

**New Hanover County**

**Health and Human Services Board**

**Rules Governing Body Art**

**In**

**New Hanover County, North Carolina**

**Effective March 16, 2021**

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### **7000 Purpose**

To establish standards for body piercing and the operation of any body piercing establishments in New Hanover County. To establish standards for the training of any persons who engage in the practice or business of body piercing and/or tattooing and to establish standards for the disposal of greywater in establishments operated as body piercing and/or tattoo businesses. The New Hanover County Board of Health and Human Services declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

### **7001 General Provisions**

(a) **Scope** No person shall body pierce, operate, or cause any body piercing in an establishment to be operated contrary to the provisions of these Rules. Tattoo artists and establishments shall conform to the state rules established in and any future amendments of 15A NCAC 18A .3200 except where these rules provide greater protection for public health. Tattoo artists and establishments shall be subject to the following:

1. Must be 18 years of age or older, Definitions;
2. Must have bloodborne pathogen training, 7004 (g); and
3. Must provide approved greywater disposal 7011 (h).

(b) **Conflict** The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety and welfare shall prevail within the jurisdiction of such agency or municipality over requirements and standards established by these Rules.

### **7002 Definitions**

The following definitions shall apply in the interpretation and enforcement of these Rules:

**Antiseptic** means an approved substance that prevents or arrests the growth or action of microorganisms by inhibiting their activity or by destroying them, applied topically to living tissue.

**Body Piercing** means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of disinfected or sterilized jewelry or other adornment thereto in the opening. Puncturing the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

**Body Piercing Establishment** means any location where body piercing is engaged in or where the business of body piercing is conducted or any part thereof.

**Bloodborne Pathogen Training** means an Occupational Safety and Health Administration (OSHA) recognized training that prescribes safeguards to protect workers against the health hazards from exposure to blood and other potentially infectious materials, and to reduce their risk from this exposure, including Universal Precautions.

**Department** means the New Hanover County Health and Human Services, Environmental Health Services or its authorized representative.

**Disinfection** describes a process that eliminates many or all pathogenic microorganisms, except bacterial spores, on inanimate objects with the use of an approved disinfectant.

**Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body piercing establishment.

**Hand Sink** means a lavatory used solely for washing hands and arms.

**Jewelry** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low porosity plastic and which is free of nicks, scratches, or irregular surfaces and which has been properly disinfected or sterilized prior to use.

**Permit** means written approval by the Department to practice body piercing or tattooing in an approved body piercing or tattoo establishment. Approval is given in accordance with these Rules and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising New Hanover County.

**Sharps** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single-use needles, scalpel blades, and razor blades.

**Sharps Container** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal, and is labeled with the International Biohazard Symbol.

**Single-Use** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary covering, razors, piercing needles, scalpel blades, and protective gloves.

**Sterilization** describes a process that destroys or eliminates all forms of microbial life and is carried out by physical or chemical methods.

**Tattoo Artist** means any person 18 years of age or older who engages in tattooing.

**Tattoo Establishment** means any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof.

### **7003 Exemptions**

(a) Physicians licensed by the State of North Carolina, as well as physician assistants, and nurse practitioners working under the supervision of a physician licensed by the State of North Carolina, who perform body piercing procedures or tattooing, either independent of or in connection with patient treatment are exempt from these Rules.

(b) Individuals who pierce only the lobe of the ear using a pre-sterilized single-use stud and clasp ear piercing system are exempt from these Rules. Individuals who use ear piercing systems shall conform to the manufacturer's directions and applicable U.S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints alleging improper disinfection or misuse of ear piercing systems.

### **7004 Permits, Inspections, and Fees**

(a) Prior to engaging in the practice or business of body piercing and/or tattooing, a person shall make application to the Department, successfully complete bloodborne pathogen or infection control training, and obtain a body piercing and/or tattooing permit from the Department. A permit may not be issued to an artist until the body

piercing and/or tattoo establishment where they propose to practice has been inspected and found to conform with these Rules.

(b) The Department shall conduct inspections of new body piercing and/or tattoo establishments as soon as practicable after receipt of an application for a body piercing and/or tattooing permit and notification of the proposed business operation. The Department shall conduct inspections of existing body piercing and/or tattoo establishments as frequently as necessary or at least annually to verify conformance with these Rules.

(c) Application for a body piercing permit shall be submitted to the Department and shall include at least the following information:

- (1) Name of body piercer;
- (2) Mailing address of body piercer;
- (3) Body piercer's phone number;
- (4) Body piercer's date of birth;
- (5) Name of body piercing establishment;
- (6) Street address of body piercing establishment;
- (7) Signature of body piercer;
- (8) Proof of completion of a bloodborne pathogen training program (or equivalent) approved by the Department.

(d) Permits shall be conditioned upon continuous compliance with all provisions of these Rules, and permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

(e) Any additional information requested to verify compliance with these Rules shall be submitted to the Department either with the permit application or promptly thereafter within a reasonable period of time.

(f) An application fee established by the Health and Human Services Board is payable at the time of initial application and thereafter when applying for renewal of an existing body piercing or tattooing permit.

(g) Body piercers and tattoo artists shall successfully complete annually a bloodborne pathogen or infection control course prior to filing application for renewal of their body piercing or tattooing permit.

(h) A representative of the Department shall properly identify their self upon entering a body piercing establishment to conduct an evaluation, inspection, or investigation.

(i) Body piercing permits shall be issued in the name of the individual body piercer, shall list the address of the body piercing establishment, and shall not be transferable to another person or place of practice, and shall expire one (1) year from the date of issue.

(j) A copy of the inspection report shall be provided to the body piercer following the evaluation, inspection or investigation.

(k) Application for renewal of a body piercing or tattooing permit along with a renewal fee established by the Health and Human Services Board shall be submitted to the Department at least thirty (30) days prior to the expiration date. A late fee established by the Health and Human Services Board shall be assessed in addition to the annual fee when an application for renewal is submitted less than thirty (30) days prior to the expiration date.

(l) Upon determination of willful violation of these Rules, a body piercing or tattooing permit shall be subject to revocation by the Department. Reinstatement of a revoked body piercing or tattooing permit shall only be done in accordance with specific conditions and procedures prescribed by the Health and Human Services Board.

#### **7005 Body Piercer Requirements and Professional Standards**

(a) The body piercer shall be a minimum of eighteen (18) years of age.

(b) There shall be no use of tobacco, vaping, or other smoking materials in the body piercing room and there shall be no eating of food or drinking of beverages in the body piercing room.

(c) Body piercers shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body piercing. Before performing body piercing, body piercers shall thoroughly wash their hands with liquid soap (for at least 2 minutes), rinse hands, and dry with disposable paper towels. Handwashing shall be done between clients and as often as necessary to remove contaminants.

(d) While performing body piercing procedures, body piercers shall wear disposable medical gloves. Gloves shall be changed if they become contaminated or torn. At a minimum, gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed between gloves changes. The use of disposable medical gloves shall not preclude or substitute for handwashing procedures as part of a good personal hygiene program.

(e) Any item or instrument used for body piercing which is contaminated during the procedure shall be immediately replaced with a new disposable item/instrument or a new sterilized item/instrument before resuming the procedure.

(f) Sharps ready for disposal shall be disposed of in an approved sharps container. Solid waste shall be placed in a covered receptacle and disposed of through approved disposal methods.

(g) Any skin or mucosa surface to receive a body piercing shall be free of any rash, pimples, boils, infections, or manifest any evidence of being reddened, inflamed, or visibly infected.

(h) No person with visible jaundice (yellowing of the eyes or skin) shall receive a body piercing procedure.

(i) The skin of the body piercer shall be free of rash or infection. No person with infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall work in any area of a body piercing establishment in any capacity.

#### **7006 Public Information and Notification Requirements**

(a) Aftercare instructions, approved by the Department, for the body piercing procedures shall be provided to each client by the body piercer upon completion of the procedure. The aftercare instructions shall advise the client to consult a medical professional at the first sign of an infection or swelling. The aftercare instructions shall contain: the establishment's name, address, and phone number.

(b) All infections, diseases, or complications resulting from a body piercing procedure which become known to the body piercer shall be reported to the Department by the body piercer within forty-eight (48) hours.

#### **7007 Client Records and Retention**

(a) To evaluate a client's medical condition for receiving a body piercing procedure, to assure proper aftercare direction, and not violate the client's rights or confidential medical information, the body piercer shall request the following information:

*In order to assure proper healing of your body piercing procedure, we request that you disclose if you have or have had any of the following conditions:*

- 1. Diabetes;*
- 2. History of hemophilia (bleeding);*
- 3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;*
- 4. History of allergies, adverse reactions or other skin sensitivities;*
- 5. History of epilepsy, seizures, fainting or narcolepsy; and,*
- 6. Taking medications such as anticoagulants which thin the blood and/or interfere with blood clotting.*

(b) The body piercer shall ask the client to sign a release form confirming that the above information was obtained or attempted to be obtained. The client shall be asked to disclose any other information that would aid the body piercer in evaluating the healing process of the client's body piercing.

(c) Each body piercer shall keep records of all body piercing procedures performed including at least the following information:

1. Name;
2. Date of birth;
3. Address and phone number of the client;
4. Date of procedure;
5. Name of body piercer who performed the procedure;
6. Type and location of the procedure performed;
7. Signature of the client and if the client is a minor, proof of parent or guardian present and consent, (i.e. signature of parent or guardian).

(d) All client records shall be confidential and shall be retained for a minimum of two (2) years, and upon request made available to the Department.

(e) Nothing in this Section shall be construed to require the body piercer to perform a body piercing procedure upon a client.

#### **7008 Preparation and Care of the Body Piercing Area**

(a) Before performing a body piercing procedure, the site of the procedure shall be cleaned with antiseptic. If shaving is necessary, single use disposable razors shall be used. If the site of the piercing is shaved, the site of the piercing shall be cleaned with antiseptic after shaving. Any items used in preparing the site to be pierced shall be single use and properly disposed of immediately after use.

#### **7009 Disinfection and Sterilization Procedures**

(a) All non-single use, non-disposable instruments used for body piercing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or as directed by the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accordance with the manufacturer's instructions.

(b) After cleaning, all non-disposable instruments used for body piercing shall be packed individually in peel-packs and subsequently sterilized [see Subsection (c) below]. All peel-packs shall contain either a sterilizer

indicator or internal temperature indicator. Peel-packs shall be dated with an expiration date not to exceed six (6) months.

(c) All cleaned, non-disposable instruments used for body piercing shall be sterilized in a steam autoclave. The sterilizer shall be used, cleaned, and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions for operation of the sterilization unit shall be made available upon request to the Department. Sterile equipment shall not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from work stations and areas frequented by the public. If the body piercing establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

(d) Each body piercer shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly endospore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy endospores is received by the Department. These test records shall be retained by the body piercer for a period of two (2) years and made available upon request to the Department.

(e) After sterilization, instruments used for body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(f) All instruments used for body piercing shall remain stored in sterile packages until just prior to performing a body piercing procedure. When assembling instruments used for performing body piercing procedures, the body piercer shall use aseptic techniques.

#### **7010 Requirements for Single Use Items**

(a) Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors, and other sharps shall be immediately disposed of in an approved sharps container.

(b) All products applied to the skin shall be single use and disposable. Antiseptics, soaps, and other products shall be dispensed and applied in a manner so as to prevent contamination of the original container and its contents.

#### **7011 Requirements for Premises**

(a) Persons making application for a permit to operate a body piercing establishment shall submit a scaled floor plan of the proposed facility layout for the Department.

(b) All walls, floors, ceilings, and all procedure surfaces of body piercing rooms shall be smooth, free of cracks or open holes, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction to be easily cleanable and disinfected after each client. All body piercing rooms shall be completely separated by solid partitions or by walls extending from floor to ceiling from any: room used for human habitation; food establishment or room where food is prepared; hair salon; retail sales; and other activity which offers potential for contamination of work surfaces.

(c) Effective measures shall be taken by the body piercer to protect the entrance into the establishment and to prevent the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or premises.

(d) There shall be a minimum of forty-five (45) square feet of floor space for each body piercer.



(e) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body piercing procedure is being performed and where instruments and sharps are assembled.

(f) No animals of any kind shall be allowed in the body piercing room.

(g) A separate readily accessible hand sink equipped to provide water at temperature of at least 100°F through a mixing valve or combination faucet and supplied with liquid soap and disposable paper towels shall be within the body piercing room. One hand sink shall serve no more than three (3) body piercers. Access to these hand sinks shall be restricted to the body piercers. In addition, the bathroom must include a minimum of one (1) lavatory, excluding any service sinks and a minimum of one (1) toilet in a body piercing establishment.

(h) Body piercing establishments and tattoo establishments shall provide facilities for the washing and storage of solid waste containers, buckets, and mops. Cleaning facilities shall include a faucet with a threaded nozzle and hot water of at least 110°F in either a designated utility sink or a curbed impervious pad sloped to drain into a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system in accordance with 15A NCAC 18A .1900. Existing body piercing and tattoo establishments permitted prior to March 7, 2018 are exempt from having an approved greywater disposal system. Upon change of ownership this requirement shall be met.

(i) At least one covered waste receptacle shall be provided for each body piercer. A covered solid waste container shall be provided in each bathroom. Receptacles in the body piercing room shall be emptied daily. Solid waste shall be removed at least weekly from the premises. All exterior refuse containers shall be provided with lids and shall be cleanable and kept clean.

#### **7012 Prohibitions**

(a) Performing a body piercing procedure on any body part of a person under the age of eighteen (18) without the written consent and presence of the parent, legal custodial guardian, or legal guardian of such minor shall be prohibited. Consent shall be given in person to the body piercer by the parent, legal custodial guardian, or legal guardian at the time the body piercing procedure is to commence. Photographic identification of the parent, legal custodial guardian, or legal guardian shall be required.

(b) Performing a body piercing procedure on a person who, in the opinion of the body piercer, appears to be under the influence of alcohol or drugs shall be prohibited.

(c) Operating, owning, or soliciting business as a body piercer without first obtaining all necessary approvals and permits from the Department, unless specifically exempted by these Rules, shall be prohibited.

(d) Obtaining or attempting to obtain a body piercing permit by means of misrepresentation, fraud, or concealment shall be prohibited.

#### **7013 Right of Entry**

Pursuant to authority granted by North Carolina General Statute 130A Section 17, the Department shall have the right to enter upon the premises of any property for the purpose of conducting an inspection or determining compliance with these Rules.

### **7014 Enforcement**

(a) Establishments with body piercers or tattoo artists that continue business or operate without proper permits from the Department or operate in violation of these Rules shall be subject to legal remedial actions and sanctions as provided by the North Carolina General Statutes.

(b) It shall be unlawful for any person to interfere with the Department in the performance of its duties.

(c) If, after investigation, the Department finds that a body piercer or tattoo artist is in violation of these Rules, the Department may, as an alternative or in addition to any other legal remedies and sanctions, advise the body piercer or tattoo artist, in writing, of its findings and instruct the permit holder or operator to take specific steps to correct such violations within a reasonable period of time not to exceed thirty (30) days.

(d) If there is reasonable cause to suspect a communicable disease has been or may be transmitted by a body piercer or tattoo artist from use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the public health, the Department may, upon written notice to the body piercer or tattoo artist issue an order to immediately suspend the body piercing or tattooing permit until the Department determines there is not further risk to the public health. Such an order shall state cause for the action.

### **7015 Suspension or Revocation of Permits**

(a) Permits issued under the provisions of these Rules may be suspended by the Department for failure of the body piercer or tattoo artist to comply with the requirements of these Rules.

(b) The body piercer or tattoo artist shall be notified in writing that the permit is, upon receipt of notice, immediately suspended. The notice of permit suspension shall contain a statement informing the body piercer or tattoo artist that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department.

(c) Any person whose permit has been suspended for violation of these rules may, at any time, make application for reinstatement of the permit. Within five (5) days following receipt of a written request, including a statement signed by the applicant that conditions causing the suspension have been corrected, the Department shall re-inspect the body piercing or tattoo establishment or evaluate relevant documentation provided by a body piercer or tattoo artist. If the applicant is in compliance with the provisions of these Rules, the permit shall be reinstated.

(d) For repeated or serious violation of these Rules or for interference with Department personnel in the performance of their duties, a body piercing or tattooing permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the body piercer or tattoo artist in writing, stating the reasons for which the permit is subject to revocation and advising the body piercer or tattoo artist of the requirements for filing a request for a hearing. A request for a hearing shall be filed by written petition to the Department. Unless the body piercer or tattoo artist requests a hearing within five (5) days following service of the notice, the Department may permanently revoke the permit. A permit may be suspended for cause, pending a hearing relative to its revocation.

(e) The hearing provided for in this section shall be conducted by the Department at a time and place acceptable to the body piercer or tattoo artist. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be provided to the body piercer or tattoo artist by the Department.

**7016 Appeals Procedure**

Appeals concerning decisions of the Department or authorized representatives shall be made by written petition to the Health and Human Services Board and shall be made within fifteen (15) days of the challenged action. The Health and Human Services Board shall conduct a hearing within forty-five (45) days after receipt of an appeal petition and shall give the appellant not less than a fifteen (15) day notice of the date, time and place of the hearing. The Health and Human Services Board shall respond to affirm, modify, or reverse the challenged action. When granting variance from these Rules, the Health and Human Services Board may impose such conditions as deemed necessary to protect the public health.

**7017 Remedies**


If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

**7018 Severability**

If any provision of these Rules or the application thereof to any person or circumstance is declared invalid, then the remainder of these Rules or the application of such provision to other persons or circumstances shall not thereby be affected.

**7019 Effective Date**

Adopted March 16, 2021 by the New Hanover County Health and Human Services Board, these Rules shall be effective on and after March 16, 2021.

  
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Dr. Stephanie D. Smith, Chairman  
New Hanover County Health and Humans Services Board

  
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Mr. David Howard, Interim Health Director  
New Hanover County Health Director