

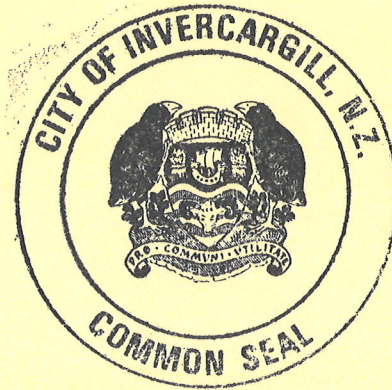
# INVERCARGILL CITY COUNCIL

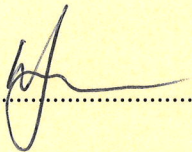
## HEALTH AND HYGIENE BYLAW 2019

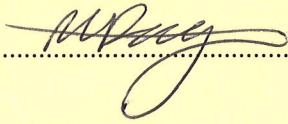
The following Bylaw was duly made by the Invercargill City Council by:

- Resolution to adopt the Bylaw on Tuesday 28 May 2019 and that it come into force on Monday 1 July 2019.
- Public Notice in The Southland Times on Monday 24 June 2019.
- Resolution to review and consult on the Bylaw using the special consultative procedure on Tuesday 28 August 2018.

THE COMMON SEAL of the INVERCARGILL  
CITY COUNCIL was hereto affixed to the following  
Bylaw (Health and Hygiene Bylaw 2019)  
at the offices of and pursuant to the resolution  
of the Invercargill City Council in the presence of:



Mayor: ..... 

Chief Executive: ..... 



**Invercargill City Council**

**2019 Health and Hygiene Bylaw**

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## **1. GENERAL PROVISIONS**

A Bylaw of the Invercargill City Council made in accordance with powers contained in the Health Act 1956 and the Local Government Act 2002.

### **1.1 SHORT TITLE**

The short title of the bylaw shall be the Health and Hygiene Bylaw 2019.

### **1.2 COMMENCEMENT**

The Bylaw shall commence on 1 July 2019.

### **1.3 PURPOSE**

To manage the risk relating to the transfer of communicable diseases that can occur as a result of the various activities listed in the Bylaw.

The Bylaw requires that any person undertaking acupuncture, body piercing, tattooing, traditional tattooing, semi-permanent skin colouring or electrolysis, shall be registered and conduct the activity in compliance with its requirements.

### **1.4 EXEMPTIONS**

1.4.1 The Bylaw does not apply to the following:

1.4.1.1 Any commercial service undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession;

1.4.1.2 Acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority;

1.4.1.3 Traditional ta moko undertaken by artists on, or under the authority of, a marae in the Invercargill City District area under tikanga-maori; or

1.4.1.4 Commercial ear piercing services undertaken in a pharmacy licenced by the Ministry of Health.

### **1.5 ENFORCEMENT, OFFENCES AND PENALTIES**

1.5.1 The Council may use its powers under the Local Government Act 2002 and Health Act 1956 when enforcing the Bylaw.

1.5.2 An Environmental Health Officer may undertake inspections, or take or remove a sample or other object for analysis if required, for the purpose of determining whether or not the Bylaw is being complied with.

- 1.5.3 A person who breaches the Bylaw conditions is liable to a penalty under the Local Government Act 2002 and the Health Act 1956.

## 2. INTERPRETATION

Acupuncture	is the practice which involves the insertion of needles through the skin and tissues for the intended purpose of alleviating ailments or injuries.
Body Piercing	is the practice of piercing the skin for decorative purposes, and inserting jewellery or implants to alter the appearance of the skin.
Communicable Diseases	include Hepatitis B and C, HIV/AIDS, and bacterial skin infections.
Commercial Service	is the service provided by one or more people for another person in exchange for money or any other consideration.
Council	is the Invercargill City Council.
Client or Customer	is a person who has received, is receiving or is about to receive a service.
Electrolysis	is a practice involving the insertion of a sterilised needle into individual hair follicles. An electric impulse is passed through the needle to the root area to aid in the removal of hair.
Environmental Health Officer	is a health professional with powers under legislation to investigate premises for compliance with bylaws and legislation.
Health Practitioner	is a person who is, or is deemed to be, registered under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession.
Operator	is a person undertaking a procedure listed under this bylaw on a person.
Owner	is a person who owns a business which involves one of the activities listed in the Health and Hygiene Bylaw, or alternatively the holder of the Certificate of Registration.
Premises	are the physical location of the business, including mobile business "premises". It does not include a client's dwelling or premises.
Qualification	as defined in this bylaw includes any training offered by a recognised training institution, or evidence of education undertaken as part of professional development, which is relevant to the treatments that the person carries out. Where

formal training is not available and/or undertaken an operator or owner will be required to show, as a minimum, understanding of the health and hygiene requirements for the treatments that they carry out.

Tattooing is a process by which indelible marks are made in human skin or tissue by inserting pigments or dyes into punctures. Tattooing also includes the process known as pigment implantation or permanent makeup.

Traditional Tattooing is the practice of using culturally traditional tools to make indelible marks in human skin or tissue by inserting pigments or dyes into punctures. Examples are, ta moko, Tatau, uhi or any other traditional tattooing practice that has recognised cultural significance.

### **3. REGISTRATION AND LICENSING**

- 3.1 No person shall operate in an industry detailed in this Bylaw unless they hold a current Certificate of Registration. The operator shall comply with the conditions of the Certificate of Registration and the requirements of the Bylaw, unless a written exemption is obtained.
- 3.2 The Certificate of Registration shall be prominently displayed at the principal entrance to the premises to which the certificate relates.
- 3.3 Applications for a Certificate of Registration shall be made by the owner, or operator, on the prescribed form. The applicant shall provide proof of qualifications as part of their application.
- 3.4 Registration fees (as set by the Council annually through its Annual Plan or Long-Term Plan process) shall be payable on application and renewed thereafter on an annual basis, in accordance with the Bylaw. The Council will accept registration renewals for a maximum term of one year.

### **4. GENERAL CONDITIONS OF OPERATION**

- 4.1 In industries where qualifications are available the operator shall work under the direct supervision of a suitably qualified person and be working towards obtaining a recognised qualification, if one has not already been obtained.
- 4.2 The operator shall not carry out any service on a person they suspect is under the influence of alcohol, drugs or mind-altering substances, except when they are prescribed for a medical condition.
- 4.3 The operator shall ensure that any treatments are carried out in a safe and hygienic manner. In particular they shall ensure that:
  - 4.3.1 clothing, hands, and fingernails are clean, and that any infected, damaged or inflamed skin is covered with an impermeable dressing;



- 4.3.2 premises are kept clean and hygienic. Where there is a risk of blood this may require the workspace to be free from any carpet unless otherwise covered in a disposable covering;
  - 4.3.3 a hand hygiene system is implemented in a manner that is consistent with the Hand Hygiene New Zealand Implementation Guidelines, including the use of disposable gloves where the risk is indicated (such as the presence of blood or open cuts or wounds); and
  - 4.3.4 treatment sites are sterilised using an appropriate method based on the risk of the treatment.
- 4.4 The owner or operator shall ensure that all instruments used in the treatments of clients are single-use and disposable or readily able to be sterilised in accordance with this Bylaw.
  - 4.5 If accidental exposure to another customer's blood or bodily fluid occurs, the operator shall put procedures in place, including record keeping, for dealing with customers and staff.
  - 4.6 If prolonged or unexpected bleeding occurs, the operator shall put procedures in place to deal with such incidents. The procedures shall be written down and remain in view of the operators at all times. Operators shall be trained to comply with the procedures, a copy of which is to be made available when requested by an Environmental Health Officer.
  - 4.7 Towels, linen, cloths, pillows or any other protective garment or covers shall be kept clean and tidy, and washed and laundered after every service. Clean items shall be stored in a clean, dust proof area. Dirty or soiled items shall be stored in a closed or covered container away from treatment areas.
  - 4.8 Permanent covers over mattresses, squabs and cushions shall be maintained in good repair and cleaned when necessary.
  - 4.9 Creams, lotions, or sprays shall be dispensed from a container in a manner that minimises the risk of contamination of the contents.
  - 4.10 Owners and/or operators shall ensure that all chemicals are clearly labelled for identification. Bottles shall not be reused other than with the original product, and shall be stored safely.
  - 4.11 Dust proof spaces shall be provided for the storage of sterile dressings, sterile instruments and other sterile articles, including jewellery to be inserted into an open wound.
  - 4.12 Any sharps containers and/or bio-hazard bins shall be dry and puncture-proof and shall comply with AS/NZS 4031: 1992. Operators shall demonstrate that they have made appropriate arrangements to dispose of any sharps and bio hazard bins.
  - 4.13 No animals, except for registered disability assist dogs, shall be permitted on the premises.

4.14 No owner or operator shall carry out any operation on any person under the age of:

4.14.1 16 years without the written permission of that person's parent or legal guardian.

## 5. RECORDS

5.1 The owner shall keep appropriate records relating to each client. These records are health information records and shall be kept in a secure and confidential manner in accordance with the *Health Information Privacy Code 1994*. Records shall be kept by the owner for a minimum period of two years and shall be made available when requested by an Environmental Health Officer.

5.2 The records shall contain the following in written or typed form:

5.2.1 Client's name, address and contact details.

5.2.2 Client's date of birth.

5.2.3 Acknowledgement by the client of any potential risk associated with the treatment or process undertaken.

5.2.4 Client's health information such as:

5.2.4.1 Any medication that may affect the treatment or procedure;

5.2.4.2 Any known blood or bleeding disorder or blood thinning medication taken;

5.2.4.3 Any medical history or known allergies or adverse reactions;

5.2.4.4 Any medical history in relation to communicable or infectious diseases.

5.3 The operator shall record incidents where exposure to another customer's blood or bodily fluid occurs, including the name and address(es) of those exposed and steps undertaken to respond to the incident.

5.4 The operator shall provide documented evidence of the regular servicing of all equipment used for sterilisation such as an autoclave, UV cabinet or glass bead steriliser.

5.4.1 Such records shall be kept for a minimum of 12 months (including when the owner ceases business before the 12 month period expires).

5.4.2 Such records shall be made available to and Environmental Health Officer on request.

5.5 The operator must also hold a record of the disposal of sharps containers and/or bio hazard bins.

5.5.1 Such records shall be kept for a minimum of 12 months (including when the owner ceases business before the 12 month period expires).

5.5.2 Such records must be made available to an Environmental Health Officer on request.

## **6. ACUPUNCTURE**

6.1 Needles shall not be entered into open wounds.

6.2 Needles shall be inserted quickly into the skin.

## **7. BODY PIERCING**

7.1 No operator shall use any instrument – including ear or body studs or keepers, or similar jewellery – in connection with carrying out a service unless immediately prior to its use, it has been sterilised, or kept in a manner which maintains its sterility.

7.2 All body piercing jewellery for primary piercing shall be made of high quality 14 carat or 18 carat yellow or white gold, surgical grade stainless steel (316L or LVM), titanium, niobium, platinum or inert plastics.

7.3 Jewellery that has been damaged or scratched shall not to be used.

7.4 The operator shall ensure that no jewellery thinner than 14 gauge is used below the neck.

7.5 The operator must comply with 'Guidelines to Safe Piercing of Skin' published by the Ministry of Health.

## **8. ELECTROLYSIS**

8.1 The operator shall ensure that records of maintenance and calibration of electrolysis equipment are kept for two years and the records shall be available to an Environmental Health Officer on request.

8.2 The operator shall obtain written medical consent to undertake electrolysis:

8.2.1 for the removal of hair from moles or the inside of ears or nostrils;  
and

8.2.2 on any customer who uses a hearing aid, or who has metal plates or pacemakers inserted in their body.

## **9. TATTOOING AND SEMI-PERMANENT SKIN-COLOURING**

9.1 The area surrounding the skin shall be draped with a single-use disposable paper product, or with clean linen.

- 9.2 Ointments, lotions, lubricating gel and other products shall be disposed of carefully to avoid any contamination.
- 9.3 The operator shall ensure that they use only dye, pigment or solution that has been decanted into a clean, sterilised container. The container shall hold only enough liquid needed for the single customer.
- 9.4 The operator shall use only pre-purchased ink or pigments specifically manufactured for tattooing or semi-permanent skin-colouring purposes that comply with the Environmental Protection Agency's Tattoo and Permanent Make up Substances Group Standards.
- 9.5 The operator shall ensure that when the service is completed any decanted dye, pigment or solution residue remaining is not used in connection with any other customer. Such material shall be disposed of, and the container discarded by an approved bio-hazard waste collection service.
- 9.6 The operator shall comply with the Environmental Protection Agency's "Tattoo and Permanent Makeup Substances Group Standard" to manage chemical risks associated with tattoo and permanent makeup substances.

## **10. TRADITIONAL TATTOOING**

- 10.1 The operator shall clean, disinfect, and sterilise traditional tools, both before and immediately after any tattooing process.
  - 10.1.1 It is recommended that if possible, the operator soaks tools and scrubbing implements for at least twenty minutes in Perasafe solution (or equivalent) mixed in accordance with the manufacturer's instructions.
- 10.2 If possible, the operator shall clean tools and scrub implements in an ultrasonic cleaner in accordance with the manufacturer's instructions. Tools should air dry for at least 45 minutes before re-use, to protect them from contaminants and keep them in such a manner to maintain sterility.
- 10.3 The operator shall comply with the Environmental Protection Agency's "Tattoo and Permanent Makeup Substances Group Standard" to enable them to manage chemical risks associated with tattoo and permanent makeup substances.

## **11. STERILISATION**

- 11.1 Single-use tools or equipment shall be used, unless sterilisation has occurred in one of the following ways:
  - 11.1.1 The tools or equipment are thoroughly cleansed and then exposed to steam under pressure in a steriliser (autoclave) in accordance with the manufacturer's instructions. Records shall be kept, noting that chemical indicator strips have been used to demonstrate that the appropriate temperatures have been achieved during the sterilisation cycle. Records regarding chemical indicator strips shall

be kept for a minimum of two years and made available at the premise to the Environmental Health Officer if requested.

- 11.1.2 Evidence of re-processing following a chemical indicator strip fail or load failure shall be kept and made available for inspection for a minimum of 12 months.
- 11.1.3 The tools or equipment are thoroughly cleansed then totally immersed in a glass bead steriliser in accordance with the manufacturer's instructions.
- 11.1.4 The tools or equipment are thoroughly cleansed by a method appropriate to the nature of the article, and then submitted to a process of sterilisation.
- 11.2 The operator shall provide evidence of regular servicing and calibration of all sterilisation equipment in accordance with the manufacturer's instructions, if requested.
- 11.3 All disposable needles shall be disposed of in a sharps container as medical waste and discarded by an approved bio-hazard waste collection service.
- 11.4 All non-medical waste shall be stored in a covered receptacle and removed from the premises on a regular basis.
- 11.5 All equipment, instruments and utensils that are unable to be sterilised shall be thoroughly cleaned and then disinfected by a thermal or chemical disinfection procedure. This includes but is not limited to:
  - 11.5.1 Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing no less than 70% alcohol); or
  - 11.5.2 An industrial strength disinfecting solution (such as chlorine, phenol or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.
- 11.6 If chemicals are used, the operator shall be able to demonstrate knowledge of chemical dilution rates, application method and contact time.

## **12. OFFENCES**

- 12.1 Every person who fails to comply with the provisions of the this bylaw commits an offence and is liable to a penalty under the Local Government Act 2002 and or the Health Act 1956 or any subsequent Acts.
- 12.2 Every person who commits a breach of this bylaw creates an offence under the Health Act 1956, or subsequent Act is liable to a fine up to \$500 and to a further fine of up \$50 for every day on which the offence has continues.
- 12.3 Every person who commits a breach of this bylaw creates an offence under the Local Government Act 2002 or subsequent Act is liable to a fine up to \$20,000.

### **13. APPEALS**

- 13.1 Any person who is dissatisfied with the decision or a requirement made by an Environmental Health Officer may appeal in writing to the Invercargill City Council Chief Executive within 14 days after being notified in writing of the decision or requirement.
- 13.2 Upon hearing the appeal, the Chief Executive may confirm, reverse, or modify the decision or requirement made by the Environmental Health Officer and this decision is final.