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ORDINANCE AMENDING THE NEW HAVEN CODE OF ORDINANCES TO LICENSE AND INSPECT SALONS WITHIN THE CITY OF NEW HAVEN IN ACCORDANCE WITH CONNECTICUT STATE STATUES 20-234,20-250, 19A-231 AND CHAPTER 384A FOR THE PURPOSES OF SETTING STANDARDS FOR OPERATION AND MAINTENANCE OF: BARBER SHOPS, BODY PIERCING SHOPS, HAIR SALONS, MASSAGE PARLORS, NAIL SALONS, AND TATTOO SHOPS TO MINIMIZE HEALTH HAZARDS IN ACCORDANCE WITH SECTION 16 OF THE CODE OF GENERAL ORDINANCES

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**CONH CODE \_\_\_\_\_ - \_\_ Salon Ordinance**

**Sec. X-1. - Title and scope.**

(a) *Title.* This chapter shall be known as the "Salon and Tattoo/Body Piercing Ordinance" and may be so cited and referred to as this chapter.

(b) *Scope.* The provisions of the chapter shall apply to all Barber Shops, Hair Salons, Nail salons, Tattoo parlors and Body Piercing establishments hereinafter defined. The purpose of this chapter is to set the standards for operation and maintenance of salons to minimize the public health risks associated with the practices.

• **Sec. X-2. - Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter. The word "shall" as used herein indicates a mandatory requirement.

(1) "Advanced Practice Registered Nurse" means a person licensed to perform advanced level nursing practice activities pursuant to subsection (b) of section 20-87a of the Connecticut General Statutes.

(2) "Authorized Agent" means an employee of the Naugatuck Valley Health District designated by the Director of Health to enforce provisions of this code.

(3) "Blood" means human blood, human blood components and products made from human blood.

(4) "Bloodborne Pathogens" means pathogenic microorganisms that are present in human blood can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and Human Immunodeficiency Virus (HIV).

(5) "Body Piercing" means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter and/or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.

(6) “Body Piercer” means a person who engages in the art of body piercing. Body Piercers shall be licensed as a Tattoo Technician as specified in Connecticut Public Act 13-234 Sections 132 et seq. or shall comply with the requirements in Section B(11) of this code.

(7) “Body Piercing Establishment” means any room or space where body piercing is practiced or where the business of body piercing is conducted or any part thereof.

(8) “Contaminated” means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(9) “Critical Items” means those aspects of a procedure, which if violated, constitute an imminent hazard to health and safety.

(10) “Critical Violations” means one or more of the following findings:

(a) Autoclave not in proper working order or in proper use.

(b) Lack of a monthly spore test properly recorded.

(c) Non-disposable instruments and equipment improperly sterilized or stored.

(d) Reuse of single use items.

(e) Improper operator scrub technique before and/or after a procedure. 1

(f) Improper glove technique during a procedure.

(g) No hepatitis B vaccination program in place.

(h) Tattooing or piercing an unemancipated minor under the age of eighteen (18) years of age without the written permission of the parent or guardian of such minor.

(11) “Department” means The New Haven Health Department .

(12) “Director of Health” means the Director of Health of the New Haven Health Department.

(13) “Disinfected” means the destruction of all vegetative forms of pathogenic agents by chemical or physical means.

(14) “Ear Piercing” means the puncturing of the outer perimeter or lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following manufacturer’s instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

(15) “Equipment” means all machinery, including fixtures, containers, vessels, tools, implements, furniture, display and storage areas, sinks, and other apparatus used in connection with the operation of the establishment.

(16) “Fee Schedule” means the Tattoo or Body Piercing Establishment License, Temporary Tattoo or Body Piercing Establishment License and associated fees specified in the Annual Fiscal Budget adopted by the Board of Directors of the New Haven Health Department in accordance with the provisions of the Connecticut General Statutes.

(17) “Health department”. The Health Department of the City of New Haven

(18) “Hot Water” means water which is at a temperature of not less than one hundred and ten degrees (110°) F (43° C), nor more than one hundred fifteen degrees (115°) F (46° C).

(19) “Infection” means invasion and colonization of body tissues by pathogenic organisms.

(20) “Infectious Waste” means waste generated in the treatment or service of a human which falls under one or more of the following categories: (a) Pathological wastes are human pathological wastes, including tissues that are removed during medical procedures. (b) Human blood and bodily fluid waste including liquid waste, human blood, blood products, items saturated or dripping with blood or caked with dried human blood.

(21) “Jewelry” means a surgical steel or other approved component ornament made of body/implant grade material, free of imperfections and designed for use in body piercing.

(22) “Osteopathic Physician” means a person licensed to practice osteopathy pursuant to chapter 371 of the Connecticut General Statutes.

(23) “Parenteral” means piercing mucous membranes or the skin barrier through such events as needlesticks, cuts or abrasions.

(24) “Physician” means a person licensed to practice medicine and surgery pursuant to chapter 370 of the Connecticut General Statutes.

(25) “Physician Assistant” means a person licensed pursuant to section 20-12b of the Connecticut General Statutes.

(26) “Registered Nurse” means a person licensed to practice nursing pursuant to subsection (a) of section 20-87a of the Connecticut General Statutes.

(27) “Regulated Waste” means 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; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

(28) “Salon” "Salon" includes any shop, store, day spa or other commercial establishment providing the services of a barber, as described in section 20-234 of the Connecticut General Statutes, or the services of a hairdresser and/or cosmetologist, as defined in section 20-250 of Connecticut General Statutes, or a nail technician, as defined in section 19a-231 of Connecticut General Statutes, or a massage therapist, as defined in Chapter 384a of the Connecticut General Statutes.

(29) “Sanitization” means the process of killing and/or removing bacteria and microbes with chemicals.

(30) “Scarification” means permanent modification to the human skin from the infliction of a wound by creating designs made up of scars produced by branding, cuttings and general scarification using various means.

(31) “Sterile Technique” means a method of functioning that is designed to maintain the sterility of sterile objects.

(32) “Sterilization” means the process of destruction of all forms of microbial life by physical or chemical means.

(33) “Student Tattoo Technician” means a person studying tattooing who is registered with the Connecticut Department of Public Health pursuant to section 133 of Connecticut Public Act 13-234.

(34) “Tattoo” means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin of a live human being to alter the appearance of the skin for non-medical reasons

(35) “Tattooing” means the process by which the skin is marked or colored by the insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes. The term tattooing shall include scarification as defined elsewhere in this code.

(36) “Tattoo Technician” means a person who is licensed with the Connecticut Department of Public Health pursuant to section 133 of Connecticut Public Act 13-234.

(37) “Tattoo Establishment” means any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

(38) “Temporary Tattoo or Body Piercing Establishment” means a tattoo or body piercing establishment that operates at a fixed location for a period of time of not more than seventy-two (72) consecutive hours in conjunction with a single event, celebration or festival at an established locale. (1) *Director of health.* The Director of Health of the City of New Haven or any duly or lawfully appointed staff member of the Health Department.

### **Sec. X-3. - License to operate a salon.**

- A. No person as defined in Section X-2 shall operate or maintain a salon unless said person has obtained a license to operate from the Director of Health. Licensure shall occur upon application and or subsequent inspection, the first year of this chapter and on January 1, each year thereafter and shall be valid for one (1) year unless otherwise revoked for cause. Only persons who comply with this chapter, including but not limited to Section X-4, shall be entitled to receive and retain a license. Licenses are not transferable.
- B. The annual fee for a salon license is two hundred fifty dollars (\$250.00), per Section 17-201, and shall be used by the City to recoup the health department’s cost of inspection.
- C. The licensee shall pay an inspection fee equal to two hundred fifty dollars (\$250.00) for each inspection required.

### **Sec. X-4. Plan Review and Pre-operation Inspections**

- A. No barbershop, hairdressing or cosmetology, nail salon or massage therapy establishment having a permanent location shall, be relocated, constructed, remodeled, or extensively altered, nor shall a structure be converted to use as a barbershop, hairdressing or cosmetology establishment, except in accordance with plans and specifications approved by the New Haven Health Department and other applicable city agencies.
- B. Properly prepared plans and specifications for such construction, remodeling or alteration shall be submitted to the Director of Health for review and approval before relocation, construction, remodeling, alteration, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health shall approve the plans and specifications if they meet the requirements of this regulation and applicable state laws and regulations.
- C. Prior to the opening of a barbershop, hairdressing, cosmetology, nail salon, massage therapy establishment or tattoo establishment the Director of Health shall conduct a pre-operational inspection to determine compliance with the approved plans and specifications and with the requirements of this regulation and applicable state laws and regulations.

## Sec X-5. - Sanitary Condition

- A. Salon inspection(s) shall be performed by the health director or his/her designee at the time of license application, annual renewal, and whenever else is necessary to determine the validity of a public complaint that has been filed with the health department. Inspection(s) by the health department shall be conducted during the salons normal business hours. A determination of the inspection shall be made by the health director or his/her designee based on the standards stated in sub-section (B).
- B. A person shall operate and maintain a salon in the following ways to establish sanitary condition and minimize health hazards:
- (1) The use of personal protective equipment, including, but not limited to, disposable gloves as a barrier against infectious materials; and
  - (2) the immediate disposal after use in a covered waste receptacle of all articles that came into direct contact with the customer's skin, nails or hair that cannot be effectively cleaned or sanitized; and
  - (3) the proper cleaning and sanitizing of all re-usable tools, including bowls used for soaking fingers, in a separate utility sink used solely for instrument cleaning; and
  - (4) the use of hospital-grade cleaner to clean the area and materials used in the practice of barbering, and hairdressing and cosmetology, and by nail technicians, including, but not limited to, chairs, armrests, tables, countertops, trays, seats and soaking tubs for both hands and feet; and
  - (5) the required availability of handwashing sinks in an area where the barber, hairdresser, cosmetologist or nail technician is working.
  - (6) the proper posting of barber's, hairdresser and/or cosmetologist license per Connecticut General Statutes section 20-241, if applicable.
  - (7) A practitioner should not perform services on a client if the practitioner has reason to believe the client has a contagious condition such as head lice, nits, ringworm, conjunctivitis; or inflamed, infected, broken, raised or swollen skin or nail tissue; or an open wound or sore in the area to be serviced
  - (8) an adequate safe supply of hot and cold water, at required temperatures, at all sinks

(9) any wastewater from plumbing fixtures must be disposed on in an approved manner. All applicable plumbing codes must be followed.

(10) all products and chemicals must be stored in labeled containers with directions on how to use them properly. Chemicals must be stored properly.

(11) adequate ventilation of the facility to remove excess heat and odor. This ventilation must be installed and operated in compliance with all state and local building codes and ordinances

(12) adequate restroom facilities must be provided for customers and employees. Bathrooms must have adequate handwashing facilities with liquid soap, paper towel/air dryer and a covered waste container. These restrooms must always be kept in a clean and sanitary condition.

(13) all floors, walls ceilings and equipment must be maintained in good repair and in a clean and sanitary manner.

(14) no person known to have a communicable disease in its infectious stage shall engage in barbering, hairdressing cosmetology

(15) no animals or pets are allowed in the establishment (exception for service animals)

(16) all supplies (towels, linens, gowns, etc.) must be stored in a sanitary manner to protect from dust and dirt

C. If any salon, upon an inspection by the health director, is found to be in an unsanitary condition, per violation of sub-section (B), the director of health shall issue a written order that such salon correct any inspection violations identified by the health director within a specific time frame. If the salon fails to make said correction within this period of time the salons license may revoked or suspended.

#### Sec. X-6. - License to Operate a Tattoo/ Body Piercing Establishment

(1) No person or person(s) shall operate a tattooing or body piercing establishment until a Tattoo or Body Piercing Establishment License from the Department has been issued.

(2) The provisions of this section shall not apply to a physician, an advanced practice registered nurse rendering service in collaboration with a physician, a registered nurse executing the medical regimen under the direction of a licensed physician, dentist, or advanced practice registered nurse, or a physician assistant rendering service under the supervision, control and responsibility of a physician.

(3) The Tattoo or Body Piercing Establishment License shall be issued by the New Haven Health Department prior to opening and shall expire on XXX of each year.

(4) The fee for the Tattoo or Body Piercing Establishment License shall be a reasonable amount set by the New Haven Health Department. Applications and fees received after the license expiration date are subject to the addition of a late fee as specified in the fee schedule. Any applicant whose check is returned unpaid to the Director of Health shall be required to pay a returned check fee as specified in the fee schedule.

(5) In order to receive the Tattoo or Body Piercing Establishment License, the establishment shall meet the Tattoo or Body Piercing Establishment Requirements of this code.

(6) Each applicant shall provide the Department with the following information:

full name(s) and address(es) of the applicants, and whether such applicant is an individual, firm or association, including but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, and if not an individual,

1. the name(s) of the partners, members, officers, or if applicable, the duly authorized representative thereof, including but not limited to, a fiduciary, trustee or receiver, together with their addresses.
2. establishment name, proposed hours of operation,
3. names of all employees and their exact duties, complete description of services provided,
4. inventory of equipment to be utilized in the tattoo or body piercing procedure,
5. a copy of the written aftercare instructions given to each client
6. a copy of the informed consent that each client must sign.

(7) The Tattoo or Body Piercing Establishment License shall not be transferable between persons, places, or other establishments. Any planned change in ownership or renovation of a facility must be reported promptly to the Department and such changes must be approved by the Department prior to the issuance of an operating license.

(8) No person shall build a new facility, or extensively alter an existing facility, without first submitting plans to the Department for approval prior to the commencement of a project.

(9) The Tattoo or Body Piercing Establishment License shall be displayed in a prominent location within the establishment where it can be observed by patrons.

(10) Each Tattoo Technician shall provide the Department with the following information:

1. name,
2. home address and home phone number
3. location of the Tattoo Establishment where he or she is employed
4. proof that he/she is licensed as a Tattoo Technician by the State of Connecticut.

(11) Each Body Piercer shall provide the Department with the following information:

1. name, home address and home phone number
2. location of the Body Piercing Establishment where he or she is employed
3. proof that he/she is licensed as a Tattoo Technician by the State of Connecticut.
  - a. If the Body Piercer is not licensed as a Tattoo Technician, he or she must complete a Bloodborne Pathogens course on a yearly basis. The course shall be approved by the Director of Health or authorized agent and a certificate of completion must be submitted to the Department and posted in a prominent location in the establishment where it can be observed by clients.

(12) The Tattoo or Body Piercing Establishment License may be revoked when, in the opinion of the Director of Health or authorized agent, unsanitary or other conditions, including but not limited to critical violations as defined in section X-2(10) of this code, that constitute an immediate hazard to the public health exist.

### C. Temporary Tattoo or Body Piercing Establishments

(1) Applicants applying for a Temporary Tattoo or Body Piercing Establishment License shall submit an application approved by the Department which provides all necessary documentation to attest to the ability of the proposed operation to substantially comply with the provisions of this code. The application must be received no later than fifteen (15) days prior to the event and must be accompanied by all applicable fees. No license shall be issued without satisfactory inspection of the temporary facility by the Department in advance of the event.

(2) Applicants for a Temporary Tattoo or Body Piercing Establishment License shall provide the Department with proof that each Tattoo Technician or Body Piercer working at the Temporary Tattoo or Body Piercing Establishment is in compliance with section 133 of Connecticut Public Act 13-234.

(3) The Temporary Tattoo or Body Piercing Establishment shall meet the requirements of the Tattoo or Body Piercing Establishment Licensure under the Department's Tattoo or Body Piercing Code.

(4) One person, business or corporation may not receive more than four (4) Temporary Tattoo or Body Piercing Establishment Licenses each calendar year.

### D: Inspections

(1) The Director of Health or authorized agent shall inspect each Tattoo or Body Piercing Establishment at least once annually and shall make as many inspections or re-inspections as deemed necessary for the enforcement of this code. Failure to pass inspection may result in suspension or revocation of the license.

(2) The Director of Health or authorized agent, after proper identification, shall be permitted to enter, at any reasonable time, any Tattoo or Body Piercing Establishment for the purpose of inspecting to determine compliance with this code.

(3) The Director of Health or authorized agent shall be permitted to examine records of the Tattoo or Body Piercing Establishment, to obtain information pertaining to persons tattooed or pierced and equipment, but not including financial records. There shall be a person knowledgeable of these records in the Tattoo or Body Piercing Establishment during all hours of operation.

(4) Whenever the Director of Health or authorized agent conducts an inspection of a Tattoo or Body Piercing Establishment, the Department's findings shall be recorded on an inspection report form provided for this purpose, and a copy of such inspection report form shall be furnished to the license holder or person in charge.

(5) Whenever the Director of Health or authorized agent conducts an inspection and observes that any of the requirements of this code have been violated, the Director of Health or authorized agent shall notify the license holder or person in charge of such violations by means of the inspection report form or other written notice. Such notification shall include the specific violation(s) observed and a reasonable period for the correction of the observed violation(s).

(6) The Director of Health or authorized agent may, upon written notice to the license holder or person in charge, place an embargo on any item, substance or equipment that is determined to be or is believed associated with the cause of illness or infection. It shall be considered unlawful to remove or alter such an embargo without the permission of the Director of Health, except by order of a court of competent jurisdiction.

#### E: Records and Compliance

(1) Each Tattoo Technician or Body Piercer shall keep permanent records for each client which shall consist of the following:

1. the name, address and telephone number of the client,
2. the date the tattoo was applied, or the piercing done
3. a photocopy of the legal document that certifies the client is at least eighteen (18) years of age or an emancipated minor

4. Permanent records for each emancipated minor must contain photographic identification and a photocopy of the legal document declaring the client an emancipated minor.
5. a description of the tattoo or piercing,
6. the area of the body tattooed or pierced,
7. a photocopy of the written after care instructions of the tattoo or piercing
8. a release form signed by the client that these records are accurate.

(2) No person shall tattoo or pierce an unemancipated minor under eighteen (18) years of age without the permission of the parent or guardian of such minor. This permission shall be signed by either parent or guardian. Photographic identification of the parent or guardian must be obtained by the Tattoo Technician or Body Piercer. A photocopy of the photographic identification shall be included in the client's permanent records.

(3) The client shall sign an informed consent waiver. A photocopy of this waiver must be made part of the client's permanent record. The informed consent waiver shall be approved by the Department prior to the issuance of a Tattoo or Body Piercing Establishment License. The informed consent waiver shall include, but is not limited to, the following information:

1. nature of the procedure,
2. reasonably foreseeable risks of the procedure,
3. description of the equipment utilized in the procedure,
4. sizing of the jewelry (if applicable),
5. an explanation of the jewelry removal procedure and sterilization techniques.

The client shall have the opportunity to ask questions and understand the contents of the informed consent to his/her satisfaction.

(4) The Tattoo or Body Piercing Establishment shall keep written records of maintenance and sanitation of operating equipment, including repairs of autoclaves and ultrasonic devices.

(5) The Tattoo or Body Piercing Establishment shall maintain written records of biological monitoring of sterilization devices conducted monthly, including spore test reports prepared by an independent testing agency approved by the Department.

(6) The Tattoo or Body Piercing Establishment shall maintain written records of hepatitis B vaccination for each employed Tattoo Technician or Body Piercer or other employee who may come in contact with bloodborne pathogens. An employee may refuse vaccination for hepatitis B, but a signed statement attesting to his or her refusal must be part of his/her record.

(7) The records must be maintained for two years and are to be made available to the Department upon request. All records and signatures shall be written in ink. Failure to maintain proper records shall result in suspension or revocation of the operating license

#### D: Establishment Requirements

##### (1) Plan Review and Submission

(a) When a Tattoo or Body Piercing Establishment is constructed or remodeled, plans drawn in a minimum ¼ inch scale and specifications for construction must be submitted along with a Tattoo or Body Piercing Establishment License application to the Department for approval.

(b) The plans must include but are not limited to:

(a) description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.

(c) Manufacturers' specification sheets shall be included in the plan submission for all equipment, floors, walls and ceilings.

(d) All plans must be approved by the Department prior to construction of the Tattoo or Body Piercing Establishment.

(2) Location of Establishment

(a) Tattoo or Body Piercing Establishments shall be in locations permissible under local zoning codes.

(b) Written approval from the local Zoning Code Enforcement Officer must be submitted with the plans.

(c) There shall be no human habitation, food service and/or preparation or other such activity which may cause potential contamination of work surfaces inside the tattoo or body piercing establishment.

(3) Floors, Walls and Ceilings

(a) Floors shall be constructed of approved materials so as to be durable, easily cleanable, nonabsorbent and free of holes. Floors shall be kept clean and in good repair.

(b) The juncture between the floor and wall shall be closed or covered to permit effective cleaning.

(c) Walls, ceilings and attached equipment shall be constructed of approved materials so as to be durable, easily cleanable, non-absorbent and free of holes. Walls, ceilings and attached equipment shall be kept clean and in good repair and finished in a color that will not conceal the presence of soil and debris.

(4) Equipment

(a) The chair, seat or table to be utilized by the person receiving the tattoo or piercing shall be smooth, easily cleanable and non-absorbent.

(b) All chairs, seats or tables must be cleaned and disinfected prior to use by the next client.

(c) All walls with chairs, seats and tables placed against them must be sanitized prior to use of chairs, seats and tables by the next client.

(d) All equipment shall be maintained in good repair.

(5) Lighting

(a) Tattoo or Body Piercing Establishments shall have adequate lighting of at least fifty (50) foot candles of illumination. Such illumination shall be reasonably free from glare and distributed so as to avoid shadows.

(6) Ventilation

(a) Ventilation shall be provided so as to prevent condensate and/or excess moisture and to remove objectionable odors in such a manner that will not cause a public health nuisance.

(7) Water Supply

(a) The water supply shall be adequate, of a safe, sanitary quality and from a source approved by the Department.

(b) Hot and cold water under pressure shall be provided at all sinks.

(8) Toilet Facilities

(a) All Tattoo or Body Piercing Establishments shall provide an adequate toilet facility for the employees and comply with all applicable statutes, ordinances and regulations.

(b) Sewage shall be disposed of in a public sewer system or, in the absence thereof, in a manner approved by the Director of Health.

(c) Toilet fixtures shall be sanitary and easily cleanable.

(d) Toilet facilities including rooms and fixtures shall be kept in a clean condition and in good repair.

(e) Anti-bacterial liquid soap, toilet paper and single use, disposable towels shall be provided at each handwashing sink in each toilet room.

(f) The doors for all toilet rooms shall be self-closing.

(g) Equipment or supplies used for tattoo or body piercing procedures shall be neither used nor stored in the toilet facilities.

(9) Handwashing

a) Each work station in the Tattoo or Body Piercing Establishment shall have a handwashing sink in close proximity with hot and cold potable running water for the exclusive use of the Tattoo Technician or Body Piercer for the purpose of washing his or her hands and prepping clients.

(b) At each handwashing sink liquid anti-bacterial soap and single use, disposable towels shall be provided at all times. Common towels are prohibited.

(10) Refuse and Refuse Containers

(a) All garbage and rubbish shall be kept in leakproof, non-absorbent, easily cleanable, covered containers which must be kept clean.

(b) Refuse containers inside the establishment shall be operated by a foot pedal.

(c) All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent a public health nuisance.

(d) Infectious wastes shall be disposed of in compliance with the Regulated and Infectious Waste requirements of this code.

(11) Regulated and Infectious Waste

(a) All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods.

(b) All needles and attached equipment shall be disposed of in Sharps containers. The needles shall not be broken or bent prior to disposing in the Sharps container.

(c) A written plan of disposal for regulated and infectious waste must be submitted to the Department for approval prior to issuance of the Tattoo or Body Piercing Establishment License.

(12) Pest Control

(a) Effective measures shall be taken to protect against entrance, or presence, or breeding of pests or rodents inside the Tattoo or Body Piercing Establishment.

(b) All openings into the outer air shall be effectively screened to prevent the entrance of flies.

(13) Toxic Items

(a) Only poisonous and toxic materials that are required to maintain sanitary conditions and utilized in sterilization may be stored in the Tattoo or Body Piercing Establishment.

(b) These materials shall be labeled and stored in such a manner as to not constitute a hazard to clients, employees or equipment.

(14) Miscellaneous Items

(a) Only articles deemed necessary for the routine operation and maintenance of the Tattoo or Body Piercing Establishment shall be permitted in the Tattoo or Body Piercing Establishment.

(b) No live animals shall be kept or allowed in the Tattoo or Body Piercing Establishment except guide dogs that accompany physically disabled person(s) may be permitted.

(c) Adequate facilities shall be provided for the storage of employees' clothing and personal belongings. This storage shall not be located in the work areas.

G: Pre-Tattoo Procedures

(1) Skin Preparation

(a) Only intact and healthy skin shall be tattooed.

(b) If the area where the tattoo is to be placed needs to be shaved, only safety razors with single use blades shall be used.

(c) The area of the skin to be tattooed shall first be washed with an anti-bacterial soap and hot water. After drying, the area shall be cleansed with medical grade rubbing alcohol and allowed to air dry.

(d) The use of styptic pencils and alum blockers is prohibited.

(e) Any petroleum jelly or antiseptic ointment applied to the area shaved shall be applied in a sanitary manner. A sanitary manner consists of either sterile petroleum jelly or antiseptic ointment removed from container and applied to skin with a clean utensil or sterilized single use, collapsible metal or plastic tubes.

(f) No person other than a licensed physician, dentist, or doctor of osteopathy shall employ the use of federally controlled substances, including topical, oral, parenteral or inhaled anesthetics, while providing tattooing procedures.

(2) Dyes and Stencils

(a) Only single use and sterile stencils shall be used. Multi-use stencils are prohibited.

(b) Only nontoxic, sterile dyes shall be used. Dyes and inks shall not be adulterated and only used in accordance with the manufacturer's guidelines.

(c) For each client, dyes shall be transferred to a clean, single service container.

(d) If excessive dye must be removed from the skin then only single use tissues or sterile gauze shall be used.

(e) Any unused dye shall be discarded after each client.

(3) Post-Tattoo Procedures

(a) The Tattoo Technician shall explain the aftercare instructions to each client upon completion of the tattoo.

(b) After completion of the tattoo, the area of skin tattooed shall be washed with a hospital grade germicidal solution from a single service container or applied with single use applicators.

(c) After air drying, the tattooed area shall have petroleum jelly or antibacterial ointment applied using a sterile material. A sterile bandage or sterile gauze shall be applied to the tattooed area and affixed with adhesive tape.

H: Pre-Body Piercing Procedures

(1) Skin Preparation

- (a) Only healthy, intact body parts may be body pierced.
- (b) If shaving of the skin where the piercing is to occur is required, only single use razors shall be used.
- (c) The area of skin to be pierced shall first be washed with an antibacterial soap and hot water. The skin must be prepared for not less than forty-five (45) seconds with a povidone-iodine solution prior to all piercings. A seventy percent (70%) alcohol solution, applied for ninety (90) seconds, may be used as an alternative to povidone-iodine.
- (d) All solutions applied to the skin shall be allowed to air dry.
- (e) Prior to all oral piercing, the client must rinse with an anti-bacterial mouthwash.
- (f) All preparation solutions shall be applied in a sanitary manner. All cotton balls, swabs or other applicators shall be single use.
- (g) Only single use toothpicks may be used for marking in oral piercings.
- (h) The use of styptic pencils and alum blockers is prohibited.
- (i) No person other than a licensed physician, dentist, or doctor of osteopathy shall employ the use of federally controlled substances, including topical, oral, parenteral or inhaled anesthetics, while providing body piercing procedures.

(2) Jewelry Requirements

- (a) Jewelry to be placed in the client must be of body/implant grade material, free of imperfections and designed for use in body piercing.

(b) All jewelry shall be sterilized, by either the manufacturer or the body piercing establishment, prior to use on the client.

(c) After sterilization, all packages containing jewelry shall be kept in a sanitary manner and dated.

### (3) Body Piercing Needles and Equipment

(a) No person shall perform an ear-piercing procedure with an ear-piercing instrument unless the ear-piercing instrument utilizes a single-use stud-and-clasp ear piercing system. Under no circumstances may an ear-piercing instrument be used on any body part other than the lobe and/or outer perimeter of the ear excluding the tragus.

(b) All body piercing needles are for single use only and shall be sterilized and dated prior to use.

(c) To resist temptation to reuse needles, a minimum of twenty-five (25) ready to use sterilized and dated needles shall be provided at the Body Piercing Establishment at all times.

(d) After each use the piercing needle shall be disposed of in accordance with the Regulated and Infectious Waste requirements of this code.

(e) All instruments to be used during the body piercing procedure which will come in contact with a body or bodily fluids, including but not limited to, thimbles, nail clippers, hairclips, scissors, pliers, files, forceps, needle holders, clothespins and insertion tapers must be sterilized and kept in a sterile manner prior to use.

(f) Corks, rubber bands and other items that cannot be sterilized must be kept in a sanitary manner prior to use and be single use only.

### (4) Post-Body Piercing Procedure

(a) The Body Piercer shall explain the aftercare instructions to each client upon completion of the piercing.

(b) The Body Piercer shall inform clients that latex or other barriers are recommended whenever the client will be placing their piercing into the body or bodily fluids of another person.

#### I: Tattoo Technician or Body Piercer Responsibilities

(1) Prior to starting the tattoo or piercing, and as often thereafter as may be necessary, the Tattoo Technician or Body Piercer shall wash his or her hands and any exposed areas of the arms by lathering with an anti-bacterial soap for at least twenty (20) seconds, rinsing under hot water and then drying with a single use disposable towel.

(2) Disposable, single use, examination gloves shall be worn for any procedure involving contact with the client's skin, hair and other body tissue. The gloves shall be changed whenever necessary to prevent contamination. If latex gloves are to be used, the Tattoo Technician or Body Piercer must determine if the client has a latex allergy before any procedures are performed.

(3) The Tattoo Technician or Body Piercer shall keep his or her fingernails clean.

(4) Excessive jewelry or cosmetics that may interfere with handwashing shall not be worn by the Tattoo Technician or Body Piercer.

(5) Outer garments worn by the Tattoo Technician or Body Piercer shall be clean.

(6) The use of tobacco, by either the client or Tattoo Technician or Body Piercer, while engaged in the act of tattooing or piercing is prohibited. The use of tobacco shall be limited to areas physically removed from the procedure areas.

(7) The consumption of food or drink, by either the client or Tattoo Technician or Body Piercer, while engaged in the act of tattooing or piercing is prohibited. The consumption of food or drink shall be limited to areas physically removed from the procedure areas.

#### J: Needles and Attachments

- (a) All needles and needle bars shall be single use only.
- (b) All needles and needle bars shall be sterilized prior to use.
- (c) To resist temptation to reuse needles, a minimum of twenty-five (25) ready to use, sterilized needles shall be provided at all times on site.
- (d) Only lead free solder shall be used in conjunction with needles and needle bars.
- (e) Needle tubes shall be single use, however, surgical stainless steel tubes may be used provided they are cleaned and sterilized prior to each client.
- (f) After use on each client, the needle shall be disposed of in accordance with Section D (11) of this code.
- (g) All equipment used in the tattoo or body piercing process shall be designed to be nontoxic, easy to clean, non absorbent and corrosion resistant. Additionally, all equipment shall be sterilized or sanitized, if sterilization is not possible, and stored in accordance with this code.
- (h) Each Tattoo or Body Piercing Establishment shall have a written protocol for needlestick accidents that describes how medical care will be provided to the client or employee after a needlestick injury.
- (i) This written protocol shall be submitted to the Department at the time of application for the Tattoo or Body Piercing Establishment License for approval.

#### K: Sterilization

(a) Every Tattoo or Body Piercing Establishment shall utilize a steam sterilizer which meets the requirements of the United States Food and Drug Administration. Chemical sterilizers or alternate methods of sterilization may be used upon prior approval from the Department.

(b) Every Tattoo or Body Piercing Establishment shall utilize an ultrasonic cleaner that is resistant to chemical spills and cracking, constructed of stainless steel and capable of uniform cleaning of equipment.

(c) All equipment to be sterilized shall be cleaned in the ultrasonic cleaner according to the manufacturer's recommendations, then packaged in individual peel packs, arranged in the autoclave in accordance with the manufacturer's recommendations and then sterilized for twenty (20) minutes at fifteen point nine (15.9) minimum pounds pressure at a minimum temperature of two hundred fifty degrees (250°) Fahrenheit. A temperature sensitive autoclave tape shall be included in every load that is placed in the autoclave. This tape shall indicate that the requirements of this section have been attained before use of the equipment sterilized.

(d) A test using a biological monitoring system that is processed through a licensed laboratory shall be conducted monthly to insure the sterility of the autoclave. The Department must be notified within forty-eight (48) hours of receipt of test that indicates non-sterile conditions.

(e) After sterilization, all packages containing sterilized equipment shall be stored in a sanitary manner.

(f) Packages shall be dated with the month, day and year of sterilization. Sterilized equipment shall be used within eight (8) months of the sterilization date.

(g) All equipment shall remain in the sterilized packages until the time of the tattoo or piercing. These packages shall be opened in front of the client to be tattooed or pierced. When opening the package and assembling the equipment, the Tattoo Technician or Body Piercer shall wear gloves that meet the requirements of this code.

(h) Sterilized packages that have been compromised by handling or otherwise damaged shall not be used.

(i) All needles and equipment shall be stored and handled in a way that will prevent contamination.

## L: Penalties

### (1) Suspension

(a) The Director of Health may suspend the license of any Tattoo or Body Piercing Establishment or Temporary Tattoo or Body Piercing Establishment if the business or Tattoo Technician or Body Piercer has made any material misrepresentation to the Department, does not meet or no longer meets, or has a history of non-compliance with the requirements of the applicable sections of this document or of the Connecticut Public Health Code. The license holder or operator shall be notified in writing that the license is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health by the license holder within two (2) business days following the service of such notice

### (2) Revocation

(a) The Director of Health may revoke the license of any person for serious or repeated violations of the provisions of this code including, but not limited to, critical violations as described in section A(9). Written notice of intent to revoke the license, setting forth the violation(s), shall be delivered to the licensee at his/her establishment ten (10) days prior to such revocation. The licensee may file a request for a hearing with the Director of Health within two (2) business days of receiving notice of intent to revoke the license. If no request for a hearing is filed within two (2) business days the revocation of the license becomes final. A license may be suspended for cause pending its revocation or a hearing relative hereto.

(3) Hearings

(a) provided for by this ordinance shall be conducted by the Director of Health at a time and place designated by the Director. Hearings will be conducted within five (5) days of receipt of a request for same. A written report of the hearing decision shall be furnished to the license holder by the Director of Health.

(4) Reinstatement

(a) A suspended license will be reinstated when an inspection made by the Department reveals that the conditions causing suspension of the license have been corrected. The inspection will be conducted within ten (10) days of a written request for license reinstatement indicating how each of the conditions, which caused the suspension, have been corrected and shall be signed by the license holder.

M: Unconstitutionality Clause

(a) Should any section, paragraph, sentence, clause or phrase of this code be declared unconstitutional or invalid for any reason, the remainder of said code shall not be affected thereby.

N: Conflict of Regulations

(a) In any case where a provision of this code is found to be in conflict with a regulation of the State Department of Public Health or any other state law or regulation, on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

O: Effective Date

This code shall become effective XXX