

## Chapter 245, TATTOOING AND BODY PIERCING

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 9-24-2001 by Ord. No. 608-2001 (Ch. 76 of the 1973 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Mercantile licenses -- See Ch. 169.

#### § 245-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BODY PIERCING** -- Piercing the skin for the express intention of insertion of any object, including but not limited to jewelry; provided, however, that the piercing of the lobes of the ears shall be specifically excluded from the purview of this chapter.

**CERTIFICATE OF INSPECTION** -- Written approval from the county health officer or his authorized representative that said tattooing and/or body piercing establishment has been inspected and meets all of the terms of this chapter.

**CERTIFICATE OF OPERATOR REGISTRATION** -- The certificate issued to each individual operator and held by that operator upon registration with the Camden County Health Department by meeting the required provisions of this chapter. Certificates of operator registration shall be nontransferable.

**COUNTY HEALTH OFFICER** -- The Camden County Public Health Coordinator or his authorized representative of the Camden County Department of Health and Human Services.

**ESTABLISHMENT** -- The premises wherein tattooing or body piercing is performed.

**OPERATOR** -- Any individual, firm, company, corporation, or association that owns or operates an establishment where tattooing or body piercing is performed, and any individual who performs tattooing or body piercing on the person of another.

**TATTOO, TATTOOED, or TATTOOING** -- Refers to any method of placing designs, letters, scrolls, figures, symbols or any marks under the skin with ink dye or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to puncture the skin.

#### § 245-2. Business licensing and operator registration required.

A. It shall be unlawful for any person to engage in the business of operating an establishment where tattooing or body piercing is performed without first obtaining a certificate of inspection from the Camden County Health Department and a mercantile license from the Borough of Laurel Springs to engage in such business in accordance with the provisions hereof. Also, it shall be unlawful for any operator to engage in the practice of tattooing or body piercing without first obtaining a certificate of operator registration from the Camden County Health Department.

B. Persons applying for a certificate of operator registration shall submit to the Camden County Health Department a medical certificate issued by a physician duly licensed to practice medicine and surgery in the State of New Jersey stating that the prospective operator is free from all contagious or communicable diseases or conditions which may endanger the health of the client. The medical certificate shall be dated within 30 days prior to the application, and a new medical certificate should be resubmitted to the Camden County Health Department annually.

C. Mercantile license.

(1) The annual license fee for engaging in the business of operating a tattooing and/or body piercing establishment within the Borough of Laurel Springs shall be as provided in the Annual Fee Ordinance per year payable to the Borough of Laurel Springs. Any person, firm, or corporation desiring to engage, or presently engaged, in the tattooing or body piercing business shall first apply to the Clerk of the Borough of Laurel Springs, in writing, on forms supplied by the Clerk of this municipality for said purpose. The application to the municipality shall be accompanied by the license fee and shall set forth the following:

(a) Name and address of the applicant.

(b) Local and permanent addresses and telephone number of the applicant.

(c) Name, local address, and telephone number of the manager of the business if different from applicant.

(d) If the applicant is a corporation, the name and address of its registered agent.

(e) Federal employer identification number if applicant is a corporation, partnership, or firm; social security number if applicant is a sole proprietorship.

(f) Certificate of inspection and certificate for the business and copies of all individual certificates of operator registrations issued by the Camden County Health Department as parts of the application documents.

(2) All licenses shall expire on the last day of each calendar year. Any change of ownership shall require a new application and license with payment of fees therefor.

(3) Each tattooing and body piercing business license issued by the Clerk of the Borough of Laurel Springs shall contain a license number, and no such license shall be transferable. If a renovation of the tattooing or body piercing establishment is anticipated after acquisition of the annual license, plans must be submitted to the Camden County Health Department, and the applicant will be required to comply with the provisions of this chapter. All establishments are subject to inspection by the Camden County Health Department to ensure compliance.

D. Certificates of inspection and operator registration. Prior to applying for a mercantile license, an applicant shall obtain a certificate of inspection by first submitting a floor plan of the establishment to the Camden County Health Officer prior to initiation or construction and shall receive a preopening inspection. All establishments shall be subject to a periodic compliance and/or annual inspection by the Camden County Health Department. Every individual operator shall be registered with the Camden County Health Department and shall acquire a certificate of operator registration upon payment of a fee prior to business operation or practice. Fees for a plan review, inspections, and operator registration shall be payable to the county and established by the Camden County Board of Chosen Freeholders. These fee schedules are available from the Office of the County Health Officer.

E. Nothing in the foregoing shall be construed so as to affect the practice of medicine and surgery or any other recognized profession or occupation by a person duly licensed by the State of New Jersey to engage in such practice, profession, or occupation and whose license would lawfully authorize tattooing or body piercing.

§ 245-3. Restrictions on individuals who may be tattooed or pierced.

A. It shall be a violation of this chapter for anyone or any tattooing or body piercing business to tattoo or pierce the body of an individual under 16 years of age without written authorization signed by the parent or legal guardian as witnessed by and in the presence of the operator. The minor must be accompanied by a parent or guardian at the time of receiving the tattoo or piercing of the body. The operator shall be responsible for maintaining the original consent form for a period of two years beyond the recipient's 18 birthday.

B. If the individual is suspected to be under the influence of alcohol, drugs, or any other behavior modifying substance, the operator shall refuse the applicant.

C. The operator shall question each individual to ensure that there is no history of recent jaundice, hepatitis B, or HIV/AIDS, and if such a history exists, the person shall not be tattooed or body pierced.

D. Each individual wishing to be tattooed or pierced must fill out an application which will include the name, date of birth, address and telephone number of the client as well as the design and location(s) of the tattoo(s) or piercing(s). The operator shall verify applicable information from a valid photo ID of the applicant and so note on the application. All records regarding tattooing or body piercing are to be maintained for a minimum of two years.

§ 245-4. Advertising county endorsement prohibited.

No person or operator shall state or imply, in any advertisement, that the tattooing or body piercing establishment is endorsed or approved by the Camden County Health Department in compliance with the terms of this chapter.

§ 245-5. Licensed personnel required for certain procedures.

It shall be a violation of this chapter for any tattooing or body piercing business to pierce the tongue, genitalia, or breasts of any individual unless such piercing be performed by and/or in the presence of a person licensed by the state of New Jersey as a registered nurse, licensed practical nurse, or a person licensed to practice medicine or surgery in the State of New Jersey.

§ 245-6. Sanitary requirements of facility.

No person, partnership, firm, nor corporation engaged in the tattooing or body piercing business shall be issued a mercantile license to engage in such activity unless the premises at which such activity is to be conducted and the equipment to be utilized in conjunction therewith meet the following standards and be inspected/approved by the Camden County Health Department:

A. Each tattooing and/or body piercing facility shall have a bathroom accessible to the client and staff. Each bathroom shall be equipped with a commode and a sink with the sink being connected to hot and cold running water. Soap and sanitary towels or other approved hand-drying devices shall be available at the sink at all times. Common towels are prohibited. In addition to the above, each tattooing or body piercing cubicle or work station must be provided with a sink connected to hot and cold running water. This area shall also be provided with soap and appropriate hand-drying devices.

B. The chair, seat, or exam table reserved for the person receiving the tattooing or body piercing shall be of a material that is smooth and easily cleanable and constructed of material that is nonabsorbent. Any surfaces on the chair, seat, or exam table that become exposed to blood or body fluids must be cleaned and sanitized prior to use by the next customer.

C. The worktable or counter used by the operator shall be smooth and easily cleanable and constructed of material that is nonabsorbent. There shall be a covered junction between the table/counter and the wall if the table/counter is to be placed against the wall. Prior to each use, this table/counter must be cleaned and sanitized or use single-use disposable sheets, utilizing a method approved by the Camden County Health Department, between customers.

D. The walls in the tattooing or body piercing area shall be smooth and easily cleanable and constructed of nonabsorbent materials. Floors shall be kept clean.

E. Lighting within the tattooing or body piercing area shall be adequate so as to provide a minimum of 100 footcandles in all areas.

F. The work area reserved for the tattooing or body piercing shall be not less than 100 square feet and shall be separated from other areas of the establishment by walls or durable partitions extending at least six feet in height.

G. Any surfaces in the establishment that become exposed to blood or body fluids must be cleaned and sanitized using a method approved by the Camden County Health Department.

H. Products used in the cleaning, sanitizing, and sterilizing procedures must be clearly marked and stored in an acceptable manner. Smaller working containers filled on-site from larger containers must be clearly marked with the name of the product.

I. Proper waste receptacles shall be provided and waste disposed of at appropriate intervals.

§ 245-7. Regulations applying to operators.

A. All operators, while performing services, shall neither be under the influence of alcohol or drugs nor be infected with hepatitis B, HIV/AIDS, contagious dermatitis, or any other communicable disease.

B. Hepatitis B preexposure vaccination or proof of immunity is required for all operators. If a person cannot obtain the vaccination for medical reasons, he/she shall submit to the Camden County Health Department a letter from his/her physician certifying that the individual does not have hepatitis B and vaccination is contraindicated. This certification shall be annually renewed. Any accidental needle stick injury shall be immediately reported to the Camden County Health Department.

C. All tattooing or body piercing operators shall attend a training program sponsored by the Camden County Health Department to assure basic knowledge on sterile technique and universal precautions.

D. Before working on each patron, each operator shall scrub and thoroughly wash his/her hands with hot water and antiseptic soap. The hands shall be dried with individual, single-use towels. Fingernails shall be kept clean and short.

E. Disposable vinyl or latex gloves shall be worn by the operator during tattooing or body piercing preparation and application to prevent contact with blood or body fluids. Universal precautions as described by the United States Centers for Disease Control and Prevention (CDC) shall be followed. All materials shall be disposed of in accordance with the waste disposal provisions of this chapter after contact with each person. Hands shall be washed immediately after removal of gloves. Any skin surface that has contact with blood shall be washed immediately.

F. Immediately after tattooing or piercing an individual, the operator shall advise the individual, orally and in writing, on the care of the site tattooed or pierced and shall instruct the individual to consult a physician at the first sign of infection. Printed instructions regarding these points shall be given to each individual tattooed or pierced by the operator. All printed and oral instructions should advise the individual that if infection occurs, the patron should immediately notify the Camden County Health Center.

G. All infections resulting from the practice of tattooing or body piercing which becomes known to the operator shall be promptly reported to the county health office by the owner or operator of the body piercing establishment or by the operator.

§ 245-8. Skin preparation.

A. Tattooing or body piercing shall be done only on normal healthy skin surface that is free of cuts, wounds, rashes, boils, pimples, moles, or infection or manifests any evidence of unhealthy conditions.

B. Only safety razors with disposable blades shall be used for the skin preparation. Blades shall be disposed of according to the waste disposal procedure of this chapter after each use and a new blade used for each patron.

C. Following shaving, the tattooing area shall be thoroughly cleansed and scrubbed with tincture of green soap or its equivalent and warm water. Before placing the tattoo design or body piercing on the patron's skin, the area shall be treated with 70% alcohol and allowed to air dry. A single-use sponge shall be used to scrub the area.

D. Only petroleum jelly (USP or National Formulary) or antiseptic ointment shall be applied to the tattoo area prior to tattooing. The ointment shall be applied in a sanitary manner, disposing of the utensil after spreading. Collapsible tubes of ointment or jelly may also be used.

E. Design stencils shall be thoroughly cleansed and rinsed in an approved germicidal solution for at least 20 minutes or disposed of following each use.

F. Only nontoxic dyes or pigments may be used. Premixed sterile materials are preferred. Premixed dyes shall be used without adulteration of the manufacturer's original formula. It shall be the responsibility of the operator to provide certification to the Camden County Health Department of the nontoxicity of the dyes or inks at the time of license application and renewal.

G. No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar, or tattoo.

H. Ear-piercing guns may not be used for body piercing, but may only be used for piercing of the ear lobes.

§ 245-9. Needles, instruments, and supplies.

A. All clean and ready-to-use needles, gloves, gauze and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

B. Single-service sterilized needles shall be utilized and discarded immediately after use.

C. If needles and needle bars are to be reused, these items shall be steam sterilized (autoclave) before reuse on any customer. Any other method of sterilization shall be approved by the county health officer.

D. The sterilizer shall be well maintained with a tight-fitting gasket and a clean interior.

E. The manufacturer's operating instructions and the sterilization specifications shall be at hand. The operation of the sterilizer shall conform to the manufacturer's specifications with regard to temperature, pressure and time of the sterilization cycle.

F. Proper functioning of sterilization cycles shall be verified.

G. Each item to be sterilized shall be individually wrapped using a chemical indicator or strip to verify steam exposure.

H. Any needle that penetrates the skin of the operator shall be immediately disposed of in accordance with the waste disposal procedure of this chapter.

I. If the primary source of sterilization malfunctions, the county health office shall be notified within 24 hours. In an emergency situation, the Camden County Health Officer may approve alternate sterilization techniques.

§ 245-10. Disposal of wastes.

A. Needles shall not be bent or broken prior to disposal. Operators shall take precautions to prevent puncture injuries from contaminated needles. Needles shall be disposed of directly into a solid puncture-resistant container.

B. These medical wastes shall be disposed of by an authorized contractor as per the New Jersey Department of Environmental Protection's regulation.

C. If blood-contaminated gloves, gauze and other materials are sterilized by autoclaving, these wastes can be placed for off-site waste collection.

§ 245-11. Closing of establishments posing immediate public health threat.

When it appears to the county health officer that the operation of the tattooing or body piercing establishment poses an immediate and imminent threat to the public health and safety such that irreparable harm will occur if the tattooing or body piercing establishment is not immediately closed, the county health officer shall have the power to order the immediate closure of the tattooing or body piercing establishment until such time that the violations complained of have been corrected.

§ 245-12. Suspension or revocation of license.

In addition to being subject to the penalties provided herein, any license or certificate of registration issued under this chapter may be revoked or suspended for any intentional misstatement in any application or for any violation of this chapter. No license shall be revoked or suspended until the licensee has been afforded a hearing. Notice of the filing of a complaint which seeks to suspend or revoke any license or certificate of registration issued under this chapter shall be served on the defendant personally or on the person designated to receive service of this chapter. This notice will establish a date for a hearing to be held not more than 10 days from the date of such notice, at which time the defendant shall have the right to be represented by counsel, call witnesses, cross-examine witnesses produced in support of the complaint, as well as such other rights necessary in order to ensure due process. Should any license or certificate of registration be revoked or suspended, no part of the license or registration fee shall be returned.

§ 245-13. Violations and penalties.

- A. Any person, partnership, firm, or corporation who violates any section of this chapter shall be subject to the penalties provided in Chapter 1, § 1-15. Each day that the violation exists is considered to be a separate offense.
- B. Reasonable counsel fees incurred by the Camden County Health Department in the enforcement of this chapter shall be paid by the defendant. The amount of such reimbursable fees and costs shall be determined by the court hearing the matter.