

ALBANY COUNTY DEPARTMENT OF HEALTH

TATTOO AND BODY PIERCING RULES AND REGULATIONS

Section 1. INTENT AND PURPOSE

Pursuant to Local Law No. 4 for 1999, these rules and regulations have been promulgated.

Section 2. DEFINITIONS

The following words and phrases, as used in this local law shall have the indicated meaning:

1. **“ADEQUATE LIGHT”** shall mean that the tattoo and/or body piercing shop be so illuminated as to permit all tattooing and/or body piercing to be clearly visible without obstruction by shadow or darkness.
2. **“ADEQUATE VENTILATION”** shall mean a free and unrestricted circulation of fresh air throughout the tattoo and/or body piercing shop and the expulsion of foul or stagnant air.
3. **“DEPARTMENT”** shall mean the Albany County Department of Health.
4. **“HEALTH OFFICER”** shall mean the Albany County Commissioner of Health or his/her designee.
5. **“MINOR”** shall mean any person under the age of eighteen years.
6. **“PHYSICIAN”** shall mean a doctor of medicine or doctor of osteopathy equivalent licensed under the provision of the Education Law.
7. **“AFTERCARE”** means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information on when to seek medical treatment, if necessary.
8. **“ANTISEPTIC”** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

9. **“BODY PIERCING”** means puncturing or penetration of the skin of a person using pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

10. **“CONTAMINATED WASTE”** means any 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; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens.”

11. **“DISINFECTION”** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

12. **“EAR PIERCING”** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers’ 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.

13. **“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 tattoo and/or body piercing shop.

14. **“HANDSINK”** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

15. **“HOT WATER”** means water which attains and maintains a temperature of at least 100 degrees F.

16. **“INSTRUMENTS USED FOR TATTOOING AND BODY PIERCING”** means hand pieces, needles, needle bars and other instruments that may come in contact with a client’s body or possible exposure to bodily fluids during art procedures.

17. **“INVASIVE”** means entry into the body wither by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

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

19. **“LIQUID CHEMICAL GERMICIDE”** means a disinfectant or sanitized registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, ¼ cup/gal, or 2 tablespoons/quart of tap water).

20. **“PERSON”** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

21. **“PROCEDURE SURFACE”** means any surface of an inanimate object that contacts the client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.

22. **“SANITIZE/SANITIZATION PROCEDURES”** means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

23. **“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.

24. **“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.

25. **“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 coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

26. **“STERILIZATION”** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

27. **“TATTOOING”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

28. **“TEMPORARY TATTOO AND/OR BODY PIERCING SHOP”** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

29. **“UNIVERSAL PRECAUTIONS”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC) as “guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6 and as “recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures.” In MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

30. **“SHOP CERTIFICATE OF SANITATION”** shall mean the issuance of a document by the Health Officer to a tattoo and/or body piercing shop certifying that said shop, after inspection, was found to be in compliance with the applicable provisions of this local law.

31. **“TATTOO”** shall mean to mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.

32. **“BODY PIERCING”** shall mean to cut or pass through with a sharp instrument, or to penetrate a part of the body other than the ear for the purpose of applying jewelry for compensation to various parts of the body by means of a piercing device. If the body piercing is offered in conjunction with the sale of jewelry actually being used in connection with the body piercing, then that service shall be deemed to have been provided for compensation.

33. **“PIERCING DEVICE”** shall mean any device used for the piercing of the skin for the purpose of applying jewelry or other objects to the body.

34. **“TATTOO AND/OR BODY PIERCING ARTIST”** shall mean any person who actually performs the work of tattooing and/or body piercing.

35. **“TATTOO AND/OR BODY PIERCING ARTIST CERTIFICATION”** shall mean the issuance by the Health Officer of a written instrument authorizing the person named therein to engage in the practice of tattooing and/or body piercing or to act as a tattoo and/or body piercing artist.

36. **“TATTOO AND/OR BODY PIERCING OPERATOR”** shall mean any person who controls, operates, conducts or manages any tattoo and/or body piercing shop, whether actually performing the work of tattooing or body piercing or not.

37. **“TATTOO AND/OR BODY PIERCING SHOP”** shall mean any room or space where tattooing or body piercing is practiced or where the business of tattooing or body piercing is conducted or any part thereof.

Section 3. TATTOO AND/OR BODY PIERCING ARTIST CERTIFICATION

A. No person except a duly licensed physician shall engage in the practice of tattooing or body piercing or act as a tattoo and/or body piercing artist unless such person has a tattoo and/or body piercing artist certification issued by the Health Officer on a form prescribed by the Department. Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from the requirements of this local law. Individuals who use ear piercing systems must conform to the manufacturer’s directions on the use and applicable US Food and Drug Administration requirements. The department shall have the

authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

B. No holder of any shop certificate of sanitation issued under this local law shall allow a tattoo and/or body piercing artist to perform in such tattoo and/or body piercing shop unless such tattoo and/or body piercing artist is a holder of a valid tattoo and/or body piercing artist certification issued under this section.

C. Artist's certification is to be prominently displayed to the public, at the artist's work station, in every facility where the artist practices. The artist certification shall not be transferable from one person to another.

D. Any person desiring to engage in tattooing or body piercing or act as a tattoo and/or body piercing artist shall submit an application for a tattoo and/or body piercing artist certification to the Health Officer in the form prescribed by the Department.

E. Each applicant shall be required to take and pass an examination prescribed by the Department before an initial tattoo and/or body piercing artist certification will be issued.

F. The applicant shall be required to demonstrate, by examination, knowledge of the provisions of this local law, including those relating to aseptic technique designed to prevent the spread of infection and contagious disease by tattooing or body piercing practices.

G. Records of all such certifications shall be kept on file by the holder of the shop certificate of sanitation for the tattoo and/or body piercing shop employing the person to whom a certification as a tattoo and/or body piercing artist has been issued.

H. A tattoo and/or body piercing artist certification shall expire on December 31 of each year, renewable annually in December for the period next commencing January one.

Section 4. **SHOP CERTIFICATE OF SANITATION**

A. No person shall operate a tattoo and/or body piercing shop unless such person has registered such shop with the Health Officer and has received a shop certificate of sanitation from the Health Officer on a form prescribed by the Department. Shops in which piercing of the lobe or outer perimeter

of the ear only using a single pre-sterilized single use stud earring are exempt from the requirement of this local law.

B. No shop certificate of sanitation shall be issued or renewed unless the shop has been inspected and found to be in compliance with the applicable provisions of this local law.

C. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department (see 11E).

D. The shop certificate of sanitation shall expire on December 31 of each year renewable annually in December for the period next commencing January one.

E. The applicant shall pay a reasonable fee as set by the Department for each shop Certificate of Sanitation.

F. A permit for a body art establishment shall not be transferable from one place or person to another.

G. A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

Section 5. PLAN REVIEW CONSTRUCTION OR PRE-OPERATIONAL INSPECTION

A. Floor Plan

1. When a tattoo shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, properly prepared plans and specifications for such construction, remodeling or alteration showing the layout; including work area, sinks, counters and storage areas, fixtures, toilet facilities and waiting area, drawn in ¼ inch scale, shall be submitted to the Department for review and approval before construction is started.

2. All construction, remodeling, or alterations shall be done in accordance with approved plans.

3. Plans and specifications shall be accompanied by an application on a form provided by the Department along with the appropriate application fee.

B. When a tattoo shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, a final construction or pre-operational inspection shall be requested by the owner or operator and conducted by the Department prior to the opening of the shop to determine compliance with previously approved plans and all applicable requirements of this Article.

Section 6. **GENERAL PHYSICAL ENVIRONMENT**

A. Tattoo and body piercing shops must have adequate light and ventilation and all walls and ceilings shall be smooth and easily cleaned. Walls and ceilings are to be painted a light color.

B. The floor of the tattoo and/or body piercing shop shall be of impervious material. The floor shall be swept and wet-mopped daily. Floors, walls, or ceilings shall not be swept or cleaned while tattooing or body piercing is in operation.

C. Convenient, clean and sanitary toilet and hand washing facilities with hot and cold running water with soap and single-service towels or hand drying devices shall be made accessible to customers.

D. The tattoo and/or body piercing operator shall provide for the proper and safe disposal of all types of waste products.

E. The building and equipment shall be maintained in a state of good repair at all times. The shop premises shall be kept clean, neat, and free of litter and rubbish.

F. At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

G. All instruments and supplies shall be stored in clean, dry and covered containers.

H. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

I. All establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of tattoo and body piercing procedures. The facility permit holder shall also post in public view the name, address, and phone number of the Albany County Department of Health, and the procedure for filing a complaint.

J. Certified tattoo and/or body piercing artists may not set up temporary tattoo and/or body piercing shops at fairs, festivals or expositions unless written approval is obtained from the Health Officer.

Section 7. **WORK ROOM**

A. Each tattoo and/or body piercing shop shall have a work room separate and apart from a waiting room or any room or rooms used as such. The work room shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed and/or body pierced only in said work room.

B. Work tables shall be provided for each tattoo and/or body piercing artist. The surface of all work tables shall be constructed of metal or other material which is smooth, light colored, non-absorbent, corrosive-resistant, and easily sanitized.

C. Sterilizers shall be located away from work stations or areas frequented by the public.

D. Each tattoo and body piercing shop or temporary location shall be equipped with hand-washing facilities for its personnel with unobstructed access to the tattoo and body piercing area such that artists can return to the tattoo and body piercing without having to touch anything with their hands. Hand-washing facilities shall be equipped with hot and cold or tempered running water, soap, single-service towels or other approved hand-drying devices, and a refuse container. Such facilities shall be kept clean and in good repair.

E. Smoking shall be prohibited in the tattoo area. Consumption of alcoholic beverages shall be prohibited in tattoo studios or temporary locations.

F. The tattoo studio or temporary location shall be kept free of rodents and vermin and protected from infestation by insects.

G. The sinks or basins shall be for the exclusive use of the tattoo and/or body piercing artist for washing hands and preparing customers for tattooing or body piercing. They shall be equipped with wrist-action controls, soap, a United States Environmental Protection Agency (EPA) approved or hospital grade germicidal solution, individual hand brushes, and fingernail files for each tattoo and/or body piercing artist.

H. Cabinets for the storage of instruments, dyes, pigments, carbon and stencils shall be provided for each tattoo and/or body piercing artist and shall be maintained in a sanitary manner.

I. All sewage, including liquid wastes, shall be disposed of in a public sewer or, in the absence thereof, in a manner satisfactory to the Department.

J. Only articles considered necessary to the routine operation and maintenance of the body piercing work area shall be permitted in the facility.

K. No live bird, turtle, snake, dog, cat or other animal shall be permitted in any area used for the conduct of body piercing operations or in the immediate open adjacent areas, including the main waiting area and the public access to the toilet room.

L. The water supply shall be adequate, of a safe and sanitary quality, from an acceptable source, and shall meet the requirements of the New York State Sanitary Code (10 NYCRR Part 5) and the Administrative Rules and Regulations of the New York State Department of Health (10 NYCRR Part 72).

M. A copy of printed instructions (see 8F) shall be posted in a conspicuous place in the work room, clearly visible to persons being pierced.

Section 8. OPERATION STANDARDS – CLIENT RECORDS

A. For each patron, proper records of tattoos and/or body piercing administered shall be maintained by the holder of a shop Certificate of Sanitation.

B. A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, signature, address, age, the date tattooed or body pierced, the design of the tattoo, if applicable, the location of the tattoo and/or body piercing on the patron's body, and the

name and location of the tattoo and/or body piercing artist who performed the work.

C. The records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by the Health Officer and shall be preserved for at least three (3) years from the date of the last entry therein. The signature of the patron shall be in the bound book record.

D. Before tattoo and/or body piercing administration, there shall be a discussion conducted with the patron on the risks involved in the tattoo and/or body piercing requested, and its possible health complications. An information form, as prescribed by the Department, shall be signed and dated by both the tattooist/body piercer and the patron. The information form shall advise the client to consult a physician at the first sign of infection or swelling, and shall contain the name, address, and phone number of the establishment. One copy of each form shall be retained at the tattoo and/or body piercing shop and the other copy shall be given to the patron. The tattoo and/or body piercing artist must also explain aftercare instructions and have the patron initial the consent form to indicate that he or she has received written aftercare instructions.

E. In order for the operator/technician to properly evaluate the client's medical condition for receiving a tattoo and body piercing procedure and not violate the client's rights or confidential medical information, the following information shall be given to the operator or artist:

1. History of diabetes;
2. History of hemophilia (bleeding);
3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
4. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
5. History of epilepsy, seizures, fainting or narcolepsy; and
6. Medications taken, such as anticoagulants which thin the blood and/or interferes with blood clotting.

F. There shall be printed instructions, as approved by the Department, given to each body piercing patron on the increased risk of infections resulting from the piercing of mucous membrane tissue, specifically the piercing of the genital area, tongue and nipple. Such printed instructions shall also include information for the patron on the care of the body opening caused by piercing as a precaution to prevent infection, and to consult a private

physician immediately who, in turn, may immediately notify the Albany County Department of Health or advise the patient to do so should an infection become evident. Information should also be provided with reference to the security or snugness of certain jewelry to prevent accidental ingestion or lodging in body cavities.

G. Nothing in this section shall be construed to require the operator to perform tattoo and/or body piercing procedure upon a client.

H. The records of the written consents shall be kept on file for three years by the holder of the shop certificate of sanitation for the tattoo and/or body piercing shop in which the tattoo and/or body piercing was performed.

I. Written consent for body piercing of minors, when legally permissible and required (i.e., parental consent is not required for piercing the ear lobe using a pre-sterilized single use stud and clasp ear piercing system), shall be obtained from at least one parent or legal guardian. The writing shall be notarized and filed in person at the tattoo and/or body piercing shop. Proof of age shall be determined upon presentation of two forms of valid identification. Valid identification shall include: a picture driver's license, picture sheriff's identification or birth certificate.

Section 9. TATTOOING AND BODY PIERCING PROCEDURES

A. A tattoo and/or body piercing artist shall not tattoo and/or body pierce any person who is under the apparent influence of drugs or intoxicating liquor.

B. The use of tobacco in any form while engaged in tattoo and/or body piercing procedures is prohibited. The use of tobacco will be restricted to designated areas acceptable to the Commissioner, where no contamination hazard will result and so as to conform to Article 13E of the New York State Public Health Law.

C. Each tattoo and/or body piercing artist shall wear clean outer garments and footwear, maintain a high standard of personal cleanliness, and conform to hygiene practices while on duty.

D. The tattoo/body piercing artist shall keep fingernails clean and neatly trimmed. The artist shall not wear excessive cosmetics or excessive jewelry,

deemed by the Department to interfere with proper hand washing techniques, while engaged in tattoo and/or body piercing procedures.

E. No person with any disease in a communicable form or suspected of having such a disease shall engage in tattoo and/or body piercing. Such diseases include, but are not limited to, the common cold, influenza, tuberculosis, scabies, impetigo, syphilis, chicken pox, mumps, hepatitis, infections on arms, sore throat or jaundice of the skin or sclera.

F. The health officer may require from a tattoo and/or body piercing artist who is found to have a disease in communicable form, or suspected of having such a disease, a statement signed by a duly licensed physician stating that the person is free from communicable diseases before granting permission to resume operations.

G. Any substance applied to the area to be tattooed or body pierced should be dispensed from a container in a sanitary manner that prevents contamination of the original container and its contents, preferably from single-use collapsible metal or plastic tubes. Containers which require that the substance be removed by hand (e.g., a tub from which the substance is removed with the use of a tongue depressor) are prohibited. The application may be spread by the use of gauze but not directly with fingers. The applicator shall be used only once and then discarded.

H. Before working on each patron, the fingernails of the tattoo and/or body piercing artist shall be cleaned with an individual nail file. The artist shall clean his/her hands and exposed areas of the arms thoroughly by lathering and vigorously scrubbing for 10-15 seconds using soap. Hands shall be dried by disposable paper towels or other mechanical means.

I. Skin shall be marked with a non-toxic marker prior to cleansing with antiseptic. The area being pierced must be free of sores and lesions.

J. Before performing a tattoo and/or body piercing procedure, the immediate and surrounding area of the skin where the tattoo and/or body piercing procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.

K. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single-use and disposed of immediately after use in appropriate covered contaminated-waste containers.

L. For all body piercing, a single-use, sterilized disposable surgical piercing needle of the same gauge as the jewelry is required.

M. Only sterilized jewelry or ornaments in new or good condition, and made of acceptable materials, shall be used for piercing. Acceptable metals include implant grade stainless steel, solid 14k-24k gold, niobium, titanium and platinum.

N. When applied, jewelry should be pushed through the skin following the needle, in the same direction as the piercing.

O. Ear piercing guns and ear piercing needles are to be used for piercing ear lobes only. This piercing device may not be used to pierce any other part of the body.

P. Following the cleaning and shaving of the patron's skin, the hands of the tattoo and/or body piercing artist shall again be washed and scrubbed as required by "I" of this section. Disposable gloves shall then be worn by the tattoo and/or body piercing artist. These gloves must be changed if they touch any other person or non-clean surface during tattoo application or body piercing, or if gloves become pierced or torn, and for each new customer.

Q. Before placing the design on the patron's skin or penetrating the patron's skin, the tattoo and/or body piercing artist shall treat the skin area with an EPA approved or hospital grade germicidal solution which shall be applied with cotton or gauze.

R. The use of single-service tissue and sterile hectographic stencils shall be required for applying a tattoo outline to the skin, with the exception of acetate stencils (see 11C). If drawn free-hand, non-toxic markers or other devices as approved by the Department shall be used.

Section 10. DYES AND PIGMENTS

A. In preparing nontoxic dyes or pigments to be used by a tattoo artist, only nontoxic or sterile material shall be used. Single-service or individual

portions of dyes or pigments in clean, sterilized individual containers or single-service containers must be used for each patron.

B. Skin shall be marked with a nontoxic marker prior to cleansing with antiseptic. The area being pierced must be free of sores and lesions. After tattooing, the remaining unused dye or pigment in the single-service or individual containers must be properly discarded.

C. Patrons shall be provided printed warning of the potential physical reactions from the use of certain dyes in a form acceptable to the Department.

D. All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, yes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper or plastic cups or caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

Section 11. SANITATION AND STERILIZATION PROCEDURES

A. All non-single use, non-disposable instruments used for tattooing and/or body piercing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, and soaked in a sanitizing solution.

B. After cleaning, all non-disposable instruments used for tattoo and/or body piercing shall be packed in packages approved for the sterilization unit. Equipment shall be packed individually or as a set, provided such set is intended to be used for a single tattoo procedure. Each package of equipment sterilized shall be monitored for sterilization.

C. Acetate stencils shall be allowed for re-use if sanitation procedures (see definition 22) are performed between uses.

D. All cleaned, non-disposable instruments, including needle tubes, used for tattoo and/or body piercing shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department)(see "K" of this Section). The sterilizer shall be used, cleaned, and maintained (see "E" of this Section)

according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of its sterilization unit must be available for inspection by the Department. If the tattoo and/or body piercing establishment uses all single-use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

E. Each holder of a permit to operate a tattoo and/or body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization. Testing shall be monthly, using a biological indicator, such as spore strips or spore suspensions, and verified through an independent laboratory. The testing laboratory's written guidelines for the proper handling and placement of the biological indicator shall be readily available. Sterilizing equipment that fails testing shall be immediately taken out of service. Results of spore test records shall be retained by the operator for a period of three (3) years, and made available to the Department upon request.

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

G. All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

H. Each tattoo and/or body piercing shop or temporary location shall maintain sterilization records. The information shall be permanently recorded and made available for examination by an authorized agent in the tattoo and/or body piercing shop for at least two years from the date of the last entry. These permanent records shall be maintained at the studio and shall include the following:

1. date of sterilization;
2. quantity and type of equipment to be sterilized; and
3. name of individual sterilizing the equipment.

I. Sterilized equipment stored in an approved manner shall be considered sterile as long as the integrity of the autoclaving package is intact.

J. If pre-sterilized equipment is used, the tattooist/body piercer shall obtain documentation from the manufacturer that describes the method of sterilization utilized by the manufacturer and the manufacturer's

recommendations for storage and maintenance of sterility. This documentation shall be available for inspection by an authorized agent. The tattooist/body piercer shall follow the manufacturer's instructions for storage and maintenance of sterility.

K. One of the following methods of sterilization shall be used:

1. Autoclave – steam under pressure:

- a. 121 degrees Celsius (250 degrees Fahrenheit) and a pressure of at least 15 pounds per square inch for not less than 30 minutes after the chamber of the autoclave has been evacuated of air and has reached the required temperature; or
- b. as specified in the manufacturer's operator's manual.

2. Dry heat sterilization:

- a. 160 degrees Celsius (320 degrees Fahrenheit) for not less than one hour under atmospheric pressure after the sterilizer has reached the required temperature; or
- b. as specified in the manufacturer's operator's manual.

L. Each person responsible for the sterilization of equipment shall be able to demonstrate to the department's authorized agent the correct sterilization procedures and the proper operation of autoclave and/or dry heat sterilization equipment.

Section 12. REQUIREMENTS FOR SINGLE-USE ITEMS

A. A set of individual, single-use sterile needles shall be used by a tattoo and/or body piercing artist for each new patron. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps containers, and disposed of by an approved medical waste disposal company.

Section 13. AFTERCARE OF TATTOO AND BODY PIERCING

- A. The completed tattoo and/or body piercing shall be washed with a piece of gauze or cotton saturated with an EPA approved or hospital grade germicidal solution. It shall be allowed to air dry.
- B. After drying, anti-bacterial ointment shall be applied from a collapsible metal or plastic tube and the entire area covered with a piece of sterile gauze, which may, in turn, be covered with a piece of tissue and fastened to the site with adhesive tape.
- C. Clients shall be provided with written after-care instructions / recommendations (see 8D).

Section 14. REPORT OF INFECTION OR ALLERGIC REACTIONS

- A. The tattoo and/or body piercing shop shall provide a written report of any infection, allergic reaction, complications, and/or diseases resulting from the application of a tattoo and/or body piercing to the Albany County Department of Health within five working days of its occurrence or knowledge thereof. The report shall include:
 - 1. the name of the affected client;
 - 2. the name and location of the tattoo and/or body piercing shop or temporary location;
 - 3. the name of the tattooist;
 - 4. the date of the tattoo and/or body piercing;
 - 5. the specific color or colors of the tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
 - 6. the location of the infection and the location on the body where the tattoo and/or body piercing was applied;
 - 7. the name and address of the health care provider, if any; and
 - 8. any other information considered relevant to the situation.
- B. Department shall utilize these reports in their efforts to identify the source of the adverse reaction(s) and to take action to prevent its recurrence.