

## **CHAPTER 64E-19 BODY PIERCING**

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### **64E-19.001 General.**

This chapter prescribes minimum sanitary and safety requirements related to the design and operation of body piercing salons and temporary establishments, as those terms are defined in Section 381.0075(2), F.S. Body piercing salons shall also comply with Section 381.0075, F.S., and Chapter 64E-16, F.A.C. Biomedical Waste, Florida Administrative Code. Unless specified elsewhere in these requirements, temporary establishments shall meet the same requirements as salons at fixed locations.

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075, FS. History--New 1-24-00.*

### **64E-19.002 Definitions**

(1) "Aftercare instructions" – means verbal and written instructions that the customer should follow to promote healing of the pierced area.

(2) "Antiseptic" – means an agent that inhibits the growth and multiplication of disease-causing microorganisms.

(3) "Aseptic techniques" – means methods used in piercing procedures to prevent contamination of a pierced area by pathogenic organisms.

(4) "Body piercing area" – means the specific area within a salon where body-piercing procedures are conducted.

(5) "Contaminated" – means the presence of microorganisms on inanimate objects.

(6) "Department" – means the Department of Health and its representative county health departments.

(7) "Formal training" – means a course of instruction that is presented under classroom conditions to detail compliance with the requirements of this chapter, including safety, sanitation, and sterilization requirements and standard precautions for preventing the transmission of infectious diseases.

(8) "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 body-piercing salon.

(9) "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.

(10) "Hot water" – means water which attains and maintains a temperature of at least 100 degrees Fahrenheit.

(11) "Injury" – means any unexpected complication, damage, harm, hurt, or impairment to a customer's body structure or function that is caused by a piercing and required the attention of a licensed practitioner.

(12) "Instruments" – means hand pieces and other tools that may come in contact with a customer's body or be exposed to body fluids during body-piercing procedures.

(13) "Licensed practitioner" means any physician, osteopathic physician, or dentist, licensed under Chapters 458, 459, and 466, F.S. The term also includes an Advanced Registered Nurse Practitioner or Certified Physician's Assistant who performs medical acts of diagnosis, treatment, and operation pursuant to a protocol between an ARNP or PA and a Florida-licensed physician, osteopathic physician or dentist.

(14) "Minor" – means any person who has not attained the age of 18 years, except as provided in Sections 743.01 and 743.015, F.S.

(15) "Oral piercing" – means a piercing in any portion of the mouth, including the tongue, lip and cheeks.

(16) "Notifiable disease" – shall have the same meaning as Rule 64D-3.029, F.A.C.

(17) "Piercer" – means any person who performs body-piercing procedures in an establishment regulated under this chapter.

(18) "Procedure surface" – means any surface of an inanimate object or any associated work area that may require sanitizing, as

specified in Section 381.0075(11), F.S.

(19) “Sanitizer” – means a disinfectant or germicide registered with the United States Environmental Protection Agency.

(20) “Single use” – means products or items that are intended for one-time, one-person use and are disposed of after use on each customer such as, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, instruments that pierce the skin, and protective gloves.

(21) “Spore” – means a highly resistant dehydrated form of a bacterial cell, such as those of the genus *Bacillus*.

(22) “Standard precautions” – means a set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC), which includes specific recommendations for the use of gloves, masks, protective eye wear and/or other protective equipment when contact with blood or body fluids containing blood is anticipated. These guidelines and controls may be found in “Recommendations for Prevention of HIV Transmission in Health-Care Settings”, Morbidity and Mortality Weekly Report (MMWR), August 21, 1987, Vol. 36, No. (SU02);001; “Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings”, MMWR, June 24, 1988, Vol. 37, No. 24; “Guidelines for Prevention and Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public Safety Workers, MMWR, June 23, 1989, Vol. 38, No. S-6; and MMWR; and “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures”, July 12, 1991, Vol. 40, No. (RR08);1-9. These guidelines are hereby incorporated by reference into this chapter.”

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075(10) FS. History—New 1-24-00, Amended 10-27-10.*

#### **64E-19.003 Forms.**

(1) All forms listed in this section are incorporated by reference. Forms used by the public may be obtained from the county health department in the county of their location or the Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710.

(a) DH Form 4124, 11/02, Body Piercing Salon Inspection Report.

(b) DH Form 4122, 9/02, Body Piercing Salon Injury Report.

(c) DH Form 4121, 11/02, Body Piercing Salon Citation of Violation.

(d) DH Form 4123, 10/99 Body Piercing Salon Stop Use Order.

(2) Upon receipt of a properly completed DH Form 4120, 10/99, Application for a Body Piercing Salon License, the department shall process the application in accordance with the provisions of Chapter 120.60, F.S., and agency procedures.

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#### **64E-19.004 Requirements for Premises.**

(1) Structural, electrical, mechanical, ventilation, and plumbing components of buildings shall comply with local building and zoning codes. Walls, floors, ceilings, and equipment in all areas of a salon shall be maintained in a clean condition and in good repair.

(2) Walls, floors, and procedure surfaces of equipment in areas where body-piercing procedures are conducted, where equipment and instruments are cleaned, and in restrooms shall be smooth non-absorbent and washable; except that, wooden floors may be used in these areas provided they are, at a minimum, varnished or sealed with a commercial water repelling coating and maintained as such. After use by each customer, all procedure surfaces shall be cleaned and sanitized with a sanitizer that has a demonstrated tuberculocidal activity, as indicated by the product label.

(3) Effective measures shall be taken by the salon operator to protect against the entrance, breeding or presence of insects, vermin and rodents in a salon. Openings to the outside shall be protected by such means as self-closing doors, screened or closed windows or controlled air currents. Screening material shall not be less than 16 mesh to the inch.

(4) There shall be a minimum of forty-five (45) square feet of floor space in the body piercing area for each person performing body piercing in the salon. Each salon shall have an area that can be screened from public view for customers requesting privacy. Multiple body piercing stations shall be separated by such means as dividers, curtains or partitions that are cleanable.

(5) Each salon shall be provided with an artificial light source equivalent to a minimum of twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where the body piercing procedure is being performed, and where instruments and sharps are assembled. Spotlighting may be used to achieve the one hundred foot candle requirement.

(6) A handsink separate from handsinks in restrooms, liquid soap, and disposable single-use paper towels shall be readily accessible and located within each body piercing area or centrally located within the overall work room or area, so each piercing area has access to the handsink. One handsink shall serve no more than three body piercing personnel. Hot water at handsinks shall not exceed 120 degrees Fahrenheit.

(7) Restrooms shall be supplied with liquid soap, toilet tissue, single-use paper towels, and a waste receptacle.

(8) At least one waste receptacle shall be provided in each body piercing area. Solid waste shall be collected, stored, and disposed of in a manner and frequency that does not create a sanitary nuisance, as that term is defined in Chapter 386, F.S. Biomedical waste, as that term is defined in paragraph 381.0098(2)(a), F.S., shall be managed in accordance with Chapter 64E-16, F.A.C

(9) Other equipment and supplies necessary for providing body-piercing services and for cleaning and sterilizing instruments shall be provided. This includes at least a separate one-compartment sink with hot and cold running water under pressure for cleaning instruments, an autoclave, instruments and single use supplies for performing piercings, work tables or counters, customer chairs, and storage cabinets or containers for storing clean and sterilized instruments and supplies. All surfaces of equipment shall be made of smooth, non-absorbent and non-porous material. Each one-compartment sink and autoclave must have an adequate size, depth or capacity to submerge or otherwise accommodate the instruments being cleaned or autoclaved. Salons that use ultrasonic units with heating elements to clean their instruments, shall not be required to have hot water at the one-compartment sink; provided the heating elements can heat the cleaning solution to at least the minimum temperature required by this chapter and maintain that temperature throughout the cleaning cycle.

(10) Animals shall not be allowed in a body-piercing salon, except as provided under Section 413.08, F.S. Aquariums with fish shall be allowed in waiting rooms and nonprocedural areas.

(11) Except for first aid purposes, smoking, eating, or drinking is prohibited in areas where body-piercing procedures are performed or where instruments and supplies are cleaned and stored.

(12) Water supplies shall comply with the provisions of Chapter 64E-8 or 62-550, F.A.C.

(13) Sewage disposal shall comply with the provisions of Chapter 64E-6 or 62-600, F.A.C.

(14) There shall not be a direct opening between a body piercing salon and any building or portion of a building used as living or sleeping quarters or as a food establishment. This shall be accomplished, at a minimum, by a solid floor to ceiling wall of separation.

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075(10), (11) FS. History—New 1-24-00, Amended 10-27-10.*

#### **64E-19.005 Requirements for Sterilizing Jewelry and Instruments.**

(1) All non-disposable instruments used for body piercing shall be cleansed and sterilized after each use in the manner prescribed in Section 381.0075(11), F.S., including the temperature requirements. Autoclave sterilization shall be conducted for the cycle of time and corresponding operating pressure recommended by the manufacturer of the autoclave. Sanitizers used in the cleaning process must have demonstrated tuberculocidal activity, as indicated by the product label, and be registered with the U.S. Environmental Protection Agency. Jewelry may be sterilized with a liquid chemical sterilant that is cleared for use by the U.S. Food and Drug Administration as long as the jewelry is sterilized according to the procedures on the product label.

(2) Unless otherwise specified by the autoclave manufacturer, instruments that are to be autoclaved must be packed individually in single use paper peel-packs or other containers designed for sterilizing instruments and marked with the expiration date. The expiration date shall not exceed 30 days from the date autoclaved.

(3) All sterilized instruments shall remain stored in sterilized containers until just prior to performing a body piercing procedure. Where several instruments are sterilized at the same time in the same container, such as in a single use setup, once the container is opened, any instruments not used immediately in a procedure must be resterilized.

(4) In addition to the indicator requirements of Section 381.0075(11)(b)2., F.S., body-piercing salons shall demonstrate, using spore destruction tests, that their autoclaves are capable of attaining the minimum operating standards specified in subsection (1) above. These tests shall be performed every 40 hours of autoclave operation, but not less than on a quarterly basis. A log shall be kept to document the hours of autoclave operation, and the spore tests shall be verified through an independent laboratory.

(5) Autoclaves shall be cleaned at the frequency recommended by the manufacturer. Autoclaves shall be serviced at the frequency recommended by the manufacturer, but not less than once a year. A copy of the manufacturer's instructions for cleaning and servicing the autoclave must be maintained on file in the salon.

(6) All clean or packaged sterilized instruments and supplies shall be stored in clean, dry closed cabinets or tightly covered containers.

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075(10), (11) FS. History—New 1-24-00, Amended 1-28-03.*

#### **64E-19.006 Piercing Procedures.**

(1) Persons performing body-piercing procedures must use aseptic techniques and sterile instruments as specified in Section 381.0075(11)(a)1., F.S., at all times during the practice of body piercing. Before and after performing piercing procedures, piercers must thoroughly wash their hands in hot running water with liquid soap, rinse their hands and dry them with single-use disposable paper towels.

(2) When performing body-piercing procedures, piercers shall wear disposable sterile medical gloves. Gloves shall be discarded after the completion of each procedure on an individual customer in accordance with Chapter 64E-16, F.A.C. Should gloves become torn, punctured, or otherwise contaminated, piercers shall rewash their hands immediately using the procedure described in subsection (1) above, and put on a new pair of sterile gloves.

(3) Piercers shall wear protective eyewear if the piercer determines that spattering is likely to occur.

(4) Only jewelry and instruments that are sterilized and free of nicks, scratches, or irregular surfaces, and prepackaged single use sterile gauze or cotton swabs shall be used in piercing procedures. Jewelry must meet the requirements of Section 381.0075(11)(a)5., F.S.

(5) Single use items contaminated prior to or during the procedure shall be discarded immediately and replaced with new ones before the procedure may resume.

(6) Any skin or mucous membrane surface to receive a body piercing procedure shall be free of rash, infection or any other visible disease condition.

(7) Piercers shall be free of any infection or any other visible disease condition that may be transmitted as a result of carrying out the piercing procedure.

(8) Preparation and Care of the Pierced Area.

(a) If shaving is necessary prior to a body-piercing procedure, a single-use disposable razor shall be used. In accordance with Section 381.0075(11)(a)4., F.S., before performing a body piercing procedure, the skin and surrounding area where the piercing is to be done shall be thoroughly cleansed with a solution labeled as an antiseptic for preparation of the skin 1) prior to surgery, or 2) prior to an injection. The antiseptic solution shall be used in accordance with the manufacturer's instructions. A single use sterile gauze pad or other suitable sterile product shall be used for applying the antiseptic solution. Before an oral piercing procedure, customers must rinse their mouths with an antiseptic mouthwash.

(b) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be sterile single-use products.

(c) Upon completion of the body piercing procedure, piercers must apply an antiseptic solution to the pierced area with a sterile single-use cotton swab or gauze pad.

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075(10), (11) FS. History—New 1-24-00, Amended 1-28-03, 10-27-10.*

#### **64E-19.007 Other Operations.**

(1) Informed Consent. Verbal and written educational information, approved by county health departments, shall be given to customers wanting to receive body-piercing procedures before the procedures begin. The information shall provide, at a minimum, a brief description of the piercing procedure, any precautions to be taken by the customer before the piercing, a description of the risks and possible consequences of body piercing services, instructions for care and restrictions following a piercing procedure, and restrictions against the piercing of minors prescribed by this chapter and Section 381.0075, F.S. Prior to the piercing, customers shall sign and date a statement indicating they received and discussed the information with the operator or piercer. Operators and piercers shall sign and date the statement as well, and retain the original with all other required records. A copy of the statement shall be provided to the customer upon request of the customer. The operator shall also post in public view the name, address and phone number of the county health department having jurisdiction over the facility and the procedure for filing a complaint.

(2) Reporting Complaints of Injuries. As specified in Section 381.0075(11)(a)8., F.S., any injury or complaint of injury, suspected infections that required treatment by a licensed practitioner, or any notifiable diseases resulting from the body-piercing procedure that become known to the operator shall be reported to the local county health department by the operator within 72 hours

of the operator becoming aware of the complaint or condition. The report shall be submitted on DH Form 4122, 9/02, Body Piercing Salon Injury Report.

(3) Customer Records. Records must be maintained in accordance with Section 381.0075(11)(a)7., F.S., and shall include the following:

- (a) The customer's address and telephone number;
- (b) Their date of birth, race and sex;
- (c) Their physician's name, address and telephone number;
- (d) The name, telephone number and address of an emergency contact person for the customer;
- (e) A list of allergies, including allergies to medicines or topical solutions used by the establishment;
- (f) History of bleeding disorders;
- (g) The date of the customer's initial visit and any subsequent visits;
- (h) The body part or location that was pierced;
- (i) A description of the jewelry used in the piercing;
- (j) A description of any complications that occurred at the time of the piercing procedure;
- (k) Copies of the signed statement for receipt of educational information required in subsection 64E-19.007(1), F.A.C., of this chapter;

(l) Copies of the written notarized parental consent statements required by Section 381.0075(7), F.S., for minors. The statements must describe the type of piercings that will be performed on the minor.

(m) The signature and printed name of the persons performing the piercings at each visit.

(4) Other Facility Records. The following records must also be maintained by the body-piercing salon.

- (a) Autoclave maintenance records and spore test results required in subsections 64E-19.005(4), (5), F.A.C., of this chapter;
  - (b) A copy of this chapter and Section 381.0075, F.S.;
  - (c) Records on operators and all persons performing body-piercing services in the salon. Such records shall include their full names, dates of birth, sex, home addresses and telephone numbers, their dates of hire, and their duties and responsibilities. Such records shall be maintained for at least 2 years after a person's employment ends;
  - (d) Documentation of training required by this chapter and Section 381.0075(11)(b)6., F.S., for operators and piercers.
  - (e) A complete description of all body piercing procedures provided;
- (5) Records required by this section shall be maintained at each salon for the current licensing period. Records may be stored elsewhere after that time frame, but they must be stored in accordance with this chapter and be made available for review by the department upon request of the department.

(6) Training.

(a) Operators and piercers shall complete formal training that meets the requirements of subsection 64E-19.002(7), F.A.C., of this chapter. When formal training courses are not available within a one hundred-mile radius of the body-piercing salon where the piercer is employed, piercers may substitute the successful completion of a correspondence course. Correspondence courses must meet the same subject matter requirements as formal training in order to qualify as acceptable substitutes for formal training.

(b) The training required initially for each operator and piercer shall include all of the subjects listed in subsection 64E-19.002(7), F.A.C. Operators and piercers shall receive training annually thereafter in any one subject or combination of subjects listed in subsection 64E-19.002(7), F.A.C.

(c) Each formal training course shall include written material which covers the required subjects, such as a core training manual; or audio-visual presentations which cover the required subjects, such as slides or videos; and a question and answer period or format for trainees. A certificate, card, or other form of written documentation shall be provided to trainees who successfully complete the course.

(d) Operators and piercers must complete the required training prior to assuming responsibilities in a salon.

(e) Training courses required by this chapter must be presented by a person or persons who possess the knowledge, experience and credentials to teach the required subjects as cited in "Knowledge, Experience, and Credentials for Trainers per Chapter 64E-19, F.A.C.", May 16, 2002, herein incorporated by reference and available upon request from the Bureau of Facility Programs, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710. Any individual or organization requesting the department to review their training courses for compliance with the requirements of this chapter shall submit copies of their training materials to the Bureau of Facility Programs, at the above address. The materials submitted must include credentials of trainers and persons

compiling the training materials, a copy of the classroom or correspondence course curriculum, and copies of written materials to be received by trainees. The bureau shall review the materials and inform the applicant of its findings within 30 days from receipt of the last training materials received from the applicant. When changes are made to a training course that has been reviewed and accepted by the department, those changes shall also be submitted to the bureau for review prior to implementing the changes.

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075(7), (10), (11) FS. History—New 1-24-00, Amended 1-28-03, 10-27-10.*

**64E-19.008 Enforcement.**

(1) Department personnel shall inspect each body-piercing salon to ensure compliance with this chapter and with Section 381.0075, F.S., prior to issuing a license to the salon.

(2) Department personnel shall be granted access to the premises of a body-piercing salon during a salon's normal hours of operation, including access to customer and personnel records to conduct epidemiological investigations.

*Rulemaking Authority 381.0075(10) FS. Law Implemented 381.0075(9)(a) FS. History—New 1-24-00.*