

N.J.A.C. 8:27-2.1

§ 8:27-2.1 Procedure to locate and construct establishment

- (a) An operator shall apply, in writing, to the health authority for review and approval before commencing the construction, expansion, alteration, or operation of a body art or ear-piercing establishment.
- (b) An application for authorization to operate a body art establishment shall require an applicant to submit at least the following information:
 - 1. The applicant's legal name, home address and telephone number, full business name, business address, post office address, and telephone number. The application shall also include whether the applicant is an individual, partnership, firm, or corporation. If the applicant is a partnership, the names and addresses of the partners shall be included on the application. If the applicant is a corporation, the names and addresses of all corporate officers shall be included on the application;
 - 2. Plans and specifications shall illustrate the location of the proposed establishment and a floor plan of the establishment as it is proposed to be operated. An exact inventory of all processing equipment as it is to be used. Plans shall indicate the layout of the reception area, the procedure areas, the cleaning and sterilization area, the storage area, and the toilet facilities;
 - 3. A statement of approval from the municipal agency responsible for the administration of planning and zoning ordinances for the proposed construction or expansion of the body art establishment;
 - 4. A complete description of all services to be provided, the proposed hours of operation, the name of the operator, the names of all regular practitioners and apprentices, the body art or ear-piercing disciplines that they will perform at the establishment, and the forms of written informed consent that are to be presented to clients for each type of procedure that the establishment proposes to offer.
 - i. An operator shall notify the health authority before persons other than listed regular practitioners, such as apprentices, occasional or temporary practitioners, or health care providers, are to perform body art or ear-piercing services at the establishment, and shall obtain the same documentation that operators are to obtain from practitioners and apprentices pursuant to N.J.A.C. 8:27-4.8, and ear-piercing practitioners pursuant to N.J.A.C. 8:27-9.6.
 - 5. The names and addresses of all manufacturers of processing equipment, instruments, jewelry, and inks used for any and all body art procedures;
 - 6. The make, model and serial number of the applicant's steam autoclave shall be printed on the back of a photograph of the autoclave; and
 - 7. A copy of the manufacturer's specifications for operation of the autoclave.
- (c) All construction, expansion or alteration to the building, structures, and facilities used by the public shall comply with the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (d) All construction expansion or alteration, to the building, structures, and facilities shall be done in accordance with the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.

History

HISTORY:

Amended by R.2022 d.089, effective July 18, 2022.

See: 54 N.J.R. 229(a), 54 N.J.R. 1392(a).

Rewrote (a) and added new (b). Recodified existing (b) and (c) as (c) and (d).

N.J.A.C. 8:27-2.2

§ 8:27-2.2 Review of plans

The health authority shall review the application for compliance with all the provisions of N.J.A.C. 8:27-2.1 to include the final plans, specifications, and reports and shall either approve or disapprove of the application in writing within 30 business days from the date of submission to the health authority.

N.J.A.C. 8:27-2.3

§ 8:27-2.3 Denial of approval

Persons denied approval shall be notified in writing by the health authority. Such notice shall specify the reason(s) for the action, and shall give the person(s) denied approval the opportunity for a hearing with the health authority within a reasonable time, not to exceed 15 business days from date the health authority denied approval of the application.

N.J.A.C. 8:27-2.4

§ 8:27-2.4 Approval to operate

- (a) No body art establishment shall be permitted to open for operation until the health authority has given formal approval by issuance of an appropriate license or permit. This license or permit shall be renewed annually.
 - 1. The license or permit shall be displayed in a conspicuous place on the premises where it may readily be observed by all clients.
 - 2. No person shall operate a body art establishment whose license or permit has been suspended.
 - 3. Proof of professional malpractice liability insurance for each practitioner shall be provided to the health authority as part of the initial and renewal license or permit application.
 - 4. The operator shall provide a current copy of a negative biological indicator test result to the health authority as part of the initial license or permit application.

N.J.A.C. 8:27-2.5

§ 8:27-2.5 Change of information notification requirements

- (a) Facility license or permit holders shall notify the local health authority by mail within five calendar days of a change in the following information:
1. The business name or ownership;
 2. The area code and telephone number;
 3. An address change resulting from city or postal service action;
 4. License status, whether from active to inactive practice or from inactive to active practice;
 5. Closure or sale of facility; or
 6. A change in procedures or personnel.

N.J.A.C. 8:27-2.6

§ 8:27-2.6 Prohibitions

- (a) Operators shall ensure that the following prohibited activities do not occur at a body art or ear-piercing establishment:
1. The implantation of any object under the skin;
 2. The performance of scarification or the removal of pigment by laser;
 3. The performance of a body art or ear-piercing procedure upon a minor without the presence, written consent, and proper identification of a parent or legal guardian, unless the minor provides a court order declaring the minor to be an emancipated minor;
 4. The performance of genital piercing upon a minor, regardless of parental consent;
 5. The use of a high-impact stud-and-clasp piercing system on the trailing edge of the ear or at any body location other than the earlobe;
 6. The operation of a body art or ear-piercing establishment other than in accordance with the applicable requirements of this chapter; and
 7. The performance of body art or ear piercing in an establishment, unless the operator or a responsible person is present on the premises and supervising the establishment, provided:
 - i. Notwithstanding the operator's designation of a responsible person, the operator retains responsibility for compliance and liability associated with any action or inaction on the part of the responsible person.
- (b) The following constitute the unlawful practice of body art and are subject to the enforcement proceedings, civil penalties, and other applicable remedies, as provided at (c) below:
1. Advertisement or performance of a body art or ear-piercing procedure for which this chapter requires an operator's license by a person who does not have an operator's license or whose license is not in effect and good standing; and
 2. The performance by any person, regardless of licensure status, of any activity prohibited pursuant to (a) above.
- (c) A person who commits an act prohibited pursuant to (a) above or engages in the unlawful practice of body art pursuant to (b) above is subject to the enforcement actions established at N.J.A.C. 8:27-11, civil penalties, as provided at N.J.S.A. 26:1A-10, and other applicable remedies, sanctions, and/or injunctive relief provided by law.

History

HISTORY:

Amended by R.2022 d.089, effective July 18, 2022.

See: 54 N.J.R. 229(a), 54 N.J.R. 1392(a).

Rewrote the section.

N.J.A.C. 8:27-2.7

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- [TITLE 8. HEALTH](#)
- [CHAPTER 27. BODY ART AND EAR-PIERCING FACILITY STANDARDS](#)
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§ 8:27-2.7 Insurance

Each practitioner shall maintain current professional malpractice liability insurance.