report to the health authority as to the status of the operator's completion of each part of an accepted plan of correction; and
5. Complete corrective measures in accordance with an accepted plan of correction.

(k) A local health authority shall:

1. Submit a written report using, or containing at least the information listed in the form at N.J.A.C. 8:27 Appendix, which is incorporated herein by reference, of each adverse reaction notification it receives pursuant to N.J.A.C. 8:27-4.6, to the Department in January of each year; and
2. Report to the Department within the reporting periods and in accordance with the reporting procedures specified at N.J.A.C. 8:57, if a notification pursuant to N.J.A.C. 8:27-4.6 or an inspection indicates a suspected or a confirmed case of a reportable communicable disease or a communicable disease outbreak.

(l) The following are government records subject to public access and disclosure in accordance with N.J.S.A. 47:1A-1 et seq., and other applicable laws:

1. Final reports of annual inspections of body art and ear-piercing establishments;
2. Reports of inspections of temporary establishments;
3. Plans of correction; and
4. A final report of an outbreak epidemiological investigation of or related to a body art or an ear-piercing establishment.

(m) The following are not government records subject to public access and disclosure in accordance with N.J.S.A. 47:1A-1 et seq., and other applicable laws:

1. A report of an adverse reaction notification issued pursuant to N.J.A.C. 8:27-4.6;
2. Communicable disease reports; and
3. Subject to (l)4 above, records relating to an outbreak epidemiological investigation of a body art or an ear-piercing establishment.

§ 8:27-11.3 Criteria for closure and permit or license suspension

(a) A health authority immediately may close an establishment and/or suspend an operator's license or permit to operate a body art or ear-piercing establishment if the health authority finds that such action is necessary to abate an actual or imminent threat to public health.

(b) Following is a non-exclusive list of examples of conditions that pose an actual or imminent threat to public health and warrant a health authority's immediate closure of an establishment:

1. Failure or lack of properly functioning equipment;
2. Failure of an operator to report malfunctioning or missing required equipment to the health authority pursuant to N.J.A.C. 8:27-5.4, except as provided at (c) below;
3. Unsanitary or unsafe conditions;
4. The health authority has reasonable cause to suspect that an operator, a practitioner, or an apprentice is, or may be, transmitting a communicable disease;
5. A practitioner demonstrates gross incompetence in performing body art or ear piercing;
6. An operator obtains, or attempts to obtain, a permit or license by means of fraud, misrepresentation, or concealment;
7. Subject to (b)7i below, an operator, a practitioner, or an apprentice is convicted in this State, or any other state, of a crime directly related to the practice of body art or ear piercing.
 - i. This provision applies only to a crime occurring subsequent to the health authority's issuance of a license or permit to operate, provided the operator fully disclosed to the health authority all prior crimes of the operator, practitioners, and/or apprentices of the establishment, the relevance of which, the health authority considered in determining the applicant's fitness to receive the requested license or permit to operate and/or the appropriateness of the operator allowing the convicted practitioner or apprentice to perform services at the establishment;
8. An operator engages in, or condones, and/or a practitioner or an apprentice engages in, illegal activity on the establishment premises;

- 9.** An operator allows, or fails to prevent, the performance of, a genital piercing upon a person under 18 years of age at the establishment;
- 10.** An operator allows, or fails to prevent, the performance of implants, branding, and/or cutting at a body art establishment; and/or
- 11.** A person who does not meet the training, experiential, and credentialing requirements of this chapter performs body art procedures in a body art establishment.

(c) This subsection contains a non-exclusive list of examples of conditions and circumstances that pose an actual or imminent threat to public health and warrant at least a seven-day suspension of an operator's license or permit:

- 1.** Failure to report to the health authority within 24 hours any infection or injury requiring a medical referral;
- 2.** Performing a body art procedure on any person under the age of 18 years of age, without the presence, written consent, and proper identification of a parent or legal guardian;
- 3.** Failure to notify the health authority within 24 hours of positive biological indicator test result of the autoclave;
- 4.** Using an ear-piercing instrument for any part of the body other than the ear lobes and trailing edge of the ear; or
- 5.** An apprentice performs a body art procedure without direct supervision by the apprentice's supervising trainer or instructor.

(d) An operator's actual, or purported, lack of knowledge of a condition listed at (a) or (b) above shall not provide a basis of defense or objection to an action of a health authority to close, or suspend, the operating authority of an establishment.

(e) A local health authority shall submit a written report, using, or containing, at least the information listed in the form at N.J.A.C. 8:27 Appendix, of notifications it receives pursuant to (b)3 above to the Department in January of each year, and within the reporting periods and in accordance with the reporting procedures specified at N.J.A.C. 8:57, if a notification indicates a suspected or a confirmed case of a reportable communicable disease or a communicable disease outbreak.

§ 8:27-11.4 Penalties

Any person who violates any provision of this chapter or an applicable provision of Subtitle 1 of Title 24, or Title 26, of the Revised Statutes, or who fails or refuses to comply with a lawful order or directive of the health authority, shall be liable for penalties and/or subject to injunctive action and other remedies as provided by applicable law, including, but not limited to, N.J.S.A. 24:2-2.1 et seq., 24:17-1 et seq., and 26:1A-10, 27, and 28.

§ 8:27-11.5 Adulterated or misbranded device or cosmetic; detention and embargo

If a health authority finds, or has probable cause to believe, that a device or cosmetic, such as pigment, at an establishment is adulterated or misbranded within the meaning of Title 24 of the Revised Statutes (see particularly N.J.S.A. 24:5-1 et seq.), the health authority shall detain and/or embargo the device or cosmetic in accordance with N.J.S.A. 24:4-12.

APPENDIX – Report of Infection or Injury

**New Jersey Department of Health
REPORT OF INFECTION OR INJURY**

BODY ART OR EAR-PIERCING ESTABLISHMENT

Copies of the Body Art and Ear-Piercing Infection/Injury Report forms must be emailed to the Department of Health in January of each year

SECTION I - INFORMATION ON LOCAL HEALTH DEPARTMENT (LHD) RESPONDING TO REPORT		
Name of Local Health Department		
Address, City, State, Zip Code		
Name of LHD Official Receiving Report	Telephone No.	Email Address
SECTION II - INFORMATION REPORTED TO THE ESTABLISHMENT		
1. Date and Time Incident Reported to the Establishment	2. Name of Person Reporting Incident to the Establishment	
3. Relationship of Reporting Person to Ill or Injured Person	4. Name of Person Performing the Procedure	
5. Name and Address of Establishment at Which Procedure Was Performed		6. Business Telephone No.
7. Parent or Legal Guardian's Signed Consent for Procedure to be Performed if Victim is a Minor: <input type="checkbox"/> Copy of Consent Obtained by LHD	8. Client's Application and Aftercare Instructions: <input type="checkbox"/> Copy Obtained by Local Health Department	
9. Name of Ill or Injured Person (Last, First, MI)		10. Date of Birth
11. Street Address		12. Home Telephone No.:
13. City, State, Zip Code		14. Business Telephone No.:
15. Date of Procedure	16. Time of Procedure	17. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Identifies as Other
18. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Don't Know <input type="checkbox"/> Prefers Not to Say		
19. Did ill or injured person list any of the following medical conditions in application? <input type="checkbox"/> Diabetes <input type="checkbox"/> Allergies <input type="checkbox"/> Skin Conditions <input type="checkbox"/> Medications <input type="checkbox"/> Other: _____		
SECTION III - INVESTIGATION		
A - LOCAL HEALTH AUTHORITY INTERVIEW WITH ILL OR INJURED PERSON		
20. Date of Interview		

INTERVIEWER'S INSTRUCTIONS:

Read everything to the individual being interviewed and check all appropriate answers.

INTERVIEWER'S SCRIPT:

Hello! I am _____ with the _____ Health Department and we are working with the New Jersey Department of Health to identify risk factors for infections or injuries which may have resulted from a body art procedure. We are trying to determine the cause so that we can prevent any future problems. May I have 15 minutes of your time?

If answer is YES -- Skip to "Information on Ill or Injured Person."

If answer is NO -- is there a better time when I can call?

Day: _____ Date: _____ Time: _____ AM PM

If answer is NO, also state the following: It is really important that we find out what is causing this problem. All your answers will be kept confidential, and I will try to keep this interview as short as possible.

HISTORY:

New Rule, R.2022 d.089, effective July 18, 2022.

See: 54 N.J.R. 229(a), 54 N.J.R. 1392(a).

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