

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3304

A BYLAW REGULATING TATTOO FACILITIES

The Board of the Capital Regional District in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

“Approved” means approved in writing by the Medical Health Officer.

“Attendant” means anyone engaged in the practice of tattooing.

“Bylaw Enforcement Officer” means a Bylaw Enforcement Officer of the CRD.

“Board” means the Capital Regional Board.

“Medical Health Officer” means the Medical Health Officer of the Vancouver Island Health Authority.

“Minor” means any individual less than sixteen (16) years of age.

“Operator” means the owner or manager of tattooing premises.

“Proof of Age Identification” means

- a) a driver's licence;
- b) a passport;
- c) a certificate of Canadian citizenship that contains the person's photograph;
- d) a Canadian permanent resident document;
- e) a Canadian Armed Forces identification card; or
- f) any other documentation that
 - (i) is issued by a federal or provincial authority or a foreign government, and
 - (ii) contains the person's photograph, date of birth and signature.

“Public Health Inspector” means an officer appointed under the *Health Act* who is the holder of a Certificate in Public Health Inspection (Canada) or an equivalent certificate issued by a competent authority and acceptable to the Board of Certification of Public Health Inspectors of the Canadian Institute of Public Health Inspectors

“Regional District” means the Capital Regional District.

“Sterilization” means the complete destruction of microbial life by autoclaving 30 (thirty) minutes at 121 degrees celcius at 103 kps in autoclaves or steriseal-type pouches with indicators or indicator tape.

“Tattooing” means the marking of the skin with indelible patterns by inserting pigments either by puncture of the skin or any other manner.

“Tattooing Premises” means any business premises or place where tattooing is done or practised.

“Work Station” means that area of the tattooing premises used for tattooing customers.

2. APPLICATION

This Bylaw applies to all tattooing premises in the Regional District.

3. REGULATIONS

- (1) No person shall operate a tattooing premises
 - (a) Unless the tattooing premises and the equipment, supplies and instruments used therein comply with the regulations contained in this Bylaw;
 - (b) Unless every attendant, while engaged in the practice of tattooing, complies with the regulations applicable to tattooing contained in this Bylaw.
- (2) An operator or an attendant shall not tattoo or allow the tattooing of a minor unless the parent or legal guardian of the minor is present and gives consent in writing.
- (3) An operator or attendant shall require a person who appears to be under 25 years of age to present proof of age identification before the attendant or operator tattoos or allows the tattooing of that person.

4. APPROVAL

No operator or proposed operator shall commence the operation of any tattooing premises, unless the Medical Health Officer or his duly authorized delegate approves that the tattooing premises, and the equipment, supplies and instruments in the tattooing premises comply with the regulations contained in this Bylaw.

5. DELEGATION OF DUTIES

The Medical Health Officer may delegate his or her powers and duties under this Bylaw to a public health inspector.

6. ENTRY

A Bylaw Enforcement Officer or the Medical Health Officer, or his or her duly authorized delegate, may enter, at all reasonable times, upon any tattooing premises in order to ascertain whether the regulations contained in this Bylaw are being followed.

7. PREMISES

- (1) The operator shall provide at all times, on the tattooing premises operated by him, an adequate supply of hot and cold water for operating and cleaning purposes.
- (2) Floors, walls and ceilings of work stations shall be of materials which can be easily cleaned and the operator shall ensure that the said floors, walls and ceilings are kept in a clean condition at all times.
- (3) Every tattooing premises shall be:
 - (a) entirely separate from any area used for living, dining or sleeping purposes;
 - (b) entirely separate from any store, eating or drinking place, or other business.

8. OPERATING PROCEDURES

All operators or attendants shall comply or ensure compliance with the regulations set out in Schedule "A" attached to and forming part of this Bylaw.

9. OFFENCES AND PENALTIES

- (1) No person shall do any act, or suffer or permit any act or thing to be done in contravention of this Bylaw.
- (2) Every person who contravenes this Bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a penalty prescribed by the *Offence Act*.
- (3) The penalties imposed under sub-section (2) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

10. SEVERABILITY

In the event that any part of this Bylaw shall be determined to be invalid, illegal or unenforceable, by a court of competent jurisdiction, that part shall be severed from the Bylaw and such severance shall not affect the validity of the remaining provisions of the Bylaw.

11. TITLE

This Bylaw may be cited as "Tattoo Regulation Bylaw No. 1, 2006".

12. REPEAL

The "Tattoo Regulations Bylaw No. 1, 1978" is hereby repealed.

13. EFFECTIVE DATE

This Bylaw comes into effect upon adoption.

READ A FIRST TIME THIS	12 th	day of	July	2006.
READ A SECOND TIME THIS	12 th	day of	July	2006.
READ A THIRD TIME THIS	12 th	day of	July	2006.
DEPOSITED WITH THE MINISTER OF HEALTH THIS	28 th	day of	September	2006.
ADOPTED THIS	11 th	day of	October	2006.

Chair

Secretary

SCHEDULE A OPERATING PROCEDURES

1. The skin should be washed well with soap and then swabbed with a disinfectant (eg. Germiphene, 70% alcohol, Hibitane 2% solution, or providone iodine 10% solution) before tattooing;
2. Disposable razors should be used, one for each client. Alternately, metal safety razors with disposable blades may be used but the blade should be discarded after use on one client and the razor sterilized prior to re-use.
3. All needles used in tattooing shall be of disposable type and used for one customer only; all needles used in tattooing shall be disposed of in a sharps container designed for the disposal of needles and no person shall dispose of a sharps container as ordinary solid waste for conventional waste disposal. The needle holders and all other equipment or instruments that come in contact with the needles shall be sterilized.
4. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be scrubbed to remove any adherent matter and then cleaned in an ultrasonic cleaning device and then sterilized before use.
5. Ultrasonic cleaning solution should be discarded after each client.
6. Sterile packages should be removed from the sterilizer without contamination (ie with forceps) and stored in clean, designated storage cabinets. Instruments should remain in their sterile packages until used.
7. Plastic peel packs are considered to keep the wrapped instrument sterile for 6 to 12 months. Check the manufacturers specifications for storage times.
8. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection. Autoclaves shall be located away from workstations or areas frequented by the public.
9. Tattoo pigment, dye or solutions used shall be manufactured for the sole purpose of tattooing and stored and handled in a sanitary manner.
10. Pigment, dyes and solutions shall be decanted into a container holding sufficient liquid for carrying out the tattoo on that customer only. The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste and the container either sterilised or discarded.
11. Plastic stencils should be washed in soap and warm water and disinfected with a solution of 70% alcohol before use and after use. Paper stencils should be discarded after one application.
12. All work surfaces and equipment which cannot be autoclaved (e.g. tattoo machines) should be damp-wiped with a disinfectant such as 10 per cent household bleach solution, 70% isopropyl alcohol or equivalent after each client
13. Alternative methods of disinfection and sterilization may be approved by the Medical Health Officer.