

**RULES
OF
THE TENNESSEE DEPARTMENT OF HEALTH
HEALTH SERVICES ADMINISTRATION**

**CHAPTER 1200-23-06
BODY PIERCING**

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1200-23-06-.01 DEFINITIONS.

- (1) "Antibacterial" means a substance that inhibits and reduces the growth of bacteria.
- (2) "Antibacterial solution" means any solution used to retard the growth of bacteria approved for the application to human skin and includes all products so labeled.
- (3) "Antiseptic" means a substance that will inhibit the growth and development of microorganisms without necessarily destroying them.
- (4) "Antiseptic technique" means to render or maintain free from infectious material.
- (5) "Approval" means written approval from the department of health indicating that the body piercing establishment has been inspected and meets all terms of this part and the applicable rules.
- (6) "Autoclave" means a device which automatically holds the temperature, pressure, and time for the purpose of sterilization.
- (7) "Autoclave indicator" means chemical detection strips, markers, or tape.
- (8) "Biohazardous waste" means "regulated waste" (see definition No. 57).
- (9) "Blood" means human blood, human blood components, and products made from human blood.
- (10) "Bloodborne pathogens" means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- (11) "Body piercing" means the piercing of any part of the body for compensation by someone, other than a physician licensed under Title 63, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing, except when the ear piercing procedure is performed with an ear piercing gun.
- (12) "Body piercing establishment" means any place, whether temporary or permanent, stationary or mobile, wherever situated, where body piercing is performed, including any area under the control of the operator.

(Rule 1200-23-06-.01, continued)

- (13) "Body piercing operator" or "operator" means a person who controls, operates, conducts, or manages a body piercing establishment, whether the operator is actually engaging in body piercing or not.
- (14) "Body piercing establishment permit" or "permit" means the issuance of a written permit by the department to a body piercing establishment stating that such establishment, after inspection, was found to be in compliance with this part.
- (15) "Body piercing service" or "body piercing procedure" means the service performed or the procedure utilized for body piercing.
- (16) "Body piercing technician" or "technician" means a person at least eighteen (18) years of age who engages in the practice/service of body piercing, regardless of the type of body ornament utilized or body area to be pierced.
- (17) "Body piercing technician license" means the issuance of a state license authorizing the person named therein to engage in the practice/service of body piercing after fulfilling the requirements of this part.
- (18) "Business" means any entity that provides body piercing services or procedures for compensation.
- (19) "Chemical detection strips, markers or tape" means the use of detection devices placed on items for sterilization to facilitate in determining that the item has been subjected to steam sterilization process.
- (20) "Commissioner" means the Commissioner of the department of health or the Commissioner's duly authorized representative.
- (21) "Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- (22) "Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or which may contain sharps.
- (23) "Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, or broken glass.
- (24) "Critical item(s)" means those aspects of operation or conditions which, if in violation, constitute the greatest hazards to health and safety, including imminent health hazards.
- (25) "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
- (26) "Department" means the department of health.
- (27) "Disinfectant" means a solution intended to destroy or inactivate specific viruses, bacteria, or fungi on clean, inanimate surfaces [e.g., 1:10 bleach solution] or commercially labeled disinfectant.
- (28) "Disinfecting" means a process that kills or destroys nearly all disease-producing micro-organisms, with the exception of bacterial spores.

(Rule 1200-23-06-.01, continued)

- (29) "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (30) "Engineering controls" mean controls (e.g., sharps disposal containers) that isolate or remove the bloodborne pathogens hazard from the workplace.
- (31) "Exposure incident" means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.
- (32) "Extensively remodeled" means alteration to affect the increase or decrease of floor space or the alteration of walls in a work area.
- (33) "For compensation" shall include an instance in which the body piercing procedure is performed without charge, when the customer buys the body piercing ornament/jewelry or is required to provide other compensation, as well as normal payment for the procedure.
- (34) "Germicide" means an agent that kills pathogenic microorganisms.
- (35) "Germicidal solution" means any solution which destroys microorganisms and is so labeled.
- (36) "Handwashing facilities" means a facility providing an adequate supply of running potable water, soap dispenser, soap, and single-use towels or automatic dryer.
- (37) "Imminent health hazard" means any condition, deficiency, or practice, as identified by the health officer, which, if not corrected, is very likely to result in illness, injury, or loss of life to any person.
- (38) "Infectious waste" means "regulated waste" (see definition No. 58).
- (39) "Law" means any applicable provision of the State of Tennessee statutes and rules of any department or agency.
- (40) "License" means the issuance of a license to perform body piercing to any individual. "License" further means to allow or authorize any person who has satisfactorily completed all requirements set forth by law and these rules to engage in the practice or business of body piercing.
- (41) "Minor" means an individual under the age of eighteen (18).
- (42) "Microbiological monitoring for quality control" means the use of a standard spore, Bacillus stearothermophilus, to challenge the sterilization process.
- (43) "Occupational exposure" is synonymous with "exposure incident" (see definition No. 31).
- (44) "Operator/Owner" means any person, firm, company, corporation or association that owns, controls, operates, conducts, or manages a body piercing establishment.
- (45) "Other potentially infectious material" means the following human body fluids: semen, vaginal secretions, saliva, and any body fluid visibly contaminated with blood.
- (46) "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.
- (47) "Patron" means a person requesting and receiving body piercing services.

(Rule 1200-23-06-.01, continued)

- (48) "Percutaneous" means infectious materials may enter the body through compromised skin surfaces (e.g., needle sticks, acne, cuts, lesions).
- (49) "Permit" means body piercing establishment permit (see definition 14).
- (50) "Person" means operator and/or any individual, partnership, firm, corporation, or agency.
- (51) "Personnel" means the permit holder, any person who body pierces, individuals having supervisory or management duties, or any other person employed or working in a body piercing establishment. This individual may or may not be a body piercing technician.
- (52) "Person in charge" means the individual present in a body piercing establishment who is the apparent supervisor at the time of inspection, or, if no individual is the apparent supervisor, then any employee present.
- (53) "Personal protective equipment" means specialized clothing or equipment, such as gloves or lapcloth, worn by an employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.
- (54) "Pierce" or "piercing" means body piercing (see definition No. 11).
- (55) "Premises" means the physical location of an establishment which offers and performs body piercing services.
- (56) "Potable water" means water that is safe for drinking.
- (57) "Proof of age" means a driver's license or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older, contains a photograph or other likeness of the individual, and appears on its face to be valid.
- (58) "Regulated waste" means 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, and contaminated sharps.
- (59) "Safe materials" means articles manufactured and used in accordance with law.
- (60) "Sanitary" means clean and free of agents of infection.
- (61) "Sanitization" means an effective germicidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on utensils and equipment.
- (62) "Sewage" means human excreta, all water carried waste, and household wastes from residences, buildings, or commercial and industrial establishments.
- (63) "Single use" means a disposable item that is used one (1) time on one (1) patron and then is properly disposed of by appropriate measures.
- (64) "Solid waste" means refuse, garbage, trash, rubbish, and any other item(s) which could cause an unsanitary condition or undesirable health and safety conditions.
- (65) "Sterilization" means holding in an autoclave for fifteen (15) minutes at fifteen (15) pounds of pressure and at a temperature of two hundred and fifty (250) degrees Fahrenheit or one hundred and twenty-one (121) degrees Celsius.

(Rule 1200-23-06-.01, continued)

- (66) "Sterilize" means a process by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed.
- (67) "Universal precautions" means that all blood and body fluids are treated so as to contain all blood borne pathogens and taking proper precautions to prevent the spread of any blood borne pathogens.
- (68) "Utensil" means any implement, tool, or other similar device used in the storage, preparation, operation, or body piercing process.
- (69) "Waste" means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a body piercing establishment.
- (70) "Work area" means an area where the act of body piercing takes place.
- (71) "Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed.
- (72) "Work station" means a work area (see definition No. 70).

Authority: T.C.A. §§4-5-202, 62-38-301 et seq., and 68-2-609. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.02 PROHIBITED ACTS.

- (1) No person under the age of eighteen (18) years shall perform a body piercing procedure on another person.
- (2) No person shall perform a body piercing procedure on another person who is under the influence of drugs or alcohol.
- (3) No person shall perform a body piercing procedure on an individual who is under eighteen (18) years of age, unless the parent, legal guardian, or legal custodian is present and written consent has been given by the individual's parent, legal guardian, or legal custodian in accordance with 1200-23-06-.03. However, the provisions of this subsection shall not apply to an individual who has been emancipated by marriage or by a court order directly pertaining to body piercing.
- (4) No person shall pierce any site in which the skin surface exhibits any evidence of unhealthy conditions.
- (5) No person shall perform a body piercing procedure without a current body piercing technician license.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.03 CONSENT AND BODY PIERCING OF MINORS.

- (1) No person shall perform a body piercing procedure on an individual who is under eighteen (18) years of age, unless written consent has been given by the individual's parent, legal guardian, or legal custodian in accordance with this section. However, the provisions of this section shall not apply to an individual who has been emancipated by marriage or by a court order directly pertaining to body piercing.

(Rule 1200-23-06-.03, continued)

- (2) Emancipated individuals must present the marriage license or a copy of the court order and another form of identification at the time of the body piercing procedure.
- (3) A parent, legal guardian, or legal custodian of an individual under age eighteen (18) who desires to give consent to a business for performance of a body piercing procedure on the individual under the age of eighteen (18) shall do all of the following:
 - (a) Appear in person at the business at the time the procedure is performed;
 - (b) Produce proof of age of the attesting individual; and
 - (c) Sign a form provided by the business that:
 1. States the minor's gender and age in years. (For minors less than one (1) year old, the age in months up to and including twelve (12) months of age shall be stated);
 2. Explains the manner in which the procedure will be performed and the methods for proper care of the affected body area following performance of the procedure; and
 3. Requires signing of a statement with the exact wording as follows:

"I, the undersigned, certify that I am the parent, legal guardian, or legal custodian of the named minor and further give consent to the body piercing procedure(s) as explained. I acknowledge that I am fully aware that to falsify my legal standing as to being the minor's parent, legal guardian or legal custodian constitutes a Class C misdemeanor. A Class C misdemeanor means imprisonment for not greater than thirty (30) days or a fine not to exceed fifty dollars (\$50.00) or both. (T.C.A. § 40-35-111)."
- (4) Records of body piercing procedures performed on minors shall be maintained by the operator for two (2) years. A copy of all paperwork on an individual under age eighteen (18) shall be forwarded to the department within thirty (30) business days following performance of the body piercing procedure, and the department shall retain such paperwork for two (2) years. This paperwork shall include, but not be limited to:
 - (a) The signed document that explains the manner in which the procedure was performed and the methods for proper care;
 - (b) A copy of the proof of age of the attesting individual; and
 - (c) The signed statement that the individual is the minor's parent, legal guardian, or legal custodian, that provides permission to perform a body piercing procedure on a minor and that stipulates that the attesting individual understands the consequences for falsifying their legal standing as to being the parent, legal guardian, or legal custodian.
- (5) Unless consent has been given in accordance with 1200-23-06-.03(3), no individual who is under age eighteen (18) shall obtain or attempt to obtain a body piercing procedure.
- (6) No individual shall knowingly show or give false information concerning the individual's name, age, or emancipation.
- (7) No individual shall knowingly show or give any false information as to the name, age, or other identification of an individual who is under age eighteen (18) for the purpose of obtaining a body piercing procedure for the individual who is under age eighteen (18).

(Rule 1200-23-06-.03, continued)

- (8) No individual shall impersonate the parent, legal guardian, or legal custodian of an individual who is under age eighteen (18) for the purpose of obtaining a body piercing procedure for the individual who is under age eighteen (18).
- (9) The operator shall require proof of age for any patron under the age of twenty-seven (27), and the operator shall retain a copy of the patron's proof of age in the files of the business for a period of two (2) years from the time of the body piercing procedure.
- (10) It shall constitute a Class C misdemeanor for a violation of 1200-23-06-.03(8) by an individual over the age of seventeen (17) who impersonates a parent, legal guardian, or legal custodian.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.04 MINIMUM STANDARDS FOR BODY PIERCING ESTABLISHMENTS.

- (1) Submission of Plans. Whenever a body piercing establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a body piercing establishment, at least one set of properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Commissioner for review and approval at least thirty (30) days before construction, remodeling, or conversion is begun. The plans and specifications shall indicate:
 - (a) The total area in square feet to be used for the business;
 - (b) All entrances and exits;
 - (c) The number, location and types of plumbing fixtures;
 - (d) Source of water supply;
 - (e) The lighting plan;
 - (f) The floor plan identifying the general layout of work areas, to include fixtures and equipment; and
 - (g) A list of proposed fixed body piercing equipment and facilities;
- (2) The Commissioner shall approve the plans and specifications, if they meet the requirements of these rules.
- (3) No body piercing establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Commissioner.
- (4) Pre-operational Inspection. After plans and specifications have been approved by the Commissioner, the body piercing establishment shall not start operations until the Commissioner has made a pre-operational inspection and has determined compliance with the approved plans and specifications and with the requirements of these rules.
- (5) Each business where body piercing procedures are performed shall provide a work area separate from observers or visitors.
- (6) A work area shall have a sink equipped with hot and cold running water for handwashing and cleaning instruments, apart from a bathroom sink, which is conveniently available.

(Rule 1200-23-06-.04, continued)

- (7) The use of common towels is prohibited. Handsinks shall be equipped with a soap dispenser and single-use towels.
- (8) Each body piercing establishment shall be equipped with an autoclave or steam sterilizer, a sterilizing device capable of meeting sterilization as defined in 1200-23-06-.01(65). The autoclave shall be used to sterilize all nondisposable or reusable body piercing equipment.
- (9) Each location shall have the facilities to properly dispose of all waste material. All materials (e.g., needles) must be disposed of in accordance with the Code of Federal Regulations, Title 29, Part 1910, Occupational Safety and Health Act, Bloodborne Pathogens and/or accepted universal precaution guidelines.
- (10) Water Supply
 - (a) Enough potable water for the needs of the body piercing establishment shall be provided from a source constructed and operated according to law.
 - (b) Sewage. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to law.
 - (c) Plumbing. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply or other source of contamination.
- (11) Toilet Facilities
 - (a) Toilet installation. Toilet facilities shall be designed, installed, and maintained according to law. There shall be sufficient toilet rooms and/or toilet fixtures to accommodate patrons, and employees, and operators.
 - (b) Toilet rooms. Toilet rooms opening directly into work or customer waiting areas shall be completely enclosed and shall have tight-fitting, solid doors, which shall be closed except during cleaning or maintenance.
 - (c) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue on tissue holders shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.
- (12) Lavatory Facilities
 - (a) Lavatory installation. Lavatory facilities shall be designed, installed, and maintained according to law. Facilities shall be of sufficient number and location to permit convenient use by patrons, and employees, and operators.
 - (b) Lavatory faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.
 - (c) Lavatory supplies. A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each lavatory. A supply of single-use sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

(Rule 1200-23-06-.04, continued)

- (d) Lavatory maintenance. Lavatories, soap dispensers, hand-drying devices, and all related fixtures shall be kept clean and in good repair.

(13) Solid Waste

(a) Containers.

1. Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids. Containers shall be kept in a clean and sound condition and all garbage and refuse disposed of according to law.
2. Containers used in work areas shall be kept covered when not in use and after they are filled.
3. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.

- (b) Garbage and refuse shall be disposed of at such frequency as to prevent the development of odor and the attraction of insects, rodents, or vermin.

- (c) Disposal of potentially infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to a sanitary sewer system. Disposable needles, scalpels, or other sharp items shall be placed intact into puncture-resistant sharps containers with a biohazard label before disposal. Filled sharps containers shall be considered regulated waste and must be disposed of in accordance with Solid Waste Processing and Disposal Regulations (1200-01-07).

- (d) Waste potentially contaminated with small amounts of blood or other infectious body fluids (e.g., gauze, wipes, disposable lap cloths), which do not meet the definition of regulated waste, shall be double-bagged in sealed, impervious bags to prevent leakage of the contained items. These bags shall be of sufficient strength to prevent breakage or leakage and shall not contain any sharps. The waste bags shall be containerized and disposed of in an approved sanitary landfill.

- (14) The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.

(15) Floors

- (a) Floor construction. Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, durable material and maintained in good repair. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is allowed in work areas, dressing rooms, and locker rooms. Carpeted flooring around the operating chair and work table in the work area must be covered by vinyl or rubber sheeting or mats so as to preclude any absorption of spillage that may occur during the body piercing operation.

- (b) Mats. Mats shall be of nonabsorbent, grease resistant materials and of such size, design, and construction as to facilitate their being easily cleanable.

(16) Walls and Ceilings

(Rule 1200-23-06-.04, continued)

- (a) Maintenance. Walls and ceilings, including doors, windows, skylights, and similar closures shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.
 - (b) Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.
- (17) Physical Facilities. Floors, mats, walls, ceilings, and attached equipment and decorative materials shall be kept clean.
- (18) Lighting
 - (a) Permanently fixed artificial light sources shall be installed to provide at least fifty (50) foot-candles of light on all work area surfaces and at equipment washing work levels.
 - (b) Permanently fixed artificial light sources shall be installed to provide at a distance of thirty (30) inches from the floor at least ten (10) foot-candles of light in all other areas.
- (19) Ventilation. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- (20) Living Areas. No operation of a body piercing establishment shall be conducted in any room used as living or sleeping quarters.
- (21) Poisonous or Toxic Materials
 - (a) Materials permitted. There shall be present in the body piercing establishment only those poisonous or toxic materials necessary for maintaining the establishment and cleaning or sanitizing equipment, as well as controlling insects and rodents.
 - (b) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.
 - (c) Toxic items shall be separated from other forms of materials used in the process of body piercing.
- (22) Premises
 - (a) Body piercing establishments shall be kept neat, clean, and free of litter and rubbish.
 - (b) Only articles necessary for the operation and maintenance of the body piercing establishment shall be stored on or within the establishment.
- (23) Animals. Live animals of all species shall be excluded from within the body piercing work area and from adjacent areas within the facility under the control of the permit holder. However, this exclusion does not apply to fish in an aquarium. Service animals accompanying blind or deaf persons shall be permitted in the establishment.
- (24) Equipment and Utensils
 - (a) Materials
 - 1. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under

(Rule 1200-23-06-.04, continued)

conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.

2. Reuse of single-service articles is prohibited.

(b) Design and Fabrication

1. General. All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.
 - (i) Body piercing operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult-to-clean internal corners and crevices.
 - (ii) Sinks and drain boards shall be self-draining.
2. Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be constructed of such material and in such repair as to be easily maintained in a clean and sanitary condition.
3. Needles and other equipment used in body piercings shall be designed and manufactured for the sole purpose of piercing the skin.

(25) Aisles and Working Spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of equipment or of operational surfaces by clothing or personal contact.

(26) Work Area. The work room is to be continually equipped or stocked with the following materials:

- (a) A minimum of six (6) sterilized piercing needles;
- (b) A minimum of one extra package of disposable towels other than the package that is being used;
- (c) A minimum of one extra box of disposable gloves other than the box being used; and
- (d) An extra supply of bandages, ointment or gel, and antibacterial soap.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.05 BODY PIERCING PROCEDURES.

- (1) Universal precautions, as defined in these rules, shall be observed to prevent contact with blood or other potentially infectious materials. Body piercing technicians and operators shall be trained in universal precautions.
 - (a) Assume all human blood, plasma, serum, body fluids (semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood) and tissues to be

(Rule 1200-23-06-.05, continued)

contaminated with Human Immunodeficiency Virus (HIV) and/or Hepatitis viruses (e.g., HBV).

- (b) The most susceptible route of occupational infection for HIV and HBV is by accidental needle sticks, contamination of the mucous membranes, or through broken, abraded, or irritated skin. Use appropriate caution and maximum protection to prevent such contact.
- (c) Proper decontamination procedures, emergency biohazard spill management, and proper use of biosafety equipment shall be utilized.
- (d) Use aseptic technique. Thorough hand washing is essential after patron contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
- (e) Needles shall be sterilized prior to use. Due to the hollow nature of body piercing needles, it is not permissible to reuse needles, nondisposable or otherwise, for body piercing.
- (f) Dispose of needles and other sharps in puncture proof, autoclavable containers, or disposable biohazard containers.
- (g) All regulated wastes shall be disposed of in labeled, manufacturer's color-coded waste containers.
- (h) A spill kit (bleach, leak proof container, paper towels, gloves, spray bottle) is to be used to clean up potentially infectious material spills. Small spills can be wiped up, after donning protective gloves, with paper towels and sprayed with freshly made ten percent (10%) bleach solution.
- (i) Clean all work areas and equipment used in handling human biohazardous materials with proven disinfectant (e.g., 10% dilution of bleach) when concluding work to protect personnel from accidental infection.
- (j) Eating, drinking, smoking, inserting contacts, and applying cosmetics or lip balm are not permitted in the work area. Food shall be stored in cabinets or refrigerators designated and used for this purpose only. Food storage cabinets or refrigerators shall be located outside the work area.
- (k) All procedures shall be performed carefully to minimize the creation of aerosols.
- (l) Report all work related accidents, incidents, and unexplained illness to the body piercing establishment supervisor, operator, and/or physician immediately.
- (m) Used gloves shall be removed after each operation and prior to contacting work surfaces, door knobs, wall switches, or telephones. Dispose of used gloves in a bagged, trash container.
- (n) The operator shall maintain written records of operational equipment utilized by the business, including manufacturers, model numbers, and dates of acquisition or purchase.

(2) Body Piercing Establishment Personnel

- (a) The body piercing establishment operator shall make available, at no cost to the personnel, Hepatitis B vaccination series, as well as any routine booster dose(s) to every person who may have occupational exposure to blood or other potentially

(Rule 1200-23-06-.05, continued)

infectious material. For new personnel the vaccine shall be made available within ten (10) working days of initial work assignment.

- (b) Personnel who decline to accept the Hepatitis B vaccination series must sign a form indicating their refusal.
- (c) The outer clothing of all personnel shall be clean.
- (d) Body piercing technicians/operators shall wash their hands with antiseptic soap before and after treating each patron (i.e., before glove placement and after glove removal) and after barehanded touching of inanimate objects likely to be contaminated by blood, saliva, or respiratory secretions. Hands shall be washed after removal of gloves, smoking, eating, drinking, or using the toilet.
- (e) Body piercing technicians/operators who have exudative lesions or weeping dermatitis, particularly on the hands, shall refrain from all direct patron contact and from handling equipment until the condition resolves.
- (f) Personnel shall consume food only in approved, designated areas. There shall be no eating or drinking in the work area of the establishment.
- (g) Personnel shall not use tobacco in any form while engaged in the operation or process of body piercing a patron, nor while in areas used for equipment or utensil washing. Personnel shall use tobacco only in approved, designated areas.
- (h) Personnel shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in body piercing establishments.

(3) Implementation of Infection-Control Practices

- (a) Disposable latex or vinyl examination gloves shall be worn by a technician at all times while performing a body piercing. Gloves shall be changed and properly disposed of each time there is an interruption in the body piercing process, or whenever their ability to function as a barrier is compromised. Gloves shall be changed between patrons and used gloves shall be properly disposed of as provided in these rules.
- (b) Only sterilized equipment or single-use supplies, such as disposable razors, single-use towels or wipes, lubricants from a collapsible tube, may be used to perform a body piercing. After the piercing procedure, single-use items and containers shall be discarded and the work area disinfected.
- (c) When it is necessary to shave the area for the piercing, a new blade for each patron or customer shall be used when a safety razor is employed, and the permanent part of such razor shall be disinfected. If a straight razor is used, it shall be cleaned with soap and water, rinsed in clear water, and then sterilized in an autoclave.
- (d) A sterile set of needles shall be used for each patron.
- (e) Piercing equipment, with the exception of hollow bore needles, shall be sealed for individual patron use in autoclave bags with a chemical or autoclave indicator and date (month and year) of sterilization clearly visible. After piercing, used nondisposable instruments shall be kept in a separate, puncture-resistant container until properly cleaned, disinfected, and sterilized using universal precautions and recognized medical methods.

(Rule 1200-23-06-.05, continued)

- (f) Microbiological monitoring for adequate functioning of each autoclave will be done at least weekly using a commercial source of Bacillus stearothermophilus which is then tested in an accredited commercial laboratory. All laboratory reports will be logged and kept for two (2) years and shall be available for inspection.
 - (g) Upon notification of a positive microbiological monitoring report (detection of viable spores), the sterilizer shall be immediately checked for proper use and function. A repeat test shall be performed within three (3) days. Upon a subsequent positive result from a repeat test, discontinue use of the sterilizer until properly serviced and a negative result is obtained.
 - (h) Sterilizer indicator tape and/or sterilizer bags with indicator tape areas which change color will be used with all items sterilized to indicate the item has been autoclaved. All items shall be marked with the date of sterilization.
 - (i) Sterilized items in the sealed, autoclaved bags shall be stored in a clean, dry place, until used, for no more than one (1) year.
 - (j) Sterilization indicators must change color or discontinue use of autoclave until a negative spore sample is obtained.
 - (k) The body piercing establishment shall be exempt from the requirement for an autoclave in cases where there is only the use of manufactured, pre-sterilized single-use, preassembled needles and similar body piercing equipment, and/or the use of no other equipment or tools requiring sterilization.
 - (l) Permanent ink pens or similar equipment shall not be reused, between patrons, to mark the location of piercings on the interior of the nose, mouth, male or female genital areas, mucous membranes, or similar interior cavities.
- (4) Body Piercing Minimum Standards
- (a) Prior to piercing the area to be pierced, or if the area does not need to be shaved, the piercing site shall be cleaned with soap and water, rinsed with clean water, and germicidal solution applied or wiped with alcohol in a sanitary manner before beginning the procedure.
 - (b) Single-use towels or gauze shall be used in preparing the piercing site and shall be disposed of after use on each patron or customer.
 - (c) Records showing the date of the patron's visit, printed name, signature, address, and age, piercing location on the body, and piercing technician's name shall be kept on the establishment premises for a minimum of two (2) years.
 - (d) After each piercing, written instructions shall be given to each patron or customer on the care of the skin of the pierced site to prevent infection. A copy of these instructions shall be posted in a conspicuous place in the establishment, clearly visible to the customer or patron being pierced. These instructions shall include, but are not limited to, bandaging, cleaning, sun exposure, scratching, and wearing of clothing over or around the pierced site.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.06 ESTABLISHMENT PERMITTING AND INSPECTION SYSTEM.**(1) Application Procedures**

- (a) Any person planning to operate a body piercing establishment shall obtain a written application for a permit on a form provided by the Commissioner prior to operation. A new or initial application is required for body piercing establishments that have not previously been permitted or for instances when ownership changes.
- (b) The Commissioner shall issue a body piercing establishment permit:
 - 1. Upon receiving a completed application with applicable fees; and
 - 2. After an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules and law.

(2) Inspection Results - Reporting and Scoring

- (a) The Commissioner shall conduct at least one (1) inspection of a body piercing establishment prior to issuing a permit to perform body piercing services.
- (b) The Commissioner shall conduct at a minimum, an annual inspection, prior to issuing a renewal permit to operate a body piercing establishment.
- (c) The Commissioner may inspect a body piercing establishment at any time the Commissioner deems necessary and shall be given access to the premises and to all records deemed relevant by the Commissioner for the inspection.
- (d) Inspection results for body piercing establishments shall be recorded on standard departmental forms which summarize the requirements of the law and rules and regulations.
- (e) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of either four (4) or five (5) points, with less critical items having assigned values of either one (1) or two (2) points.
- (f) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).

(3) Critical violations shall include the following:

- (a) Autoclave does not meet minimum time, pressure or temperature requirements;
- (b) Lack of a weekly negative spore or microbiological monitoring test for quality control;
- (c) Nondisposable tubes and needles are not sterilized or were sterilized greater than one (1) year ago;
- (d) Work room is not equipped or stocked as required;
- (e) Reuse of single-use articles;
- (f) Sterile instruments are not properly handled;
- (g) Reusable instruments are not handled properly;

(Rule 1200-23-06-.06, continued)

- (h) Employees with infectious lesions on hands not restricted from body piercing;
 - (i) Employees not practicing proper cleanliness and good hygiene practices;
 - (j) Water supply not approved, hot and cold running water under pressure not available;
 - (k) Approved sewage and liquid waste disposal not available;
 - (l) Cross-connection allowing back-siphonage present in plumbing system;
 - (m) Toilet and hand washing facilities not available for employees;
 - (n) Insect and rodent evidence, harborage, or outer opening present; and
 - (o) Toxic items not properly stored, labeled, or used.
- (4) Violation Correction
- (a) The inspection report shall state that failure to comply with any time limits specified by the Commissioner for correction may result in cessation of operation. All critical and minor violations shall be corrected within seven (7) and fourteen (14) calendar days, respectively.
 - (b) Review of a citation of a violation of a minor item may be sought, upon submission of a written request to the Director of General Environmental Health which must be received within ten (10) calendar days following the date of the inspection report. If the tenth (10th) day falls on a weekend or state holiday, the first work day following shall be treated as the tenth (10th) day. The request for review shall identify the non-critical item(s) for which review is sought. The final determination shall be made by the Director or the Director's Designee in writing and within a reasonable time after receipt of the request for a review.
 - (c) The citation of a violation of a critical item may also be reviewed upon the receipt of a written request submitted to the Director of General Environmental Health within ten (10) calendar days following the date of the inspection report. If the tenth (10th) day falls on a weekend or state holiday, the first work day following shall be treated as the tenth (10th) day. The request for review shall identify the critical item(s) for which review is being sought. The decision of the Director or the Director's Designee shall be final and made in writing within a reasonable time after receipt of the request for a review.
 - (d) Upon declaration of an imminent health hazard by the Local Health Officer, the Local Health Officer shall issue an order requiring the facility to immediately cease operations until authorized to reopen following notice and opportunity for a hearing as provided in T.C.A. § 68-2-608.
 - (e) In the case of temporary body piercing establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease operation until authorized to resume by the Local Health Officer. Upon declaration of an imminent health hazard by the Local Health Officer, the Local Health Officer shall issue an order requiring the facility to immediately cease operations until authorized to reopen following notice and opportunity for a hearing as provided in T.C.A. § 68-2-608.
 - (f) In the event of an order of cessation of operation, a request for a hearing may be made in writing to the Commissioner. The request must be received within ten (10) calendar

(Rule 1200-23-06-.06, continued)

days of issuance of the order. A hearing shall be afforded, if requested, as promptly as is reasonable under the circumstances.

(5) Permit Suspension or Revocation

- (a) After providing notice and an opportunity for a hearing in accordance with the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301 et seq.), the Commissioner may suspend or revoke a permit for violation of requirements of this part or for interference with the Commissioner's authorized representative in the performance of their duty. The violation of three (3) or more critical items within a twelve (12) month period may result in revocation of the body piercing establishment permit.

(6) License Suspension or Revocation

- (a) After providing notice and an opportunity for a hearing in accordance with the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301 et seq.), the Commissioner may suspend or revoke a body piercing technician's license for violation of requirements of this part or for interference with the Commissioner's duly authorized representative in the performance of their duty.
- (7) When a body piercing technician's license is revoked by the Commissioner, a new license may be issued upon compliance with all requirements of the order of revocation, and upon meeting all requirements for a new license and the submission of a new application with applicable fees.
- (8) Whenever an establishment is required under these rules to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. The Commissioner shall offer an opportunity for re-inspection within a reasonable time.

Authority: T.C.A. §§ 4-5-202, 4-5-301, 62-38-301 et seq., 68-2-608, and 68-2-609. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.07 BODY PIERCING TECHNICIAN LICENSING.

(1) Body Piercing Technician

- (a) On and after January 1, 2002, no person shall perform a body piercing procedure without being licensed as a body piercing technician.
- (b) Any applicant for a body piercing technician's license who was not in business in Tennessee or operating in Tennessee prior to January 1, 2002, shall be required to apprentice or train in the profession of body piercing as set out at 1200-23-06-.07(1)(e).
- (c) In order to obtain a Tennessee license, out-of-state body piercing technicians must show proof of at least two (2) years experience as a professional body piercing technician in another state.
- (d) For purposes of the above subparagraphs (b) and (c), proof of business or experience may be a copy of a business license, another state's technician's license, tax records, or other similar city, county, state, or federal documents which show the prospective applicant as having been in business or operation. The Commissioner shall have final approval on any and all forms of documentation submitted as evidence or proof.
- (e) Any individual not meeting the requirements set out at 1200-23-06-.07(1)(b)-(d) above shall be required to apprentice or train in the profession of body piercing. Such training

(Rule 1200-23-06-.07, continued)

shall be for a minimum of one (1) year under a currently licensed body piercing technician. The apprentice training shall be evidenced by a notarized statement from the licensed body piercing technician performing such training.

- (2) Each applicant for a body piercing establishment permit (i.e., the body piercing operator) and/or for a body piercing technician license shall undergo a training program before receiving a permit or license. In addition, the body piercing operator must ensure that each apprentice technician shall undergo a training program before beginning apprenticeship. The training shall include at least one of the following:
 - (a) The Alliance of Professional Tattooist course in sterilization;
 - (b) A course approved by the Commissioner in methods and techniques for the proper sterilization of instruments and materials used in body; or
 - (c) Present acceptable evidence of having satisfactorily completed an approved course of instruction in sterilization techniques for bloodborne pathogens and methods through a college medical sterilization course.
- (3) Each applicant for a body piercing establishment permit (i.e., the body piercing operator) and/or for a body piercing technician's license shall be required to take and pass an examination concerning bloodborne pathogens, sterilization techniques and the provisions of T.C.A. Title 62, Chapter 38 before a permit or license shall be issued. In addition, the body piercing operator must ensure that each apprentice technician takes and passes the examination before beginning apprenticeship. Such examination shall be either a written exam prescribed by the Commissioner or documentation of a similar exam given with a course as required in 1200-23-06-.07(2) and approved by the Commissioner.
- (4) The body piercing technician license shall be issued upon proof that the applicant:
 - (a) Met the requirements of 1200-23-06-.07(1);
 - (b) Attended a course and passed a written examination, as specified in 1200-23-06-.07(2) and 1200-23-06-.07(3); and
 - (c) Submitted an approved application with the appropriate fee.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.08 LICENSE AND PERMIT FEES.

- (1) License Fees
 - (a) A body piercing technician shall be assessed an initial licensing fee and a renewal licensing fee of one hundred forty dollars (\$140.00) each. Renewal fee is due on or before January 1 of each year.
 - (b) A late penalty fee of one-half the fee amount shall be assessed on all (1) renewal technician license applications postmarked after January 31st of each permitting year or (2) a fee received more than thirty (30) days from the date of new application.
 - (c) A temporary body piercing technician shall pay a temporary license fee of fifty dollars (\$50.00).
- (2) Permit Fees

(Rule 1200-23-06-.08, continued)

- (a) A body piercing establishment shall be assessed an initial fee and a renewal permit fee of seventy dollars (\$70.00) each. Renewal fee is due on or before January 1 of each year.
 - (b) A temporary body piercing establishment shall be assessed a temporary permit fee of fifty dollars (\$50.00).
 - (c) A late penalty fee of one-half the fee amount shall be assessed on all (1) renewal establishment permit applications postmarked after January 31st of each permitting year or (2) a fee received more than thirty (30) days from the date of any change in ownership or new application.
- (3) A new or initial application for a permit is required for body piercing establishments that have not previously been permitted or for instances when ownership changes. A permit is not transferable.
- (4) For the purposes of determining whether there has been a change of ownership of a body piercing establishment in instances of corporate ownership, the following will constitute a change of ownership:
- (a) A change of ownership of the body piercing establishment by a corporation (e.g., Corporation A sells its body piercing establishment to Corporation B), or
 - (b) A change of ownership of a corporation which owns a body piercing establishment.
 - (c) However, if there is no change in the federal tax identification number applicable to the corporation which owns the body piercing establishment, there is no change or ownership for permit purposes.
- (5) A new or initial application for a license is required for body piercing technicians that have not previously been licensed.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.

1200-23-06-.09 REPEALED.

Authority: T.C.A. §§ 4-5-202; 62-38-101, et seq.; and 62-38-301, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002. Repeal filed June 24, 2024; effective September 22, 2024.

1200-23-06-.10 GENERAL PROVISIONS.

- (1) Posting of Permit and License. Body piercing establishment permits and technician licenses shall be posted within the establishment in a conspicuous place where they may be readily observed by the public. This shall mean a place approved by the Commissioner at the time of inspection. No person, except an authorized representative of the Commissioner, shall modify, remove, cover up, or otherwise make the permit or license less conspicuous in any way.
- (2) Body piercing establishments and technicians who also practice tattooing as prescribed by T.C.A. §§ 62-38-201 et seq., shall also be required to meet all the operational, licensing and permitting requirements as outlined in these rules. Where the rules or statute differ for tattooing and body piercing, the more stringent requirements shall take precedence.

(Rule 1200-23-06-.10, continued)

- (3) Severability. If any provision or application of any provision of these rules is held invalid, that invalidity shall not affect other provisions or applications of these rules.

Authority: T.C.A. §§ 4-5-202 and 62-38-101, et seq. **Administrative History:** Original rule filed January 28, 2002; effective April 13, 2002.