

- 25.2.7 No certificate of vaccination shall be valid for longer than the vaccine is approved for.
- 25.2.8 In the event of human/animal exposure: (a) Rabies vaccination certificates, and (b) animal confinement verification form, must be submitted to the Commissioner no later than 10 days after the conclusion of the confinement.
- 25.2.9 No person shall own or harbor on their property any dog, cat or domesticated ferret four (4) months of age or older that does not have a current rabies vaccination.
- 25.2.10 Each person served with a Commissioner's order to vaccinate a dog, cat, or domesticated ferret shall comply with such order by the prescribed deadline.
- 25.2.11 In the event that the responsible person fails to comply with an order to vaccinate a dog, cat or domesticated ferret by the prescribed deadline, the Commissioner may order such animal to be vaccinated, with the cost to be borne by the responsible person.

PART 26. TATTOOING, TATTOO SHOPS, AND TATTOO ARTISTS.

26.1 Reserved

26.2 Shop Certificate of Sanitation

- 26.2.1 No person shall operate a tattoo shop unless such person has registered such shop with the Commissioner and has received a shop certificate of sanitation from the Commissioner on a form prescribed by the Department.
- 26.2.2 No shop certificate of sanitation shall be issued or renewed unless the shop has been inspected and found to be in compliance with applicable provisions of this Part.
- 26.2.3 The shop certificate of sanitation shall expire on December 31 of each year renewable annually in December for the period next commencing January one.
- 26.2.4 The operating permit must be prominently posted in the public area of the facility.
- 26.2.5 A fee shall be assessed on the operator of the establishment for the shop certificate of sanitation.

26.3 Facilities and Equipment

26.3.1 General Physical Environment

- 26.3.1.1 Tattoo shops must have adequate light and ventilation and all walls and ceilings shall be smooth and easily cleaned. Walls and ceilings are to be painted a light color.
- 26.3.1.2 The floor of the tattoo shop shall be of impervious material. The floor shall be swept and wet mopped daily. Floors, walls, or ceilings shall not be swept or cleaned while tattooing is in operation.
- 26.3.1.3 There shall be sufficient toilet, urinal, and handwashing facilities accessible to customers.
- 26.3.1.4 There shall be provisions for the proper and safe disposal of all types of waste products. Any material contaminated with blood must be stored in a puncture and leak proof container and disposed of in accordance with Federal, State and Local Laws and acceptable to the Commissioner.
- 26.3.1.5 The building and equipment shall be maintained in a state of good repair at all times. All parts of the establishment and its premises shall be kept clean, neat and free of litter and rubbish.
- 26.3.1.6 If water serving the facility is not from a public municipal source, then the onsite supply provided for handwashing and public consumption must be potable and tested at a frequency prescribed by the Department.
- 26.3.1.7 All waterborne wastes shall be disposed of in a manner satisfactory to the Cattaraugus County Health Department.

26.3.2 Work Room

- 26.3.2.1 Each tattoo shop shall have a work room separate and apart from a waiting room or any room or rooms used as such. The work room shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed only in such work room.
- 26.3.2.2 The work room shall be equipped with hot and cold running water, and necessary sinks and basins.
- 26.3.2.3 The sinks and basins shall be for the exclusive use of the tattoo artists for washing their hands and preparing customers for tattooing. They shall be equipped with wrist-action controls, soap, a United States Environmental Protection Agency (EPA) - approved or hospital-grade germicidal solution, individual hand brushes, and fingernail files for each tattoo artist.

- 26.3.2.4 Cabinets for the storage of instruments, dyes, pigments, carbon, and stencils shall be provided for each operator and shall be maintained in a sanitary manner.
- 26.3.2.5 An adequate number of work tables shall be provided for each tattoo artist. The surface of all work tables shall be constructed of a material which is, smooth, light colored, non-absorbent, corrosive-resistant, and easily cleaned and sanitized.
- 26.3.2.6 Tattoo artists may not set up temporary facilities at fairs, festivals, or expositions, unless written approval is obtained from the Commissioner.

26.3.3 Autoclave

26.3.3.1 An autoclave is a steam sterilization apparatus designed to maintain a constant specified temperature and pressure for the purpose of inactivation of infective agents. Each tattoo shop must have an autoclave which is maintained in good operating condition at all times and which is equipped with functioning pressure and temperature gauges and a cycle timing device, or has an automated cycle control system which is operated in full accordance with the manufacturer's specifications and procedures. The tattoo shop operator shall be responsible for demonstrating the sterilization ability of the apparatus via a standard biological indicator test, four times per year. A Commissioner's representative shall be present during the test and will arrange for the transport of the biological indicators to an approved laboratory certified by the New York State Department of Health for analysis. In addition to the above quarterly testing, the operator shall confirm that the items in each load to be sterilized have been exposed to the required combination of time, temperature and steam. In the event of any malfunction of the apparatus, the tattoo shop artist shall immediately suspend tattoo operations and notify the Commissioner. The operation of this section shall not be applicable to the following:

- (a) When prepackaged and presterilized single-use needles and tubes are being used exclusively.

26.4 Operation Standards

26.4.1 Records

- 26.4.1.1 For each patron, proper records of tattoos administered shall be maintained by the holder of a shop certificate of sanitation.
- 26.4.1.2 A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, and signature, address,

age, the date tattooed, the design of the tattoo, its location on the patron's body, and the name of the tattoo artist who performed the work.

26.4.1.3 The records shall be entered in ink in a bound book kept solely for this purpose. This book shall be available at any time for examination by the Commissioner and shall be preserved for at least two years from the date of the last entry therein.

26.4.1.4 The signature of the patron shall be in the bound book.

26.4.1.5 Before tattoo administration, there shall be a discussion conducted with the patron on the risks involved in the tattoo procedure, and its possible complications, which shall be acknowledged in the record. The patron shall also be advised to immediately seek medical care at first sign of infection (i.e. purulence, swelling, redness, pain, oozing, etc.) or continued bleeding.

26.4.2 Consent

26.4.2.1 It is unlawful to apply a tattoo to any person under 18 years of age.

26.4.2.2 It shall be the responsibility of the person applying the tattoo to ensure that the person receiving the tattoo is not a minor.

26.4.3 Tattooing Procedures

26.4.3.1 There shall be printed instructions, as approved by the Department, given to each patron on the care of the skin after tattooing as a precaution to prevent infection.

26.4.3.2 A copy of such instructions shall be posted in a conspicuous place in the work room, clearly visible to the person being tattooed.

26.4.3.3 A tattoo artist shall not perform any tattooing work while under the influence of drugs or alcohol, nor shall the tattoo artist tattoo any person who is under the influence of drugs or alcohol.

26.4.3.4 Each tattoo artist must wear a clean outer garment.

26.4.3.5 Tattoo artists who are experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, or draining (or open) skin infections such as boils, impetigo, or scabies must refrain from tattooing activities.

26.4.3.6 No person with suppurating wounds or other signs of an active communicable disease shall engage in tattooing. Such diseases may include but are not limited to the acute illness phases of the common

cold, influenza, tuberculosis, HIV, syphilis, chicken pox, mumps, hepatitis, infection on hands or arms, sore throat, or jaundice of the skin.

- 26.4.3.7 The Commissioner may require any tattoo artist found to have any disease in communicable form or suspected of having such a disease, as designated in 10NYCRR Part 2, Section 2.1, to provide a written statement from a duly licensed physician stating that the person is no longer communicable, before permission to resume operation as a tattoo artist is granted.
- 26.4.3.8 Before working on each patron, the fingernails of the tattoo artist shall be cleaned with an individual nail file and the hands thoroughly washed and scrubbed with hot running water, soap, and individual hand brush.
- 26.4.3.9 The tattoo artist's hands shall be dried only with the use of sanitary disposable towels or other mechanical means.
- 26.4.3.10 That portion of the patron's skin to be tattooed shall be prepared by washing with warm water and an approved germicidal soap.
- 26.4.3.11 When necessary to shave the area to be tattooed, only single use, sterilized and disposable safety razors shall be used.
- 26.4.3.12 Following the cleaning and/or shaving of the patron's skin, the tattoo artist shall again wash and scrub his/her hands as described in subsection 26.4.3.8 above.
- 26.4.3.13 The tattoo artist shall wear single service, disposable latex gloves when applying a tattoo. Once used for a patron, the gloves must be properly disposed of.
- 26.4.3.14 Before placing the design on the patron's skin, the tattoo artist shall treat the skin area with an EPA-approved or hospital-grade germicidal solution which shall be applied with sterile cotton or sterile gauze. Sterile petroleum jelly from a single use, collapsible metal or plastic tube, or a product acceptable to the Cattaraugus County Health Department shall be applied using a sanitary method.

26.4.4 Dyes or Pigments

- 26.4.4.1 In preparing nontoxic dyes or pigments to be used by a tattoo artist, only nontoxic or sterile material shall be used. Single-service or individual portions of dyes or pigments in clean, sterilized individual containers or single service containers must be used for each patron.
- 26.4.4.2 After tattooing, the remaining unused dye or pigment in the single-service or individual containers shall be properly discarded.

26.4.4.3 All dyes or pigments used in tattooing shall be from batches certified by the Federal Food and Drug Administration. (For informational purposes, see Chapter 51, Federal Food, Drug, and Cosmetic Act; 21 U.S.C. Section 301 et seq).

26.4.5 Sterilization of Needles

26.4.5.1 A set of individual, single-service sterilized needles shall be used by a tattoo artist for each new patron.

26.4.5.2 To guard against a potential temptation to re-use single service needles because of exhaustion of existing supplies, not less than 10 sets of sterilized needles and tubes or tips must be on hand for the entire day or night operation.

26.4.5.3 Sterilization shall be conducted by holding an autoclave at 15 pounds of pressure and a temperature of 250 degrees Fahrenheit (121 degrees Celsius), for a minimum of 30 minutes after the chamber of the autoclave has been evacuated of air and has reached the required temperature or as specified in the manufacturer's operating manual.

26.4.5.4 No rusty, defective, or faulty needles shall be used for tattooing. All needles and instruments after sterilization shall be handled and stored in a cabinet in such a manner as to prevent contamination.

26.4.5.5 The complete needle bar and tube of the tattoo machine shall be cleaned, properly packaged and sterilized in an autoclave before each use.

26.4.6 After Care of Tattoo

26.4.6.1 The completed tattoo shall be washed with a piece of sterile gauze or sterile cotton saturated with an EPA-approved or hospital grade germicidal solution from a single use container. The tattoo shall be allowed to air dry.

26.4.6.2 After drying, a sterile ointment acceptable to the Cattaraugus County Department of Health shall be applied from a collapsible metal or plastic tube. The entire area may be covered with a piece of sterile gauze, which may, in turn, be covered with a piece of tissue and fastened to the site with an approved type of adhesive.

26.4.6.3 The patron shall be advised to immediately seek medical care at first sign of infection (i.e. purulence, swelling, redness, pain, oozing, etc.) or continued bleeding.

26.5 Enforcement

26.5.1 Certificates and Inspections

- 26.5.1.1 Access - Commissioner or designated representative is to be permitted access for the purposes of inspection at all times while the tattoo establishment is in operation, whether open to the public or not. Refusal of admittance, after proper identification, is cause for action to obtain certification revocation and an order to close.
- 26.5.1.2 Certificates are non-transferable from one owner or operator to another, or from one establishment location to another, or from one tattoo artist to another. All applicable certificates must be displayed when engaging in the act of tattooing.
- 26.5.1.3 Inspection - Commissioner or designated representative is to make inspections of each tattoo establishment from time to time and not less than once during the term of each certificate. During each inspection, violations of this Part, are to be recorded on an inspection report form acceptable to the Commissioner. A copy of the inspection report is to be delivered to the person in charge at the completion of the inspection.
- 26.5.1.4 The person in charge is the individual present in a tattoo establishment who is the apparent supervisor of the establishment at the time. If no individual is the apparent supervisor, than any employee present is the person in charge.

26.5.2 Violations

- 26.5.2.1 Operation of a tattoo establishment without a valid certificate is a violation of this Part. The Commissioner or designated representative may order any tattoo establishment or operation, operating without a valid certificate, to close and cease all tattoo operations immediately and to remain closed until the establishment or operation has obtained and displays a valid certificate.
- 26.5.2.2 For serious, repeated or persistent violations of any of the requirements of this Part or for the interference with the Commissioner or designated representative in the performance of their duties, the certificate may be revoked after due notice and opportunity for a hearing.
- 26.5.2.3 The Commissioner may suspend a certificate and order the immediate cessation of tattooing when, in the Commissioner's opinion, continued operation is an immanent hazard to public health. Any person so ordered is to comply immediately and within 15 days is to be provided with an opportunity to be heard and to present proof that continued operation does not constitute a danger to the public health.

- 26.5.2.4 A person applying a tattoo without a valid certificate issued by the Commissioner is in violation of this Part. The tattoo establishment operator who allows a person to apply a tattoo without a valid certificate will be subject to enforcement as described in subsection 25.5.2.1 above.
- 26.5.2.5 Suspension of Certificates - Certificates may be suspended temporarily by the Commissioner, after notice and opportunity to be heard, for failure of the certificate holder to comply with the requirements of this Part or with any lawful notice or order issued by the Commissioner or designated representative.
- 26.5.2.6 Closure - When action is taken to order closure and cessation of operations, the Commissioner or designated representative is to:
- (a) Conspicuously post a notice or placard at each entrance of the establishment stating the existence of such order and the authority for such order. This order is not to be concealed, mutilated or altered by any person or removed without permission of the Commissioner.
 - (b) Publish notice of the order with the reasons for the order in one or more newspapers in the County where the tattoo establishment is located.
- 26.5.2.7 Hearings - The hearings provided for in the Section are to be conducted by the Cattaraugus County Board of Health-appointed Hearing Officer.

PART 27. BODY PIERCING

27.1 Applicability

- 27.1.1 No person shall body pierce or offer to body pierce any minor, with the exception that a minor may have a body piercing procedure performed on him or her, if the minor has the prior written consent from a parent/legal guardian. Parent/legal guardians must present acceptable photo identification and proof that he or she is the parent/legal guardian of the minor at time of procedure. Acceptable photo identification shall include only identification issued by the Commissioner of Motor Vehicles, a passport, or military identification. Proof of parent/legal guardianship is a copy of a birth certificate or certified copy of either a custody order or guardianship order. Copies of such photo identification and proof of parent/legal guardianship must be kept on record pursuant to Section 27.1.2 of this Part. The parent/legal guardian must be present during the body piercing procedure. Such consent shall not apply however, to puncturing of the outer perimeter or lobe of the ear using a presterilized single-use stud and clasp ear piercing system.

- 27.1.2 For each minor, a completed form must be maintained by the facility performing the body piercing for a minimum of six (6) years after the minor turns 21. An approved form may be obtained from the Cattaraugus County Health Department. All original executed forms (no photocopies) shall be made available for examination, upon request by a Cattaraugus County Health Department representative or any law enforcement officer.
- 27.1.3 Before body piercing administration, there shall be a discussion conducted with the minor and parent/legal guardian detailing the risks involved with body piercing, and its possible complications, which shall be acknowledged in the record. Body piercing operators must also explain after-care instructions which would include advice to immediately seek medical care at first sign of infection (i.e. purulence, swelling, redness, pain, oozing, etc.) or continued bleeding.

PART 28. CONSTRUCTION APPROVAL , INSPECTION AND CERTIFICATION.

28.1 Applicability

- 28.1.1 No work shall commence on any project which requires design by a Professional Engineer or Registered Architect, until all reports, plans, and specifications have been submitted to the Health Department for review and have been formally approved. Work can only begin after issuance of a Notice of Plan Approval.
- 28.1.2 Any construction project or development which was designed by a duly licensed consulting firm or individual and requires formal engineering plan approval by the Health Department shall be certified in writing by such consultant in accordance with the conditions stated on the official Notice of Plan Approval.
- 28.1.3 All construction must be supervised and routinely inspected by the licensed consultant or their qualified representative to insure that all proper construction specifications and methods are strictly met. The records of such inspections and all required testing shall be the basis for providing written certification.
- 28.1.4 No applicant or consultant shall place into service, or allow to be placed into service, any completed or partially constructed works, until such time as the written engineering certification has been filed with and accepted as valid by the Health Department. In the case of public water facilities, disinfection and microbiological testing results must also be provided to the Health Department prior to placing any new infrastructure into service.

PART 29. LEAD POISONING CONTROL - ENVIRONMENTAL ASSESSMENT AND ABATEMENT.