

GUERNSEY STATUTORY INSTRUMENT

2001 – No. 28

The Tattooing, Piercing, Acupuncture and Electrolysis (Standards of Treatment, Operators and Premises) Regulations, 2001

Made 13th August 2001

Laid before the States

Coming into Operation

THE STATES BOARD OF HEALTH, in exercise of the powers conferred on it by section 6 of the Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000 (Order in Council V, 2000) and all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. In these Regulations, unless the context otherwise requires:

“acupuncture” means the insertion of needles into the skin in order to stimulate nerve impulses for medical purposes;

“body piercing” means total or partial penetration of any part of the skin other than the lower non-cartilaginous lobe of the pinna, using a needle or other implement, with the intention of creating an aperture for decorative or cosmetic purposes, including insertion through or into the skin (whether or not by the person carrying out the body piercing) of decorative jewellery;

“client” means any person undergoing treatment;

“ear piercing” means total or partial penetration of the lower non-cartilaginous lobe of the pinna, using a needle or other implement, with the intention of creating an aperture for decorative or cosmetic purposes, including insertion through or into the skin (whether or not by the person carrying out the body piercing) of decorative jewellery;

“electrolysis” means the insertion of needles into the skin in order to apply electrical current for medical or cosmetic purposes;

“the Law” means the Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000;

“operator” means any person registered under section 4(1) of the Law to carry out a regulated skin treatment;

“premises” means any premises registered under section 4(2) of the Law for the purposes of carrying out a regulated skin treatment;

“proprietor” means any person having control of premises registered under section 4(2) of the Law;

“recognised dentist” means a person registered as qualified to practise as a dentist under the provision of the Doctors, Dentists and Pharmacists Ordinance, 1987;

“recognised medical practitioner” means a person registered as qualified to practise as a medical practitioner under the provisions of the Doctors, Dentists and Pharmacists Ordinance, 1987;

“tattooing” means the insertion into the skin of any colouring material for decorative or cosmetic purposes;

“treatment” means any operation in the practice of carrying out a regulated skin treatment;

“the treatment area” means any part of premises where treatment is given to clients.

General Duty

2. A proprietor shall take all such steps as may be reasonably necessary to -
 - (a) ensure the cleanliness of premises and fittings therein;
 - (b) ensure the cleaning and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with treatment; and
 - (c) ensure the cleanliness of operators.

Cleanliness of Premises

3. (1) Without prejudice to the generality of 2 above, for the purpose of securing the cleanliness of premises and fittings therein, a proprietor shall ensure that -
 - (a) all internal walls, doors, windows, partitions, floors and floor coverings and ceilings in any part of the premises used by operators for treatment purposes are kept clean and in such good repair as to enable them to be cleaned effectively;

- (b) all waste material and other litter arising from the treatment is placed in suitable covered receptacles which are washable and leak proof or which are lined with a leak proof lining bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where leak proof liners are not used, the receptacles shall be cleaned immediately after emptying;
 - (c) all needles used in the treatment are placed after use in separate covered and leak proof re-usable boxes, or disposable needle boxes designed for the purpose. Re-usable boxes shall be emptied at least once every working day or more frequently as necessary and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where disposable needle boxes are used, they shall be disposed of safely at suitable intervals;
 - (d) all furniture and fittings in the premises and used in connection with the provision of treatment are kept clean and in such good repair as to enable them to be cleaned effectively;
 - (e) all tables, couches and seats used by clients in the treatment area and any surface on which the items specified in Regulation 4 (b) below are placed immediately prior to treatment have a smooth, impervious surface which is wiped down regularly with a suitable disinfectant between the treatment of clients and thoroughly cleansed at the end of each working day;
 - (f) where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
 - (g) a notice or notices reading "No Smoking" are prominently displayed within the treatment area.
- (2) The proprietor shall also ensure that the treatment area is used solely for giving treatment.
 - (3) The proprietor shall also ensure that the floor of the treatment area is provided with a smooth, impervious surface.
 - (4) The proprietor shall take all reasonable steps to prevent the use of tobacco or other smoking mixtures or snuff in a treatment area.
 - (5) Nothing in paragraph (1) (f) of this Regulation, shall apply to premises in which ear piercing is the only regulated skin treatment carried out.
 - (6) Nothing in paragraphs (2) or (3) of this Regulation shall apply to premises in which the only regulated skin treatments carried out are ear piercing, acupuncture or electrolysis.

Cleansing of Instruments, Materials and Equipment

4. For the purpose of securing the cleansing and so far as appropriate the sterilisation of instruments, materials and equipment used in connection with the treatment -
 - (a) an operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other coverings, towel, cloth or such articles used in the treatment -
 - (i) is clean and in good repair and, so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
 - (b) an operator shall ensure that -
 - (i) any metal instrument or other item of equipment used in treatment or for handling instruments and needles used in treatment is in a sterile condition and kept sterile until it is used;
 - (ii) pre-sterilised piercing needles are used and only used on one pierce before disposal or sterilisation;
 - (iii) all dyes used for tattooing are bacteriologically clean and inert;
 - (iv) the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatments or sterilised before re-use;
 - (v) all waste material and other litter arising from the treatment is placed in suitable covered receptacles which are washable and leak proof;
 - (vi) all needles used in treatment are placed after use in separate, covered and leak proof re-usable boxes, or disposable needle boxes designed for the purpose.
 - (c) a proprietor shall provide -
 - (i) adequate facilities and equipment for the purpose of sterilisation (unless only pre-packed, pre-sterilised items are used) and cleansing, as required in pursuance of these Regulations;

- (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these Regulations;
- (iii) an adequate constant supply of clean hot and cold water, readily available at all times on the premises;
- (iv) adequate storage for all items mentioned in paragraphs (a) and (b) of this Regulation, so that those items shall be properly stored in a clean and suitable place so as to avoid as far as possible the risk of contamination.

Cleanliness of Operators

5. For the purpose of securing the cleanliness of operators -

- (a) any operator whilst giving treatment or in the treatment area shall ensure that -
 - (i) his hands and nails are clean and, where treatment includes acupuncture, body piercing or tattooing, the nails are kept short;
 - (ii) he is wearing sufficient clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
 - (iii) in respect of tattooing and body piercing, he wears disposable rubber gloves, which shall be changed or sterilised after each client;
 - (iv) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing. Any areas of broken skin which are difficult to cover effectively should be further protected by using medical rubber or disposable gloves;
 - (v) if he is a known Hepatitis B Surface Antigen Carrier, he is wearing a clean face mask and using medical rubber or disposable gloves;
 - (vi) he does not smoke or consume food or drink.
- (b) a proprietor shall provide -
 - (i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, nail brushes and suitable drying facilities (which expression shall not include re-usable towels);

- (ii) suitable and sufficient sanitary accommodation for operators, which accommodation shall not communicate with a treatment area except through an intervening space, adequately ventilated directly to the external air;
- (iii) a suitable first-aid kit which shall include a sufficient supply of impermeable dressings for first-aid treatment of operators and which shall be kept in a dustproof box or cabinet in a place readily accessible to all operators;
- (iv) sufficient accommodation for outdoor and other clothing not worn by operators in or about the premises, which accommodation, where it is situated in a treatment area, shall be in the form of lockers or cupboards, and such clothing and footwear shall not be kept in a place on or about the treatment area other than in the accommodation so provided;
- (v) suitable and sufficient lighting in the treatment area and such treatment area shall be suitably and sufficiently lighted;
- (vi) except in the case of a treatment area in which the humidity or temperature is controlled, suitable and sufficient means of ventilation in the treatment area and suitable and sufficient ventilation.

Administration of Anaesthesia

- 6. (1) Local anaesthetic injections shall only be administered by a recognised medical practitioner or recognised dentist.
- (2) Ethyl chloride shall not be used as an anaesthetic.

Piercing Guns

- 7. The piercing guns designed for ear piercing shall not be used for other areas of the body.

Jewellery

- 8. (1) The minimum size of jewellery inserted by an operator as part of body piercing treatment shall be 1.55 millimetres;
- (2) Any jewellery inserted by an operator as part of an ear piercing or body piercing treatment must be sterilised and kept in sterile conditions until inserted.

Operators and Clients

9. The operator must not be under the influence of drugs or alcohol at the time of treatment. Where there is reason to believe that a client may be under the influence of drugs or alcohol at the time he presents himself for treatment, the operator shall not carry out the treatment.

Notice of Health Risks

10. The proprietor shall have prominently displayed on the premises a notice informing clients of the possible risks consequent to treatment to include, where relevant to the treatment provided:

- blood poisoning (septicaemia)
- localised severe swelling and trauma around the piercing site
- scarring
- jewellery embedding
- localised infection (e.g. sepsis or urethritis)
- allergic reactions to jewellery, metals and antiseptics

11. The operator shall request from the client details of their medical history in respect of:

- heart disease
- eczema
- impetigo
- if relevant to the treatment requested, genital warts
- allergic responses to anaesthetics, adhesive plasters, metals or jewellery
- haemorrhaging
- fainting
- seizure
- diabetes
- HIV infection

Where there is reason to believe that any of the conditions above exist, the operator shall not carry out the treatment without the written consent of the client's doctor.

Recording of Clients' Names

12. The names and addresses of all clients must be recorded along with the date of treatment. Such records shall be kept for a period of no less than twelve months.

Exclusions

13. (1) Nothing in these Regulations shall extend to the carrying on of the operation of tattooing, electrolysis, ear piercing or other forms of body piercing by or under the supervision of a person who is a recognised medical practitioner or to premises on which any such operation is carried on or by or under the supervision of such a person.
- (2) Nothing in these Regulations shall extend to the carrying on of the practice of acupuncture by or under the supervision of a person who is a recognised medical practitioner or recognised dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

Extent

14. These Regulations shall have effect in the islands of Guernsey, Alderney, Herm and Jethou.

Citation

15. These Regulations may be cited as The Tattooing, Piercing, Acupuncture and Electrolysis (Standards of Treatment, Operators and Premises) Regulations, 2001.

Commencement

16. These Regulations shall come into force on the first day of the month following that in which the regulations are laid before the States of Guernsey.

Dated this 28th day of August, two thousand and one.



P.J.R. ROFFEY
President of the States Board of Health
For and on behalf of the Board

EXPLANATORY NOTE

These Regulations impose duties to ensure adequate hygiene standards on proprietors, operators and premises for the purpose of carrying out the operations of acupuncture, tattooing, electrolysis, ear piercing or other forms of body piercing.