

# N.J.A.C. 8:27-9.1

## § 8:27-9.1 Scope

---

This subchapter applies to operators of ear-piercing establishments that a health authority authorizes pursuant to N.J.A.C. 8:27-9.2.

## History

---

### **HISTORY:**

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

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

Section was "Scope".

# N.J.A.C. 8:27-9.2

## § 8:27-9.2 Approval to operate

---

- (a) A person or entity seeking to operate an ear-piercing establishment shall apply to the health authority for a license or permit, which shall have an effective period of one year, and annually shall apply for renewal of a license or permit.
1. An operator shall display the license or permit in a conspicuous place on the premises where clients can readily observe it.
  2. No person shall operate an ear-piercing establishment without a license or permit that is in good standing and has not been suspended or revoked.

## 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. 8:27-9.3

### § 8:27-9.3 Client records

---

- (a) Operators shall retain client records for a minimum of three years and make them available to a health authority upon request.
- (b) Subject to (d) below, an operator shall require a person applying for ear-piercing procedures to complete an application that requires:
  - 1. The applicant to submit the following information on the application:
    - i. The applicant's name, date of birth, and address and, if the applicant is executing the application as the parent or guardian of a minor, the name, date of birth, and address of the minor;
    - ii. The telephone number and name of the applicant's emergency contact;
    - iii. Whether the applicant is on blood-thinning medication, or has hemophilia, diabetes, allergies, and/or ear cysts; and
    - iv. The application date and, if different, the date of the procedure;
  - 2. The practitioner to submit the following information on the application:
    - i. The name of the practitioner who is to perform, and does perform, the procedure(s); and
    - ii. The location on the ear where the procedure is to be performed; and
  - 3. Subject to (d) below, the practitioner to obtain from the applicant, personally examine, make a photocopy of, and affix the copy to the application, an original government-issued photographic identification of the applicant.
- (c) An operator shall ensure that the practitioner who is to perform an ear-piercing procedure:
  - 1. Explains, in spoken words, the risks associated with the procedure and the after-care instruction; and
  - 2. Obtains the applicant's written informed consent on the application form.
- (d) The application form shall provide:
  - 1. A written statement of the risks associated with the procedure;
  - 2. A space at which an applicant is to sign;
  - 3. A statement that the applicant's signature indicates that:
    - i. The applicant's responses to the application questions, including the applicant's disclosure of health conditions, are truthful;
    - ii. The applicant understands that the applicant's use of blood-thinning medication and/or having medical conditions, such as diabetes, allergies, hemophilia, and/or cysts, increase the risks associated with the procedure and that, if the client uses blood-thinning medication or has any of these medical conditions, the client must consult a health care provider and submit the provider's authorization and clearance before the establishment can proceed with the ear piercing;
    - iii. The applicant understands and accepts the risks associated with the procedure;
    - iv. The applicant consents to the performance of the procedure;
    - v. The government-issued identification that the applicant provides (pursuant to (d) below) is the applicant's authentic identification; and
    - vi. The applicant acknowledges receipt of written and spoken after-care instruction from the practitioner and agrees to adhere to that instruction.
- (e) An operator shall not permit the performance of ear piercing on a minor without the written consent and physical presence of the minor's parent or legal guardian at the time of the ear piercing, and shall ensure that:
  - 1. The parent or legal guardian executes the application as the applicant's parent or legal guardian pursuant to (b) and (c) above;
  - 2. The practitioner who is to perform the procedure personally examines, and makes photocopies, which are to be affixed to the application, of government-issued identification of the minor, and government-issued photographic identification of the parent or legal guardian, which collectively show the age of both, and the relationship between, the minor and the parent or guardian; and
  - 3. If the address the applicant provides pursuant to (b)1i above is not the same for both the minor and the parent or guardian, then the practitioner shall require the applicant to provide a copy of a court order or other government-issued documentation showing that the parent or guardian has custody of the minor, a copy of which the practitioner shall affix to the application.
    - i. Neither the practitioner nor the application form shall inform the applicant of this requirement in advance of an applicant's execution and submission of an application.
    - ii. If an applicant is unable to provide documentation showing custody of the minor and the procedure is not performed, the applicant shall retain the application on file for at least 180 days, and shall cross-check any new applications against the retained applications during that period.

### 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. 8:27-9.4

## § 8:27-9.4 Reporting requirements

---

- (a) An operator of an ear-piercing establishment shall report to the health authority, within 24 hours of becoming aware or being informed of, infections or injuries resulting from ear-piercing procedures performed at the establishment.
- (b) A health authority that receives reports pursuant to (a) above shall submit those reports to the Department in the succeeding January of each year, using the form at the chapter Appendix.

## 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. 8:27-9.5

## § 8:27-9.5 Hand washing and personal hygiene

---

- (a) Operators shall ensure that practitioners performing ear piercings:
  - 1. Maintain a high standard of personal cleanliness, which shall include wearing clean outer garments, washing their hands after smoking, eating, drinking, or visiting the restroom before performing each ear-piercing procedure, in accordance with (b) or (c) below, and wearing medical gloves.
- (b) Required hand washing consists of a person:
  - 1. Wetting the hands first with water;
  - 2. Applying soap in foam or liquid form to the hands;
  - 3. Rubbing the hands together vigorously for at least 15 seconds, covering all surfaces of the hands and fingers with soap;
  - 4. Rinsing the hands with water; and
  - 5. Using single-use paper towels to dry the hands and to turn off the faucet.
- (c) If hand washing sinks with running water are not readily available, hand washing shall be performed by use of alcohol-based hand rub, provided the hands are not visibly dirty or soiled with blood or body fluids, in which case, hand washing pursuant to (b) above shall be performed first, elsewhere, followed by use of alcohol-based hand rub upon the practitioner's return to the establishment premises.
- (d) An operator that provides a reusable soap dispenser for practitioner hand washing shall ensure that the dispenser is emptied and cleaned before being refilled.
- (e) Operators shall ensure that practitioners wear single-use medical gloves on both hands at all times during the performance of ear-piercing procedures.
- (f) Operators shall establish written policies and procedures addressing the needs of employees, piercers, and clients who have latex allergies, and shall supply alternatives to latex medical gloves and other latex-containing items to which employees, piercers, and clients who have latex allergies may be exposed in the establishment.

## 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. 8:27-9.6

### § 8:27-9.6 Piercing instrument standards

---

- (a) Ear piercing instruments shall not be used for piercing any part of the body other than the ear lobes and trailing edge of the ear.
- (b) Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the ear lobes and the trailing edge of the ear.
- (c) The operator of a business offering ear piercing services with an ear piercing instrument shall establish procedures to ensure that all individuals working on the business premises shall be adequately trained to properly use, clean, disinfect and store the ear piercing instrument, in accordance with the manufacturer's recommendations.
- (d) An employee shall not independently perform ear piercing with an ear piercing instrument until the employee has successfully completed a training program and the competency of said employee is maintained on file by the operator and documented in the following manner:
  - 1. The training program shall document the full name of the trainer, full name of employee and the content of the training program; and
  - 2. The employee shall at a minimum perform three ear lobe and three cartilage procedures under the direct supervision of the operator.
- (e) The entire area of the clasp retainer and all parts of the instrument in direct contact with the client's skin shall be cleaned with alcohol or a detergent recommended by the manufacturer before and after each piercing.
- (f) New or disinfected piercing instrument tools shall be stored separately from used or soiled tools or other instruments.