

**NEW HANOVER COUNTY**

**BOARD OF HEALTH**

**RULES GOVERNING BODY PIERCING**  
**ESTABLISHMENTS AND PRACTITIONERS**

**IN**

**NEW HANOVER COUNTY**

**NORTH CAROLINA**

**EFFECTIVE SEPTEMBER 1, 1999**

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**Section 5000 Purpose**

To establish standards for the operation of any body piercing establishment, and for the

performance and training of any person who engages in the practice of body piercing so as to minimize the risk of disease transmission, the New Hanover County Board Of Health declares that the following rules for protection of the public health are hereby adopted pursuant to authority granted by Chapter 130A Section 39 of the North Carolina General Statutes, and shall apply throughout New Hanover County, North Carolina.

#### Section 5001 General Provisions

(a) Scope No person shall operate, or cause any body piercing establishment to be operated contrary to the provisions of these Rules. No person shall practice, or cause body piercing to practiced contrary to the provisions of these Rules.

(b) Conflict The provisions of any federal, state or municipal law, ordinance, regulation or rule establishing requirements and standards affording greater protection to the public health, safety and welfare shall prevail within the jurisdiction of such agency or municipality over requirements and standards established by these Rules.

#### Section 5002 Definitions

The following definitions shall apply in the interpretation and enforcement of these Rules:

Aftercare means written instructions given to the client, specific to the body piercing procedure(s) rendered, on caring for the body piercing and surrounding area. These instructions will advise clients to seek medical treatment, if necessary.

Antiseptic means an agent that destroys disease causing microorganisms on human skin or mucosa.

Board Of Health means the New Hanover County Board Of Health.

Body Piercing means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, branding and scarification. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the North Carolina Medical Board shall not be performed in a body piercing establishment. Nor does this definition include, for the purposes of these Rules, piercing of the lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

Body Piercing Establishment means any place or premise, whether public or private, temporary or permanent in nature or location, where the practice of body piercing, whether or not for profit, is performed.

Body Piercing means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

**Contaminated Waste** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens.”

**Department** means the New Hanover County Health Department or its authorized representative.

**Director** means the Director of the New Hanover County Health Department or his (her) authorized representative.

**Disinfection** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

**Ear Piercing** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

**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 establishment.

**Hand Sink** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

**Hot Water** means water which attains and maintains a temperature of at least 100<sup>0</sup> F.

**Instruments Used For Body Piercing** means hand pieces, needles and other instruments that may come in contact with a client’s body for possible exposure to bodily fluids during body piercing procedures.

**Invasive** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

**Jewelry** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

**Liquid Chemical Germicide** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup/gal, or 2 tablespoons/quart of tap water).

**Operator/Technician** means any person who operates, manages, controls, conducts or practices body piercing activities at a body piercing establishment and who is

responsible for compliance with these Rules, whether or not actually performing body piercing activities. The term includes technicians who work under supervision of the operator and perform body piercing activities.

**Permit** means written approval by the Department to operate a body piercing establishment or to practice body piercing as an operator. Approval is given in accordance with these Rules and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising New Hanover County.

**Person** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

**Physician** means a person licensed by the North Carolina Medical Board to practice medicine.

**Procedure Surface** means any surface of an inanimate object that contacts the client's unclothed body during a body piercing procedure, skin preparation of the area adjacent to and including the body piercing procedure or any associated work area which may require sanitizing.

**Sanitize/Sanitization Procedure** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

**Sharps** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

**Sharps Container** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

**Single Use** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, and protective gloves.

**Sterilization** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

**Universal Precautions** means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing,

gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

**Section 5003 Body Piercing Operator/Technician Requirements And Professional Standards**

(a) The following information relative to operators and technicians shall be recorded and filed on the premises of a body piercing establishment, and shall be available for inspection by the Department:

- (1) full name;
- (2) exact duties;
- (3) date of birth;
- (4) gender;
- (5) home address;
- (6) home/work phone numbers; and,
- (7) identification photo.

(b) The following information relative to the body piercing establishment shall be recorded and filed on the premises, and shall be available for inspection by the Department:

- (1) owner's full name, home address and home/work phone numbers;
- (2) hours of operation;
- (3) a complete description of all body piercing procedures performed;
- and,
- (4) a copy of these Rules.

(c) It shall be unlawful for any person to perform body piercing procedures unless such procedures are performed in a body piercing establishment with a valid permit.

(d) The body piercing operator/technician shall be a minimum of eighteen (18) years of age.

(e) Smoking, eating or drinking by anyone is prohibited in the area where body piercing procedures are performed.

(f) Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.

(g) Operators/technicians shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body piercing procedures. Before performing body piercing procedures, operators/technicians shall thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

(h) While performing body piercing procedures, operators/technicians shall wear

disposable medical gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surface or object, or by contact with a third person. At a minimum, gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to applying the next set of fresh gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves shall not preclude or substitute for handwashing procedures as part of a good personal hygiene program.

(i) If, while performing a body piercing procedure the operator's/technician's glove is pierced, torn or otherwise contaminated, the procedures described in the preceding Subsections (g) and (h) shall be immediately repeated. The contaminated gloves shall be immediately discarded and the hands thoroughly washed [see Subsection (g) above] before a fresh pair of gloves are applied. Any item or instrument used for body piercing which is contaminated during the procedure shall be immediately discarded and replaced with a new disposable item/instrument or a new sterilized item/instrument before resuming the procedure.

(j) Contaminated waste, as defined in these Rules, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled shall be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It shall then be disposed of by a waste hauler approved by the Department or, at a minimum, 29 CFR Part 1910.1030, Occupational Exposure To Bloodborne Pathogens. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030 whichever is less.

(k) No person shall perform any body piercing procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial guardian or legal guardian. Nothing in this Section is intended to require an operator/technician to perform any body piercing procedure on a person under eighteen (18) years of age with parental or guardian consent.

(l) Any skin or mucosa surface to receive a body piercing procedure shall be free of anyrash or visible infection.

(m) The skin of the operator/technician shall be free of rash or infection. No person or operator/technician affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body piercing establishment in any capacity in which there is a likelihood that they could contaminate body piercing equipment/instruments, supplies or working surfaces with body substances or pathogenic organisms.

(n) Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B immunization series. This offering shall be included as a pre-employment requirement.

#### **Section 5004 Exemptions**

(a) Physicians licensed by the State of North Carolina, who perform body piercing procedures either independent of or in connection with patient treatment are exempt from these Rules.

(b) Individuals who pierce only the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these Rules. Individuals who use ear piercing systems shall conform to the manufacturer's directions and applicable U. S. Food And Drug Administration requirements. The Department retains authority to investigate consumer complaints alleging improper disinfection or misuse of ear piercing systems.

#### **Section 5005 Public Information And Notification Requirements**

(a) All clients interested in receiving a body piercing procedure shall be given verbal and written educational information approved by the Department. Verbal and written instructions approved by the Department for aftercare of the body piercing area shall be provided to each client by the operator/technician upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and contain: the name, address and phone number of the body piercing establishment. These documents shall be signed and dated by both parties with a copy given to the client, and the operator/technician retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement provided by the Department, which advises the public of the risks and possible consequences of body piercing procedures. All establishments shall also prominently display in public view the name, address and phone number of the Department, and the procedure for filing a complaint.

(b) All infections, diseases or complications resulting from a body piercing procedure which become known to the operator/technician shall be reported to the Department by the operator/technician within twenty-four (24) hours.

#### **Section 5006 Client Records**

(a) To evaluate a client's medical condition for receiving a body piercing procedure, and to assure proper aftercare direction and not violate the client's rights or confidential medical information, the operator/technician shall request the following information:

*In order to assure proper healing of your body piercing procedure, we request that you disclose if you have or have had any of the following conditions:*

- (1) diabetes;*
- (2) history of hemophilia (bleeding);*
- (3) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;*
- (4) history of allergies, adverse reactions or other skin sensitivities;*
- (5) history of epilepsy, seizures, fainting or narcolepsy; and,*

**(6) *taking medications such as anticoagulants which thin the blood and/or interfere with blood clotting.***

**(b) The operator/technician shall ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client shall be asked to disclose any other information that would aid the operator/technician in evaluating the healing process of the client's body piercing area.**

**(c) Nothing in this Section shall be construed to require the operator/technician to perform a body piercing procedure upon a client.**

#### **Section 5007 Records Retention**

**The body piercing establishment shall keep a record of all persons who have had body piercing procedures performed. Each operator/technician shall keep records of all body piercing procedures performed including at least the following information: name, date of birth, address and phone number of the client, date of the procedure, name of operator/technician who performed the procedure, type and location of the procedure performed, signature of client and if the client is a minor, proof of parent or guardian presence and consent, i.e. signature. All client records shall be confidential and shall be retained for a minimum of three (3) years, and upon request made available to the Department.**

#### **Section 5008 Preparation And Care Of The Body Piercing Area**

**(a) Before performing a body piercing procedure, the immediate and surrounding area of the skin where the body piercing procedure is to be performed shall be washed with soap and water or an approved surgical skin preparation depending upon the type of body piercing to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used. Single service blades shall be discarded after each use. Reusable razor blade holders shall be autoclaved after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.**

**(b) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers unless the disposable products meet the definition of biomedical waste (see definition).**

#### **Section 5009 Sanitation And Sterilization Procedures**

**(a) All non-single use, non-disposable instruments used for body piercing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or as directed by the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accordance with the manufacturer's instructions.**

(b) After cleaning, all non-disposable instruments used for body piercing shall be packed individually in peel-packs and subsequently sterilized [see Subsection (c) below]. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs shall be dated with an expiration date not to exceed six (6) months.

(c) All cleaned, non-disposable instruments used for body piercing shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions for operation of the sterilization unit shall upon request be made available to the Department. Sterile equipment shall not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body piercing establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

(d) Each holder of a permit to operate a body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and upon request made available to the Department.

(e) After sterilization, instruments used for body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(f) All instruments used for body piercing shall remain stored in sterile packages until just prior to performing a body piercing procedure. When assembling instruments used for performing body piercing procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(g) All equipment and instruments shall be specifically manufactured for performing body piercing procedures and shall be used according to manufacturer's instructions.

#### **Section 5010 Requirements For Single Use Items**

(a) Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in an approved sharps container.

(b) All products applied to the skin shall be single use and disposable. Bactericidal agents, soaps and other products shall be dispensed and applied with sterile gauze or otherwise in a manner so as to prevent contamination of the original container and its contents. Gauze shall be used only once and discarded.

## **Section 5011 Requirements For Premises**

(a) Persons making application for a permit to operate a body piercing establishment after adoption of these Rules shall submit a scaled floor plan of the proposed facility layout for plan review by the Department.

(b) All walls, floors, ceilings and all procedure surfaces of a body piercing establishment shall be smooth, free of cracks or open holes, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleanable and sanitized after each client. All body piercing establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling from any: room used for human habitation; food establishment or room where food is prepared; hair salon; retail sales; and, other activity which offers potential for contamination of work surfaces.

(c) Effective measures shall be taken by the body piercing operator/technician to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances or premises.

(d) There shall be a minimum of forty-five (45) square feet of floor space for each operator/technician in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body piercing stations shall at least be separated by dividers, curtains or partitions.

(e) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body piercing procedure is being performed, and where instruments and sharps are assembled.

(f) No animals of any kind shall be allowed in the area(s) of a body piercing establishment where procedures are performed except service animals used by persons with disabilities (i.e. seeing eye dogs).

(g) A separate, readily accessible, hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible within the body piercing establishment. One hand sink shall serve no more than three (3) operators/technicians. In addition, there shall be a minimum of one (1) lavatory, excluding any service sinks, and a minimum of one (1) toilet in a body piercing establishment.

(h) At least one covered waste receptacle shall be provided in each operator/technician area and each toilet room. Receptacles in the operator/technician area shall be emptied daily. Solid waste shall be removed at least weekly from the premises. All refuse containers shall be provided with lids, and shall be cleanable and kept clean.

(i) All instruments and supplies shall be stored in clean, dry and covered containers.

(j) Reusable cloth items shall be mechanically washed with detergent and dried after each use. Cloth items shall be stored in a clean, dry environment until used.

#### **Section 5012 Establishment Permit**

(a) No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body piercing establishment until a permit is obtained from the Department.

(b) A permit to operate a body piercing establishment shall become valid on the date of issuance and shall automatically expire one (1) year from the date of issuance unless otherwise revoked or suspended by the Department in accordance with these Rules.

(c) A permit to operate a body piercing establishment shall not be transferable from one place or person to another place or person.

(d) A valid body piercing establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

(e) The holder of a body piercing establishment permit shall only employ operators/technicians who have complied with the operator permit requirements of these Rules.

#### **Section 5013 Operator Permit**

(a) No person shall practice body piercing procedures without first obtaining an operator permit from the Department.

(b) The operator permit shall become valid on the date of issuance and shall automatically expire one (1) year from the date of issuance unless otherwise revoked or suspended by the Department in accordance with these Rules.

(c) Application for an operator permit shall include:

- (1) name;
- (2) date of birth;
- (3) gender;
- (4) residence address;
- (5) mailing address;
- (6) phone number;
- (7) place(s) of employment as an operator;
- (8) training and experience;
- (9) proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department; and,
- (10) demonstrated knowledge of the following subjects: anatomy; skin diseases, disorders and conditions (including diabetes); infectious

disease control including handwashing techniques, sterilization equipment operation, sanitization / disinfection / sterilization methods and techniques; waste disposal; and, facility safety and sanitation.

(d) Knowledge of the above subjects may be demonstrated through documented attendance of courses and successful completion of an examination given or approved by the Department with a passing grade of 70 percent, attained prior to issuance of the operator permit. Examples of courses approved by the Department include Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Documented attendance/completion of training provided by professional body piercing organizations/associations or by equipment manufacturers may also be submitted to the Department for approval.

(e) A course for body piercing operators, the holders of body piercing establishment permits, tattoo artists and tattoo business operators, hereinafter referred to as the body piercing practitioner/tattoo artist course, providing training in at least the following topics: hygiene, sterilization techniques including autoclave operation, hazardous waste handling and disposal, and first aid shall be made available through the Department or through a private provider such as a contracted registered surgical nurse with expertise in sterilization techniques and procedures. Successful completion of this course shall be determined by the administration of a written examination by the instructor. Participants with a score of at least seventy percent (70%) on the written examination shall be rated as passing and, therefore, successful in completing the body piercing practitioner/tattoo artist course. The Director shall periodically review the content of instruction and the written examination offered in the body piercing practitioner/tattoo artist course to assure that it fulfills the objectives and standards established by these Rules.

(f) No operator permit shall be issued to a person until he (she) attends and successfully completes the body piercing practitioner/tattoo artist course. Operators shall attend and successfully complete the body piercing practitioner/tattoo artist course at least biennially [every two (2) years] and prior to filing application for renewal of their operator permit.

(g) No operator permit shall be issued unless, following reasonable investigation by the Department, the body piercing operator has demonstrated compliance with all provisions of these Rules.

(h) Operator permits shall be conditioned upon continuous compliance with all provisions of these Rules.

(i) Operator permits shall be posted in a prominent and conspicuous area in the body piercing establishment where they may be readily observed by clients.

#### **Section 5014 Prohibitions**

(a) Performing a body piercing procedure on any body part of a person under the age of eighteen (18) without the written consent and presence of the parent, legal custodial guardian or legal guardian of such minor shall be prohibited. Consent shall be given in

person to the body piercing operator/technician by the parent, legal custodial guardian or legal guardian at the time the body piercing procedure is to commence. Photographic identification of the parent, legal custodial guardian or legal guardian shall be required.

(b) Performing a body piercing procedure on a person who, in the opinion of the operator/technician is inebriated or appears to be under the influence of alcohol or drugs shall be prohibited.

(c) Operating, owning or soliciting business as a body piercing establishment or operator without first obtaining all necessary approvals and permits from the Department, unless specifically exempted by these Rules, shall be prohibited.

(d) Obtaining or attempting to obtain any body piercing establishment or operator permit by means of misrepresentation, fraud or concealment shall be prohibited.

### **Section 5015 Enforcement**

(a) Establishments and operators in business or practicing on the effective date of these Rules shall be given thirty (30) days to make application to the Department and comply with these Rules. Establishments and operators that continue business or practice without proper permits from the Department or operate in violation of these Rules shall be subject to legal remedial actions and sanctions as provided by the North Carolina General Statutes.

(b) A representative of the Department shall properly identify himself or herself upon entering a body piercing establishment to conduct an evaluation, inspection or investigation. The Department shall conduct at least annual evaluations/inspections of body piercing establishments to determine compliance with these Rules.

(c) It shall be unlawful for any person to interfere with the Department in the performance of its duties.

(d) A copy of the inspection report shall be provided to the permit holder or operator of the body piercing establishment.

(e) If, after investigation, the Department finds that a permit holder or operator is in violation of these Rules, the Department may, as an alternative, advise the permit holder or operator, in writing, of its findings and instruct the permit holder or operator to take specific steps to correct such violations within a reasonable period of time not to exceed thirty (30) days.

(f) If there is reasonable cause to suspect a communicable disease has been or may be transmitted by an operator/technician, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the public health, the Department may, upon written notice to the permit holder or operator, do any or all of the following:

- (1) Issue an order excluding any or all operators/technicians from the permitted body piercing establishment who are responsible, or

reasonably appear responsible for the transmission of a communicable disease until the Department determines there is no further risk to the public health. Such an order shall state cause for the action.

(2) Issue an order to immediately suspend the body piercing establishment permit until the Department determines there is no further risk to the public health. Such an order shall state cause for the action.

#### **Section 5016 Suspension Or Revocation Of Permits**

(a) Permits issued under the provisions of these Rules may be suspended temporarily by the Department for failure of the permit holder or operator to comply with the requirements of these Rules.

(b) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of these Rules, the permit holder or operator shall be notified in writing that the permit is, upon service of a notice, immediately suspended. The notice shall contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within a specified time period.

(c) Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within five (5) days following receipt of a written request, including a statement signed by the applicant that conditions causing the suspension have been corrected, the Department shall reinspect the body piercing establishment or evaluate relevant documentation provided by a permit holder or operator. If the applicant is in compliance with the provisions of these Rules, the permit shall be reinstated.

(d) For repeated or serious (any Rule infraction that threatens the health of the client or operator/technician) violation of any requirements in these Rules or for interference with Department personnel in the performance of their duties, a body piercing establishment permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A request for a hearing shall be filed by written petition to the Department. Unless the permit holder or operator requests a hearing within five (5) days following service of the notice, the Department may permanently revoke the permit. A permit may be suspended for cause, pending a hearing relative to its revocation.

(e) The hearing provided for in this section shall be conducted by the Department at a time and place acceptable to the permit holder or operator. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be provided to the permit holder or operator by the Department.

#### **Section 5017 Department Personnel Competency Requirement**

Department personnel performing environmental health/sanitary evaluations or complaint investigations of body piercing establishments shall meet the same requirements as specified for operators/technicians in Section 5013 of these Rules prior to assuming responsibilities in this discipline.

**Section 5018 Interpretation And Severability**

(a) In the interpretation of these Rules, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

(b) In the event any particular clause or section of these Rules should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these Rules are declared to be severable.

**Section 5019 Remedies**

If a person violates any part of these Rules, then he/she shall be guilty of a misdemeanor and shall be subject to sanctions provided in Chapter 130A Section 25 of the North Carolina General Statutes.

**Section 5020 Effective Date**

Adopted August 4, 1999 by the New Hanover County Board Of Health, these Rules shall be effective on and after September 1, 1999.

Signed \_\_\_\_\_  
William T. Steuer, Chairman  
New Hanover County Board Of Health

Signed \_\_\_\_\_  
David E. Rice, Health Director  
New Hanover County Health Department