

# **N.J.A.C. 8:27-4.1**

## **§ 8:27-4.1 Scope**

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This subchapter applies to body art establishments.

## N.J.A.C. 8:27-4.2

### § 8:27-4.2 Client records

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- (a) All client records shall be retained for a minimum of three years and made available upon request to the health official.
- (b) Each client shall complete an application for all body art procedures. The application shall include the following:
  - 1. The name, date of birth, proof of age, and address of the client; an emergency telephone number and contact individual for the client; the date of the procedure; the name of practitioner who performed the procedure(s); the type and location of the procedure performed; the signature of client and, if the client is a minor, proof of parental or guardian presence and written consent;
  - 2. A medical health history form that includes a history of any information that would aid the practitioner in the client's body art healing process evaluation. The health history form shall, at a minimum, include medical conditions, such as diabetes, allergies, skin conditions, and a list of medications; and
  - 3. A consent form, which shall be established for each procedure and shall be reviewed verbally with the client prior to performing any procedure(s). Said consent form shall minimally consist of the type of procedure(s) to be performed, its risks, alternatives, generally accepted results, an after care plan, and the client's signed acceptance of the recommended procedure by the named practitioner.
- (c) Body art procedures on a person under 18 years of age shall not be performed without the written consent of the parent or legal guardian of such minor.
  - 1. Government issued photographic identification of the client shall be photocopied and maintained on file with the client's application.
  - 2. Identification of the parent or legal guardian shall be photocopied and maintained on file with the client's application.
  - 3. The parent or legal guardian shall accompany the client at the time of the body art procedure.

### History

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#### **HISTORY:**

Recodified from N.J.A.C. 8:27-4.1 by R.2022 d.089, effective July 18, 2022.

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

Former N.J.A.C. 8:27-4.2, General provisions, recodified to N.J.A.C. 8:27-4.3.

## N.J.A.C. 8:27-4.3

### § 8:27-4.3 General provisions

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- (a) No body art shall be done on a skin surface that has a rash, pimples, boils, infections, scar tissue or manifests any evidence of unhealthy conditions.
- (b) Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.
- (c) Smoking, eating, or drinking by anyone shall be prohibited in the work area, bathrooms, and the equipment cleaning room.

### History

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#### **HISTORY:**

Recodified from N.J.A.C. 8:27-4.2 by R.2022 d.089, effective July 18, 2022.

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

Former N.J.A.C. 8:27-4.3, Medical consultation, repealed.

## N.J.A.C. 8:27-4.4

### § 8:27-4.4 Health care provider instruction required for certain procedures

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- (a) A permanent cosmetics practitioner who is credentialed to perform areola restoration or camouflage shall do so in accordance with specific written instructions issued by the client's health care provider, which the practitioner shall maintain with the client's application.
- (b) Subsection (a) above does not apply to concealment procedures, which can be performed by both permanent cosmetics and tattoo practitioners.

### History

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#### **HISTORY:**

New Rule, R.2022 d.089, effective July 18, 2022.

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

Former N.J.A.C. 8:27-4.4, Emergency management, recodified to N.J.A.C. 8:27-4.5.

## N.J.A.C. 8:27-4.5

### § 8:27-4.5 Emergency management

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- (a) The telephone numbers of local emergency medical services, the local fire department and the local police shall be prominently posted at the main telephone.
- (b) An eye wash shall be operable and included in the cleaning room.
- (c) A standard first aid kit shall be available at all times and shall be fully restocked within 24 hours of use.
- (d) The telephone number of the local health department and local health officer shall be posted in a conspicuous place.

### History

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#### **HISTORY:**

Recodified from N.J.A.C. 8:27-4.4 by R.2022 d.089, effective July 18, 2022.

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

Former N.J.A.C. 8:27-4.5, Reporting requirements, recodified to N.J.A.C. 8:27-4.6.

## N.J.A.C. 8:27-4.6

### § 8:27-4.6 Operator reporting requirements

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(a) Operators shall ensure that:

1. The establishment creates a written record of reports it receives from clients or health care providers of adverse reactions, such as infection, after the performance of a body art procedure.
  - i. The written record shall identify the site of the reaction, the date the client first perceived the reaction, the date the establishment received the report, and, if the establishment issued recommendations to the client to respond to the adverse reaction, the recommendations;
2. The establishment maintains a written record of adverse reactions created pursuant to (a)1 above with the client application for the procedure; and
3. The establishment notifies the local health authority, either by telephone or in-person, within 24 hours of receiving the client's report of an adverse reaction, and then, in writing, within two business days of receiving the report, if:
  - i. The client obtained, or states an intention to obtain, medical treatment for the reaction;
  - ii. The establishment recommends that the client seek medical treatment; or
  - iii. The adverse reaction is or appears to be an allergic response to pigment.

### History

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#### HISTORY:

Recodified from N.J.A.C. 8:27-4.5 and amended by R.2022 d.089, effective July 18, 2022.

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

Section was "Reporting requirements". Rewrote the section. Former N.J.A.C. 8:27-4.6, Hand washing and personal hygiene, recodified to N.J.A.C. 8:27-4.7.

## N.J.A.C. 8:27-4.7

### § 8:27-4.7 Hand hygiene, use of standard precautions, infection control, bloodborne pathogens training, and records maintenance

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- (a) When performing body art procedures, the operator or practitioner shall maintain a high standard of personal cleanliness, which shall include wearing clean outer garments, and washing hands after smoking, eating, drinking or visiting the restroom.
- (b) Operators shall ensure that before, during, and after the performance of body art procedures, practitioners and apprentices adhere to the Hand Hygiene Guideline.
- (c) Operators shall establish written policies and procedures addressing the needs of employees, practitioners, apprentices, and clients who have latex allergies and shall supply alternatives to latex medical gloves and other latex-containing items to which practitioners, apprentices, and clients who have latex allergies may be exposed to in the establishment.
- (d) Operators shall ensure that practitioners and apprentices adhere to applicable provisions of the standard precautions and the bloodborne pathogens standards before, during, and after the performance of body art procedures and whenever a practitioner, apprentice, or another worker has actual or potential occupational exposure.
- (e) Operators shall establish and implement policies and procedures to ensure that:
  - 1. The skin of practitioners and apprentices is free of rash or infection;
  - 2. Persons who have boils, infected wounds, open sores, abrasions, and/or weeping dermatological lesions do not work in, or be present at, a body art establishment until the operator has and maintains written documentation, issued by the person's health care provider, indicating that the condition is neither transmissible nor communicable;
  - 3. Practitioners, apprentices, and workers who have an acute respiratory infection or suspected or confirmed communicable disease are not present at the body art establishment and do not return to the establishment until the operator receives written documentation issued by a health care provider indicating that the condition is not transmissible, which documentation the operator shall maintain in the establishment's file on the affected practitioner, apprentice, or worker.
    - i. Paragraph (e)3 above shall not be construed to exclude persons with bloodborne diseases, such as hepatitis B, hepatitis C, and HIV from performing body art in a body art establishment;
  - 4. All practitioners, apprentices, and workers, including those having suspected or confirmed infection with bloodborne diseases, adhere to the standard precautions and the bloodborne pathogens standard;
  - 5. At an operator's expense and on the operator's time, the operator offers employees (who may include practitioners and apprentices) the hepatitis B vaccination in accordance with the bloodborne pathogens standard, written evidence of which offer the operator maintains in the establishment's file on each employee; and
  - 6. The operator maintains a copy of the document, such as a certificate of completion, memorializing completion of bloodborne pathogens training for each practitioner, apprentice, or other employee who is required by applicable law to receive this training, in the file the establishment maintains for each practitioner, apprentice, and employee.
- (f) Operators that enroll in the On-Site Consultation Program of the New Jersey Department of Labor and Workforce Development can receive bloodborne pathogens and other OSHA compliance guidance and training without charge. See [https://www.nj.gov/labor/lssc/employer/Occupational\\_Safety\\_and\\_Health\\_Onsite\\_Consultation\\_Program.html](https://www.nj.gov/labor/lssc/employer/Occupational_Safety_and_Health_Onsite_Consultation_Program.html).

### History

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#### HISTORY:

Recodified from N.J.A.C. 8:27-4.6 by R.2022 d.089, effective July 18, 2022.

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

Section was "Hand washing and personal hygiene". Rewrote the section. Former N.J.A.C. 8:27-4.7, Employee health, communicable and bloodborne diseases, repealed.

## N.J.A.C. 8:27-4.8

### § 8:27-4.8 Minimum standards for operators of body art establishments in the appointment of practitioners and apprentices

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- (a) The operator of a body art establishment shall:
  - 1. Allow only qualified practitioners and apprentices, as specified at N.J.A.C. 8:27-6.1, 7.1, and/or 8.1, as applicable, to perform body art procedures at the establishment;
  - 2. Require practitioners to present documentation that each practitioner meets the qualifications at N.J.A.C. 8:27-6.1, 7.1, and/or 8.1, as applicable, subject to (b) below;
  - 3. Require apprentices to present documentation of each apprentice's successful completion of a bloodborne pathogens course, subject to (b) below;
  - 4. Maintain a personnel or apprenticeship file on each person that the operator allows to perform or study the particular body art discipline that the establishment is authorized to provide, in which the operator retains copies of the documentation that operators are to obtain from practitioners and apprentices pursuant to this section; and
  - 5. Make each personnel and apprenticeship file available for Department or health authority inspection upon request.
- (b) In accordance with the bloodborne pathogens standard, particularly at 29 CFR 1910.1030(g)(2), an operator who employs a person to work in an establishment shall:
  - 1. Provide bloodborne pathogens training to each employee who has occupational exposure, at no cost to the employee and during working hours; and
  - 2. Institute a bloodborne pathogens training program and ensure employee participation in the program.

### History

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#### **HISTORY:**

New Rule, R.2022 d.089, effective July 18, 2022.  
See: 54 N.J.R. 229(a), 54 N.J.R. 1392(a).



# N.J.A.C. 8:27-4.9

## § 8:27-4.9 Pigments

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- (a) Operators shall ensure that pigments that practitioners and apprentices use to perform body art:
1. Are non-irritating to tissue, stable to light, and inert to tissue metabolism;
  2. Do not contain substances that are known to be human carcinogens or may reasonably be anticipated to be human carcinogens, as specified in National Toxicology Program, Report on Carcinogens, 14th Edition (2016), Research Triangle Park, NC, United States Department of Health and Human Services, Public Health Service, incorporated herein by reference, as amended and supplemented, and available at <http://ntp.niehs.nih.gov/go/roc14>;
  3. Do not contain substances at exposure levels that are known, or may reasonably be anticipated, to have adverse noncancer health effects as determined by the National Toxicology Program, which are listed at <http://ntp.niehs.nih.gov/whatwestudy/assessments/noncancer/index.html>, incorporated herein by reference, as amended and supplemented;
  4. Are stored out of direct sunlight; and
  5. Are not subjected to autoclave processing.
- (b) Operators shall ensure that practitioners and apprentices:
1. Apply pigments using single-use, individual pigment containers for each client;
  2. Remove excess pigment applied to the skin with single-use, lint-free paper products;
  3. Record the pigments used for each procedure, including the lot number of each pigment, in the client record of the procedure; and
  4. Use pigment removal solutions bearing labels that list their ingredients, including percentages of active ingredients, measure of pH, preservatives, and directions for use.

## History

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### HISTORY:

New Rule, R.2022 d.089, effective July 18, 2022.  
See: 54 N.J.R. 229(a), 54 N.J.R. 1392(a).