



**THE MASTERTON AND SOUTH
WAIRARAPA DISTRICT COUNCILS'
CONSOLIDATED BYLAW 2012**

PART FIFTEEN

**BEAUTY THERAPISTS, SOLARIUM
OPERATORS, NAIL TECHNICIANS,
TATTOOISTS, AND SKIN PIERCERS**

Masterton District Council

The Consolidated Bylaws 2012 comprising parts one to eighteen were adopted at the Council Meeting held on Wednesday 14th August 2013.

The Consolidated Bylaws 2012 came into force throughout the Masterton and South Wairarapa Districts on the 1st September 2013

South Wairarapa District Council

The Consolidated Bylaws 2012 comprising parts one to six and parts eight and nine and parts eleven to sixteen were adopted at the Council Meeting held on Wednesday 31st July 2013.

The Consolidated Bylaws 2012 came into force throughout the Masterton and South Wairarapa Districts on the 1st September 2013

THE MASTERTON DISTRICT COUNCIL AND SOUTH WAIRARAPA DISTRICT COUNCIL CONSOLIDATED BYLAW 2012

PART 15 – BEAUTY THERAPISTS, SOLARIUM OPERATORS, NAIL TECHNICIANS, TATTOOISTS, AND SKIN PIERCERS

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1 SCOPE

The purpose of this bylaw is to prevent the transference of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via beauty therapy practices which include such processes as tattooing, skin piercing, epilation (eg waxing and electrolysis), pedicures, manicures, solarium, paraffin treatment and extractions. Where relevant this includes businesses such as jewellers, beauty therapists, nail technicians, tattooists and hairdressers.

Contamination of equipment such as needles, poor standards of premises and personal hygiene are recognised as potential modes for the transference of disease and infection.

Uncontrolled use of solarium is linked to melanoma and eye damage.

Beauty therapists, nail technicians, skin piercers, solarium and tattooist operators must provide their clients with professionally competent, safe and hygienic services, within clean premises. It is essential for operators to be fully aware of the potential dangers and wider effects of their procedures, and understand the precautions that need to be taken to minimise the likelihood of infection or spread of disease.

This bylaw requires that premises where beauty therapy, nail augmentation, skin piercing and tattooing is practised are registered. Constructional and operational standards to be complied with in accordance with the licensing process are provided.

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.

This Bylaw should be read in conjunction with the Ministry of Health Guidelines for the safe piercing of skin 1998 and subsequent revisions.

2 TITLE

The title of this bylaw shall be the Masterton and South Wairarapa District Council's Beauty Therapists, Solarium Operators, Nail Technicians, Tattooists and Skin Piercers Bylaw 2012.

3 REGISTRATION OF PREMISES

- 1) No person shall use any premises for beauty therapy, nail augmentation, solarium, skin piercing and tattooist practices unless the premises are registered with the Council and the Certificate of Registration is still in force.
- 2) A Registration Certificate shall not be issued unless the premise concerned complies with all requirements of this bylaw.
- 3) That six (6) months notice will be given to existing businesses before compliance with Part 15 of the bylaw is required.

4 EXEMPTIONS

- 1) The provisions of section 6.3 and 6.4 of this bylaw shall not apply:
 - a) Where the procedures are carried out in the practice of medicine, dentistry, nursing, physiotherapy, pharmacy or podiatry respectively, to 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) A person acting under the direction or supervision of any such medical practitioner, nurse, physiotherapist, podiatrist or dentist, where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively.
 - c) Any tertiary educational institution authorised to train persons to become qualified in the practices of beauty therapy and/or nail technology.
- 2) A situation where an Authorised Officer is satisfied that compliance with any requirements of this 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.

5 APPLICATIONS

- 1) Applications for the registration of any premises under this bylaw shall be made by the owner or manager and shall be made on the prescribed form.
- 2) Fees (as set by Council annually) shall be payable on application for registration and renewed thereafter on an annual basis in accordance with this bylaw for a term of no more than one year.

6 GENERAL CONDITIONS OF OPERATION

- 1) No person shall allow or carry out any beauty therapy, nail augmentation, skin piercing or tattooist practice on any person under the age of 16 years without the written permission of that person's parent or legal guardian.
- 2) No person shall carry out any beauty therapy, skin piercing or tattooist practice on any person whom they suspect is under the influence of alcohol, drugs or mind altering substances.
- 3) No person shall allow or carry out any beauty therapy or nail augmentation practice unless they have been trained and qualified in the practices of cosmetology and nail technology that is acknowledged by a recognised training standard, NZQA, 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) The operation of devices and/or application of products such as, but not limited to IPL/ Laser, electrolysis, cosmetic tattoo and facial peels can only be conducted by personnel who have had training with recognised training standards in the applicable procedures. 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.
- 5) No person shall, eat or drink on the premises except in a part of the premises that is clearly separate from the area where beauty therapy, skin piercing or tattooist practice is carried out.

- 6) The operator of a premises where any beauty therapy, nail technician skin piercing or tattooist practice takes place shall display in a prominent place a notice asking customers to inform them of any communicable or infectious disease they have which may be likely to have an effect on the process.
- 7) No person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or communicable disease, or associated conditions, shall carry out any beauty therapy, nail augmentation, skin piercing or tattooist practice, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 8) No animals, except disability assist dogs, are to be permitted in that part of the premises where beauty therapy, nail augmentation, skin piercing and tattooist practices take place.
- 9) No person shall operate a solarium without complying with AS/NZS 2635:2008 "Solaria for cosmetic purposes".

7 RECORDS

- (1) Any procedure (which invades someone's body in any way) performed without permission, may be regarded as assault. It is therefore essential that the person receiving the procedure gives informed consent to the procedure.

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 therefore 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 of age.

- (2) As part of any professional practice it is important to have good information about clients and the nature of the client contact. It is also important to emphasise that records should be strictly confidential and all personal client information should be made secure in an appropriate, dedicated, lockable area.

The main purpose for collecting the information should be to assist operators with providing aftercare advice for patients and to also be used as an opportunity to audit the quality of procedures, should complications occur.

Information that must be recorded includes:

- Name, address, phone contact
- Procedure type
- Consent that is signed by the client.

For invasive treatment refer to Form A, and for non-invasive treatment refer to Form B.

The operator must hold client records regarding such information on site for a period of 12 months. These records must be made accessible to Authorised Officers on request.

- (3) Sterilisation of Equipment by autoclave - Time, temperature and pressure readings shall be recorded and 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.
- (4) A record of medical waste disposal must be kept for a minimum period of six months. The records shall be made available to an Authorised Officer or a Medical Officer of Health on request.
- (5) Any person who wishes to have a prescribed process carried out who knows or suspects that he/she is suffering from;
 - communicable or infectious disease,
 - has a history of problem bleeding
 - is taking medication such as anticoagulants which thin the blood or interfere with blood clotting;
 - has a history of allergies or adverse reactions to pigments, dyes or has other skin sensitivities;
 - has a history of epilepsy or seizures,

must inform the holder of the license, the manager, or other person for the time being appearing to be in charge of the premises prior to the commencement of any prescribed process.

The operator may decline to carry out any prescribed process on the basis of such information, or agree to carry out the prescribed process subject to such conditions as are considered appropriate in the circumstances. Nothing in this Bylaw shall be construed as requiring any person to perform a prescribed process on any other person.

8 PHYSICAL ASPECTS OF PREMISES

No person shall use, or allow any premises to be used for beauty therapy, nail augmentation, solarium, skin piercing or tattooing practice except in accordance with all of the following provisions:

- (1) The premises shall be maintained in a sanitised, clean and tidy condition.
- (2) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any beauty therapy, nail augmentation, solarium, skin piercing or tattooist practice shall be constructed of materials that are easily cleaned.
- (3) A wash hand basin 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 beauty therapy, skin piercing or tattooist practice.
- (4) 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.
- (5) All parts of the premises shall be adequately ventilated.
- (6) All parts of the premises shall be provided with adequate lighting to perform procedures, facilitate cleaning and inspection.
- (7) 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.
- (8) Adequate and sufficient covered waste receptacles that are constructed of readily cleanable material shall be provided.
- (9) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of beauty therapy, nail augmentation, skin piercing or tattooist practice, shall be covered in an impervious and readily cleanable material. All linen/paper must be replaced after each

client. The tables and equipment must be cleaned and disinfected before being used again for another client.

- (10) 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 impervious material and capable of being easily cleaned. There must be procedures in place for decontaminating blood contaminated linen.
- (11) 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.

For the purposes of this clause approved dishwashing facilities means to the same standards as required for eating-houses in Regulation 35 of the Food Hygiene Regulations 1974.

Exemption may be approved by the Senior Environmental Health Officer for premises that do not meet the physical requirements at the date this By-Law comes into force.

9 CONDUCT

- 1) An operator whilst on the premises shall:
 - a) At all times keep his or her clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing or disposable gloves.
 - b) Thoroughly clean his or her hands:
 - i) immediately before commencing and immediately after completing the process of beauty therapy, skin piercing or tattooing;
 - ii) immediately after using a toilet;
 - iii) immediately after smoking;
 - iv) immediately after blowing the nose;
 - v) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with beauty therapy, nail augmentation, skin piercing or tattooing practices.
 - c) Prior to commencing any procedure, cleanse client's skin by swabbing with a hospital grade cleansing agent.
 - 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.

- 2) An operator shall, at the completion of any tattooing or skin piercing procedure, provide to each customer suitable written instructions for the subsequent care of the site to prevent its infection.
- 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 customer.
- 4) Any equipment used must be calibrated, serviced and operated according to manufacturer specifications and used for no other purpose other than given in such instructions.

10 TATTOOING

- (1) The sterilisation of equipment used in tattooing shall include, but not be limited to, the sterilisation of needle bars, tubes and tube tips.
- (2) Stencils must only be used for one client and then disposed of.
- (3) No operator shall, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding a sufficient amount of the liquid for carrying out the tattoo on that customer only, and is, while the process is being carried out on that customer, extracted or withdrawn only from that container.
- (3) The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.
- (5) All dyes, pigments, or solutions used for tattooing shall be obtained from approved sources and prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any customer or other person.

11 BEAUTY THERAPY/SKIN PIERCING/EPIILATION

- (1) No person shall remove hairs from moles, birthmarks and other abnormalities without medical permission.
- (2) The client's skin must be sanitised prior to waxing.
- (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 12 (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.

- (4) Ensure all jewellery used for piercings is sterile.
- (5) Wax that has been applied to a customer's body for hair removal (used wax) or paraffin wax shall not be reused.
- (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.
- (7) Any product cross contaminated through the process of double dipping must be disposed of before the next client.

12 STERILISATION OF EQUIPMENT

- (1) No beauty therapy, skin piercing or tattooing equipment, such as needles and similar equipment (including pedicure, manicure or waxing equipment) that has been used in any beauty therapy, nail augmentation, skin piercing or tattooing practice, 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) for:
 - (i) at least 15 minutes at not less than 121^o C; or
 - (ii) at least 10 minutes at not less than 126^o C; or
 - (iii) at least 4 minutes at not less than 134^o 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 purpose of this Part of the Bylaw 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. Time, temperature and pressure readings shall be recorded and be kept for a minimum period of 12 months;

- (b) Thoroughly cleansed and exposed to dry heat for at least 60 minutes at not less than 170^o C.
- (c) Thoroughly cleansed then totally immersed in a glass bead steriliser operating at 250^o C for a minimum of 4 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.

The records shall be made available to an Authorised Officer or a Medical Officer of Health on request; or

- (2) All disposable needles used for beauty therapy, and skin piercing and tattooing instruments must be disposed of in an appropriate "sharps" container for infectious waste, which in turn must be disposed of in an approved manner.
- (3) All materials containing body fluids and blood 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.
- (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; or
 - (b) Ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol); or
 - (c) Viraclean or other similar approved solutions.

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

Advisory Notes:

- 1. Chlorine solution will corrode metals.
- 2. Operators should follow manufacturer's instructions on cleaning products, in particular concentration and use by dates.

13 MOBILE BEAUTY THERAPY, TATTOOING AND SKIN PIERCING OPERATIONS.

All operators of mobile premises must ensure that:

1. They 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; and
2. They 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; and
3. They have direct access to hand washing facilities with soap, paper towels and hot and cold running water provided 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 still be cleaned using waterless alcohol based hand cleanser between each client; and
4. They wash their hands with running water and soap if their hands are visibly soiled; and
5. 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.

All owners or operators must ensure that the area set aside for mobile beauty therapy or skin piercing 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.

14 CLEANSING AND REPAIR

Where any premises, equipment or procedures used to carry out beauty therapy, solarium, nail augmentation, skin piercing or tattooist operations that are in such a condition whereby customers 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.

15 OFFENCES

Failure to comply with this bylaw is an offence and the offender is liable accordingly under Sections 66 and 137 of the Health Act 1956 and Section 238 of the Local Government Act 2002.

16 PENALTY

Every person who commits a breach of this bylaw, made under the Health Act 1956 and the Local Government Act 2002, is liable to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence continues.

Where a person commits a continuing breach of this bylaw a District Court may, on application by the Council, grant an injunction restraining the further continuance of the breach by that person.

The continued existence of any work, or thing in a state, or the intermittent repetition of any action, contrary to this bylaw shall be deemed to be a continuing breach.

17 COMMENCEMENT

This bylaw shall come into force on 1st September 2013.