



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Twelve Beauty Therapy, Tattooing, and Skin Piercing

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Twelve - Beauty Therapy, Tattooing, and Skin Piercing	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 12 – Beauty Therapy, Tattooing, and Skin Piercing

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Foreword

This Part of the bylaw is made under section 64 of the Health Act 1956 and section 145 of the Local Government Act 2002 (LGA).

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this bylaw is to prevent the transference of communicable diseases via beauty therapy practices, tattooing or skin piercing.
- 1.2. Registered doctors, dentists, nurses, physiotherapists, pharmacist and podiatrists are exempt from the requirement of licensing due to their recognised training standards; however general standards of hygiene must still comply with the Infection Control Standards NZS 8134 3 2008.
- 1.3. This Part of the bylaw should be read in conjunction with the Ministry of Health Guidelines for the Safe Piercing of Skin 1998.

2. Definitions

Beauty Therapy Practices: Provision of various treatments aimed at improving a person's appearance or wellbeing including, but not limited to, any commercial service that:

- pierces the skin (including but not limited to tattooing, body piercing, electrolysis, red vein therapy, dermal rolling or stamping, extractions); or
- risks breaking the skin (including but not limited to hair removal e.g. waxing and electrolysis, manicure, pedicure); or
- risks burning the skin (including but not limited to pulsed light, laser treatments, solariums).

Where relevant this includes businesses such as jewellers, beauty therapists, nail technicians, tattooists and hairdressers.

Commercial service: A service (whether from permanent, temporary or mobile premises or by a mobile operator) provided by one or more persons for another person for monetary payment or any other consideration.

Communicable Disease: Any infectious disease such as Hepatitis B and C, HIV/AIDS and any other disease declared by the Governor General, by order in Council, to be a communicable disease for the purpose of the Health Act 1956.

Designated Premises: Includes any commercial, industrial, residential property, or community building where a prescribed process is carried out.

Licensee: The person or legal entity to whom the Certificate of Registration has been issued under this Part of the bylaw.

Mobile Operator: A person who operates without a premises.

Mobile Premises: Any vehicle, stall or unit whether self-propelled or not, from which a prescribed process is carried out.

Operator: Any licensee and/or staff member who performs a prescribed process.

Premises: Means, as the context requires, designated premises or mobile premises.

Prescribed Process: Any beauty therapy, tattooing or skin piercing process for which payment is received.

Skin Piercing: A practice involving piercing, cutting and puncturing the skin or any other part of the human body and includes such services as acupuncture, body piercing, derma rolling/stamping, electrolysis, extractions, red vein treatment, tattooing, and traditional tools tattooing.

Tattooing: A process by which indelible marks are made in human skin or tissue by inserting pigments or dyes into punctures. Tattooing also includes the process known as pigment implantation or permanent makeup.

Used Wax (Including Paraffin Wax): Wax that has been previously applied to the body, remelted and sieved for removal of hair, left over in the cartridge of a roll on/pistol system that has been applied to any part of the body, left over in a heated pot from which it has been applied by spatula using the double dipping procedure, left in the cartridge of a flow on system that has been applied to any part of the body.

3. Certificate of Registration

- 3.1. No person shall use any premises for any prescribed process without a current Certificate of Registration.
- 3.2. A Certificate of Registration shall not be issued unless the premises concerned complies with all requirements of this Part of the bylaw, or an exemption in accordance with section 13 of this Part of the bylaw has been granted.
- 3.3. The Certificate of Registration must be prominently displayed at the principal entrance to the premises to which the prescribed process applies.
- 3.4. Applications for the registration of any premises under this Part of the bylaw shall be made by the owner or manager and shall be made on the prescribed form.
- 3.5. Fees (as set by Council annually) shall be payable on application for registration and renewed thereafter on an annual basis in accordance with this Part of the bylaw for a term of no more than one year.

4. General Conditions of Operation

- 4.1. No person shall allow or carry out any prescribed process on any person under the age of 16 years without the written permission of that person's parent or legal guardian.
- 4.2. No person shall carry out any prescribed process on any person whom they suspect is under the influence of alcohol, drugs or mind-altering substances.
- 4.3. No person shall allow or carry out any prescribed process unless they hold a recognised qualification, where a recognised qualification is available for the process. A recognised qualification may include a nationally or internationally recognised training standard, NZQA unit

standard, or industry training organisation. An exemption will be applied to any person under the direct supervision of someone who holds the said qualification and where the person providing the supervision is employed by a training institution.

- 4.4. No person shall, eat or drink on the premises except in a part of the premises that is clearly separate from the area where the prescribed process is carried out.
- 4.5. The operator of a premises where any prescribed process takes place, shall display in a prominent place a notice asking clients to inform them of any communicable disease the client has, which may be likely to have an effect on the process.
- 4.6. The operator shall maintain accurate records, in accordance with section 12 of this Part of the bylaw.
- 4.7. No person who knows or suspects that they are suffering from, or are a carrier of, a skin infection or communicable disease, or associated conditions, shall carry out any prescribed process, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 4.8. No animals, except disability assist dogs, are to be permitted in that part of the premises where the prescribed process takes place.
- 4.9. No person shall operate a solarium without complying with AS/NZS 2635:2008 “Solaria for cosmetic purposes” and Part 5 of the Health Act 1956.
- 4.10. Prior to performing any treatment that invades someone’s body in any way, information must be given in a manner which fully explains the nature of the procedure, the outcomes of it and any risks involved. The information must be understandable and take into account the age of the person involved and their understanding of the language used. Informed consent cannot be legally given by someone under the age of 16 years.
- 4.11. Any person who wishes to have a prescribed process carried out, must inform the licensee, manager, or other person for the time being appearing to be in charge of the premises, prior to the commencement of any prescribed process, if they know or suspect that they:
 - are suffering from a communicable disease;
 - have a history of problem bleeding;
 - are taking medication such as anticoagulants which thin the blood or interfere with blood clotting;
 - have a history of allergies or adverse reactions to pigments, dyes or has other skin sensitivities; or
 - have a history of epilepsy or seizures.
- 4.12. The operator is required to specifically request the information needed under Clause 4.11.
- 4.13. The operator may decline to carry out any prescribed process on the basis of information received under clause 4.11 or agree to carry out the prescribed process subject to such conditions as are considered appropriate in the circumstances. Nothing in this Part of the bylaw shall be construed as requiring any person to perform a prescribed process on any other person.

5. Physical Aspects of Premises

- 5.1. No person shall use, or allow any premises to be used for a prescribed process except in accordance with all of the following provisions:
- a) The premises shall be maintained in a sanitised, clean and tidy condition.
 - b) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any prescribed process shall be constructed of materials that are easily cleaned.
 - c) A wash basin is supplied with splash guards, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall be provided in a readily accessible position within the working area associated with the prescribed process.
 - d) A designated sink supplied with a constant piped supply of hot and cold water shall be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment associated with a prescribed process.
 - e) All parts of the premises shall be adequately ventilated.
 - f) All parts of the premises shall be provided with adequate lighting to perform procedures, facilitate cleaning and inspection.
 - g) There shall be provided at all times an adequate supply of cleaning, sanitising and sterilising agents, as are necessary, and suitable cleaning equipment, sufficient to enable regular and proper cleaning of the premises and of the equipment and containers used in the premises. There shall be adequate provision for separate storage of such items when not in use.
 - h) Adequate and sufficient covered waste receptacles that are constructed of readily cleanable material shall be provided.
 - i) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any prescribed process, shall be covered in a water-proof and readily cleanable material. After each client, all linen/paper must be replaced and the tables and equipment must be cleaned and disinfected.
 - j) Adequate and separate storage shall be provided for clean and soiled laundry, beauty products and other chemicals, products or materials. The storage container for the laundry must be made of water-proof material and capable of being easily cleaned. There must be procedures in place for decontaminating blood-contaminated linen.
 - k) Where refreshments are served to customers, single use utensils are to be used unless approved dishwashing facilities are supplied. Refreshments are only to be served in customer waiting areas, not in work areas.
- 5.2. For the purposes of clause 5.1(k), approved dishwashing facilities means to the same standard required for a food business registered under the Food Act 2014.

6. Mobile Premises and Mobile Operators

- 6.1. All mobile operators and mobile premises must:
- a) provide sufficient facilities to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
 - b) establish and maintain a 'clean' work area at the site and protect all surfaces and equipment from contamination by dust, dirt, other such contaminants or members of the public at all times;

- c) ensure they have direct access to hand washing facilities with soap, paper towels and hot and cold running water, preferably through a single spout. Alternatively, where it is physically impossible to have hand washing facilities with running water, waterless alcohol-based antiseptic hand gels, foams, or liquids can be used by mobile operators. Hands must be cleaned using waterless alcohol-based hand cleanser between each client;
 - d) wash their hands with running water and soap if their hands are visibly soiled; and
 - e) ensure there is adequate sterile equipment for all clients undergoing skin penetration procedures and, if the mobile facility does not have an autoclave, then single use pre-sterilised equipment is to be used.
- 6.2. All owners or operators must ensure that the area set aside for mobile premises complies with all controls for prescribed processes as determined to be appropriate by an Authorised Officer, given the circumstances in which the skin piercing is being undertaken.

7. Conduct

- 7.1. An operator whilst on the premises, shall:
- a) at all times keep their clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing or disposable gloves;
 - b) thoroughly clean their hands:
 - (i) immediately before commencing and immediately after completing any prescribed process;
 - (ii) immediately after using a toilet;
 - (iii) immediately after smoking;
 - (iv) immediately after blowing their nose; and
 - (v) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a prescribed process;
 - c) prior to commencing any prescribed process, cleanse the client's skin by swabbing with a hospital grade cleansing agent; and
 - d) dispose of all blood contaminated materials, and dye residue into a puncture resistant container, 'sharps box' or otherwise in a manner approved by an Authorised Officer.
- 7.2. An operator shall, at the completion of any tattooing or skin piercing process, provide to each client, suitable written instructions for the subsequent care of the site to prevent its infection.
- 7.3. No person shall undertake any tattooing, waxing, electrolysis or skin piercing procedure unless that person covers their hands with new, single use gloves for each client.
- 7.4. Any equipment used for a prescribed process must be calibrated, serviced and operated according to manufacturer specifications and used for no purpose other than given in such instructions.

8. Tattooing

- 8.1. The sterilisation of tattooing equipment shall include, but not be limited to, the sterilisation of needle bars, tubes and tube tips.
- 8.2. Stencils must only be used for one client and then disposed.
- 8.3. No operator shall, in tattooing a client, use any dye, pigment or solution, unless the dye, pigment or solution:
 - a) has been decanted into a sterile container (as per Section 11) holding a sufficient amount of the liquid for carrying out the tattoo on that client only; and
 - b) is, while the process is being carried out on that client, extracted or withdrawn only from that container.
- 8.4. The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed to waste, and the container is either sterilised or discarded.
- 8.5. The operator is responsible for ensuring all dyes, inks, pigments, or solutions used for tattooing are:
 - a) approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2011 or meet the relevant standards that apply under legislation from the territory or country from which they are imported; and
 - b) prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any other person.

9. Beauty Therapy/Skin Piercing/Epilation

- 9.1. No person shall remove hairs from moles, birthmarks and other abnormalities without medical permission.
- 9.2. The client's skin must be sanitised prior to waxing.
- 9.3. No person may use any instrument to pierce skin unless it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised disposable types or needles sterilised as directed in section 10.1(a). No needle or other instrument used to pierce skin may be touched by bare fingers, nor contaminated by packaging which has been contacted by bare fingers.
- 9.4. All jewellery used for piercings must be sterile.
- 9.5. Wax that has been applied to a client's body for hair removal (used wax) or paraffin wax shall not be reused.
- 9.6. Any applicator that makes contact with a person's skin shall not be reused (double-dipped) or be replaced in a receptacle containing wax or any product unless the product has been decanted into single use containers.
- 9.7. Any product cross contaminated through the process of double-dipping must be disposed of before the next client.

10. Sterilisation of Equipment

10.1. No equipment used for any prescribed process, such as needles and similar equipment that pierces or risks cutting the skin (including pedicure, manicure or waxing equipment), shall be reused unless it has been sterilised in one of the following ways:

- a) Thoroughly cleansed and exposed to steam under pressure in a steriliser (autoclave) at:
 - (i) 103KPa (15psa) for at least 15 minutes at not less than 121°C; or
 - (ii) 138KPa (20psi) for at least 10 minutes at not less than 126°C; or
 - (iii) 206KPa (30psi) for at least 4 minutes at not less than 134°C.

The times quoted above are holding times and do not include the time taken for the steriliser (autoclave) to reach the required temperature.

Every steriliser used for the purposes of clause 10.1(a) shall be fitted with time, temperature and pressure gauges. Additionally, every time the autoclave is used, chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use, the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached.

- b) Thoroughly cleansed and exposed to dry heat for at least 60 minutes at not less than 170°C
- c) Thoroughly cleansed then totally immersed in a glass bead steriliser operating at 250°C for a minimum of four minutes.
- d) Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by an Authorised Officer.

10.2. All disposable needles used for any prescribed process must be disposed of in an appropriate “sharps” container for infectious waste, which in turn must be disposed of in an approved manner.

10.3. All materials containing body fluids and blood (including follicles) must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the property for any longer than two weeks.

10.4. Where an instrument or like article used for projecting a needle into the skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:

- a) a solution of industrial methylated spirit;
- b) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol);
or
- c) iraclean or other similar approved solutions.

10.5. Prior to cleansing the hand piece the needle shall be removed from the hand piece and disposed.

Advisory Notes

- a) *Chlorine solution will corrode metals.*
- b) *Operators should follow manufacturer’s instructions on cleaning products, in particular concentration and use by dates.*

11. Cleansing and Repair

- 11.1. Where any premises, equipment or procedures used to carry out any prescribed process are in such a condition whereby clients may be exposed to contamination or communicable disease, the licensee shall on receipt of a notice signed by an Authorised Officer cleanse, reconstruct or repair the premises, equipment or procedures as directed within the time specified on the notice, or cease using the premises until any such time agreed by the Authorised Officer.

12. Records

- 12.1. Records shall be maintained to assist operators with providing aftercare advice for patients and as an opportunity to audit the quality of procedures, should complications occur.
- 12.2. Prior to commencing any prescribed process, the operator shall obtain and record the following information in writing:
- Client name, address, and phone contact;
 - Details of the procedure type; and
 - Consent that is signed by the client.
- 12.3. Records shall be strictly confidential and all personal client information shall be kept secure in a secure area.
- 12.4. The operator must hold client records regarding information collected under clause 5.4 on site for a period of 12 months. These records must be made accessible to an Authorised Officer on request.
- 12.5. The operator must maintain records of monitoring of sterilisation equipment, including the date, time, temperature and pressure readings. These records must be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.
- 12.6. A record of medical waste disposal must be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.

13. Exemptions

- 13.1. The provisions of clause 4.3 of this Part of the bylaw shall not apply:
- a) where the procedures are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively, by a medical practitioner registered pursuant to the Medical Practitioners Act 1995, a dentist registered under the Dental Act 1988, a nurse registered under the Nurses Act 1977, a physiotherapist registered under the Physiotherapists Act 1949, a pharmacist registered under the Pharmacy Act 1970, or a podiatrist registered under the Medical Auxiliaries Act 1966;
 - b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or the New Zealand Acupuncture Standards Authority;
 - c) commercial ear-piercing services undertaken in a pharmacy licenced by the Ministry of Health;

- d) to a person acting under the direction or supervision of a any person described and acting in accordance with clause 14.1(a);
- e) to any tertiary educational institution authorised to train persons to become qualified in the practices of beauty therapy and/or nail technology; or
- f) in a situation where an Authorised Officer is satisfied that compliance with any requirements of this Part of the bylaw would be impractical or unreasonable, having regard to the premises in question, or the prescribed process being undertaken. A written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

14. Offences and Penalties

- 14.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 66 of the Health Act 1956 or section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.
- 14.2. A breach of this Part of the bylaw may result in a Certificate of Registration being revoked.