

*Public Health (Body Art Facility) Regulations*

**SAINT LUCIA**

STATUTORY INSTRUMENT, 2020, No. 57

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# SAINT LUCIA

STATUTORY INSTRUMENT, 2020, No. 57

[ 14th April, 2020 ]

In exercise of the power conferred under section 9 of the Public Health Act, Cap. 11.01, the Minister responsible for health makes these Regulations:

## Citation

1. These Regulations may be cited as the Public Health (Body Art Facility) Regulations, 2020.

## Interpretation

2. In these Regulations —

“body art facility” means premises at or in which a body art service is offered or carried out;

“body art service” means the act of permanently or semi-permanently altering the body for non-medical reasons for the purpose of cultural, artistic or self-expression reasons by —

- (a) branding;
- (b) piercing; or
- (c) tattooing;

“contamination” means the presence of an infectious, chemical or physical agent on a body surface, inanimate object or other surface;

“communicable disease” means —

- (a) a disease under the Public Health (Communicable and Notifiable Diseases) Regulations, Cap 11.01;

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(b) due to a specific infectious agent or its toxic products, that arises through the transmission of that agent or its toxic products —

(i) directly or indirectly from an infected person or animal, or

(ii) directly or indirectly through a person, animal or plant carrying the disease, an inanimate object or the environment;

“dental practitioner” means a person who is registered and holds a practicing certificate under the Health Practitioners Act, Cap. 11.06 as a General Practitioner Specialist Practitioner or a Temporary Practitioner for the purpose of practicing dentistry;

“dwelling” means a building or a portion of a building that is occupied and used as a residence and includes a house, condominium, apartment, cottage, mobile home, trailer or boat that is occupied and used as a residence;

“licence” means a licence issued under regulation 7;

“licensee” means a person who holds a licence;

“medical practitioner” means a person who is registered and holds a valid practicing certificate under the Health Practitioner’s Act, Cap. 11.06 as a General Practitioner, Specialist Practitioner or a Temporary Practitioner for the purpose of practicing medicine;

“notifiable disease” means a disease under the Public Health (Communicable and Notifiable Diseases) Regulations, Cap 11.01;

“occupier” means an occupier at common law, and includes a person who —

(a) is in physical possession of premises; or

(b) has responsibility for, and control over, the condition of premises, the activities conducted on the premises or the persons allowed to enter the premises,

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and, for the purpose of these Regulations, there may be more than one occupier of the same premises;

“premises” means a place, an area, a structure or building, including a mobile, stationary, temporary or permanent facility or a temporary or permanent location.

(2) A reference to risk to human health is a reference to a condition that is injurious to human health or in the opinion of the Board is potentially injurious to human health.

**Non-application**

3. These Regulations do not apply to a body art service offered or carried out by —

- (a) a medical practitioner;
- (b) a dental practitioner.

**Requirement for a licence**

4.—(1) Unless exempted by these Regulations, a person shall not operate a body art facility unless that person holds a valid licence under these Regulations.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction —

- (a) in the case of a body corporate, to a fine not exceeding fifty thousand dollars; or
- (b) in the case of an individual, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or to both.

**Application for licence**

5.—(1) An application for a licence for the operation of a body art facility must be made to the Board.

(2) An application under subregulation (1) must —

- (a) be in the form set out in Form 1 of Schedule 1;
- (b) include a plan and other particulars of the building and equipment to be used in the body art facility;

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- (c) be accompanied by the application fee specified in Schedule 2.

**Grant or refusal of application**

6.—(1) The Board may grant an application, with or without conditions or refuse to grant an application.

(2) The Board before granting a licence shall cause the proposed premises to be inspected by an environmental health officer who shall make a report to the Board in the form set out in Form 2 of Schedule 1.

(3) The Board may refuse to grant a licence if, in the opinion of the Board —

- (a) the past conduct of the applicant or licensee affords reasonable grounds to believe that the operation of the body art facility would not be carried out in accordance with these Regulations;
- (b) the applicant or licensee does not have or will not have available premises, facilities and equipment necessary to operate a body art facility in accordance with these Regulations;
- (c) the Board is of the opinion that the premises in respect of which an application has been made is in an unsanitary condition;
- (d) the applicant or licensee does not comply or will not be able to comply with these Regulations; or
- (e) the operation of the body art facility represents or will represent a risk to human health.

(4) Without prejudice to the generality of subregulation (1), the Board may grant a licence subject to the following conditions —

- (a) a body art facility must be constructed and maintained in a manner that no condition exists that is a risk to human health;
- (b) a body art facility must have appropriate maintenance, cleaning, sterilization and sanitation programmes to control physical, chemical and biological contamination of

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equipment, surfaces and tools used for body art services, as required by these Regulations; and

- (c) a person who is known to be a carrier of a communicable disease or a notifiable disease or infected with a communicable disease, a notifiable disease or a disease shall not participate in a body art service.

(5) If the Board grants an application with conditions or refuses an application, the Board shall state the reasons for the conditions or refusal.

**Issue of licence**

7. Subject to these Regulations, the Board shall issue a licence for a body art facility in the form set out in Form 3 of Schedule 1 to an applicant on payment of the fee specified in Schedule 2.

**Duration of licence**

8. A licence is valid for a period not exceeding one year and expires on the 31<sup>st</sup> day of December in each year.

**Renewal of licence**

9.—(1) On the expiration of a licence, a licensee may make an application to the Board for renewal of the licence.

(2) An application under subregulation (1) must —

- (a) be in the form set out in Form 4 of Schedule 1; and
- (b) be accompanied with the renewal fee specified in Schedule 2.

(3) The Board shall not renew a licence if, in the opinion of the Board —

- (a) the past conduct of the applicant affords reasonable grounds to believe that the operation of the body art facility will not be carried out in accordance with these Regulations;
- (b) the applicant does not continue to have available premises, facilities and equipment necessary to

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operate the body art facility in accordance with these Regulations;

- (c) the applicant is not complying or will not be able to comply with the Act or these Regulations; or
- (d) the operation of the body art facility represents or will represent a risk to human health.

(4) If the Board grants an application for renewal of a licence, the Board shall issue a licence under regulation 7 and may vary the conditions or impose additional conditions.

**Display of licence**

**10.**—(1) A licensee shall exhibit a copy of the licence in a prominent position at each place where the body art service is conducted.

(2) A licensee who contravenes subregulation (1) commits an offence and is liable on summary conviction —

- (a) in the case of a body corporate, to a fine not exceeding five thousand dollars;
- (b) in the case of an individual, to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding three months, or to both.

**Non-transferability**

**11.** A licence is non-transferable.

**Suspension and revocation**

**12.**—(1) The Board may revoke a licence if —

- (a) the conduct of the licensee affords reasonable grounds to believe that the operation of the body art facility would not be carried out in accordance with these Regulations;
- (b) the licensee fails to have available premises, facilities and equipment necessary to operate the body art facility in accordance with these Regulations;

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- (c) the licensee is not complying or will not be able to comply with these Regulations;
- (d) the body art facility is being used contrary to a condition attached to the licence; or
- (e) the operation of the body art facility represents or will represent a risk to human health.

(2) If the Board proposes to revoke a licence under subregulation (1), the Board shall suspend the licence and give the licensee notice in writing of the proposed revocation and the reasons for the proposed revocation.

(3) A notice under subregulation (2) must state that within twenty-one days the licensee may make representations in writing to the Board showing that the licence should not be revoked, and the Board shall not determine the matter without considering such representations.

(4) If after consideration of the representations the Board decides not to revoke the licence, the licence is no longer suspended.

(5) If the Board revokes the licence, the Board shall state reasons for the revocation.

(6) A person who operates a body art facility in respect of a licence that is revoked under subregulation (1) commits an offence and is liable on summary conviction —

- (a) in the case of a body corporate, to a fine not exceeding twenty thousand dollars;
- (b) in the case of an individual, to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years, or to both.

**Register**

**13.—**(1) The Board shall cause to be compiled and maintained a register showing in respect of each licence such particulars as may be prescribed.

(2) The register must at all times be available for inspection by a person on payment of the inspection fee specified in Schedule 2.

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- (3) The register may be compiled and maintained —
- (a) in a bound book; or
  - (b) by recording or otherwise storing the prescribed particulars in the register by mechanical, electronic or other means, so that the particulars remain accurately stored and capable of being reproduced in written form.

**Certificate of health**

**14.** —(1) A person shall not be employed in a body art facility unless he or she is registered with the Ministry responsible for health and has a valid certificate of health.

(2) A person under subregulation (1) may make an application for registration to the Ministry responsible for health.

- (3) An application for registration must be accompanied by —
- (a) two passport sized photographs;
  - (b) a valid Government issued identification card; and
  - (c) the fees specified in Schedule 2 to be paid to the Accountant General.

(4) A medical officer of health may issue a certificate of health if he or she is satisfied that the person is in a fit state of health to engage in a body art service.

- (5) A certificate of health issued under subregulation (4) must be —
- (a) in the form set out in Form 5 of Schedule 1;
  - (b) stamped by the medical officer of health issuing the certificate; and
  - (c) returned to the Ministry responsible for health for validation and completion of the registration process.

(6) A certificate of health expires on the 30<sup>th</sup> day of June or the 31<sup>st</sup> day of December in each year.

(7) A person who is employed in a body art facility shall keep a certificate of health at the body art facility and make it available for inspection by an authorized officer of the Ministry responsible for health.

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**SCHEDULE 1**

**FORM 1**

(Regulation 5(2)(a))

**FORM OF APPLICATION FOR BODY ART FACILITY LICENCE**

**TO: THE SAINT LUCIA PUBLIC HEALTH BOARD**

I/We .....  
(Name of person/business)

of .....  
(Address)

make an application for a body art facility to offer or carry out .....  
.....  
(Body art service)

in respect of premises situated at .....  
(Address)

Telephone Number .....

Signature of applicant .....

Date .....

**FORM 2**

**MINISTRY OF HEALTH  
ENVIROMENTAL HEALTH DIVISION  
DEMERIT SCORE SHEET  
BODY ART FACILITY INSPECTION**

Name of Facility :

Address :

Owner/Operator :

Number of Operators:

Number of chairs:

Number of Tables:

1.....

3.....

2.....

4.....

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		REMARKS
	<b>FLOORS</b>	
<b>I</b>	a. Easily cleanable construction, smooth, good repair.	
1	b. Clean.	
1	c. Receptacles covered.	
3	Separate label receptacles for sharps and biomedical waste.	
<b>II</b>	<b>WALLS AND CEILINGS</b>	
1	All Clean, light coloured.	
1	Good repair.	
3	Patrons provided privacy during procedure	
<b>III</b>	<b>VENTILATION AND LIGHTING</b>	
1	a. Well lighted 100-foot candles.	
1	b. Well ventilated.	
1	c. Free from odors and condensation.	
<b>IV</b>	<b>CHAIRS AND EQUIPMENT</b>	
2	a. Easily cleaned and disinfected.	
1	b. No open seams or tears.	
1	c. Cases, shelves, tables, mirrors etc. clean and free of dust and power.	
1	d. In good repair.	
<b>V</b>	<b>LAVATORY (SINKS) FACILITIES</b>	
1	a. Adequate in number and convenient for use.	
1	b. Clean.	
1	c. Soap or detergent, hand-drying device provided at each station.	
1	d. Free of soiled linen.	
<b>VI</b>	<b>WATER SUPPLY</b>	
2	a. Adequate supply of portable hot and cold running water.	
<b>VII</b>	<b>TOILET FACILITIES</b>	
1	Number, convenient, accessible, designed.	
2	Enclosed, self-closing doors. Fixtures in good repair, clean, hand drying devices and waste receptacle provided.	
2	Ventilation adequate.	

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		REMARKS
2	Separate washrooms for both sexes.	
<b>VIII</b>	<b>LINEN</b>	
1	a. Adequate supply of clean linen/disposable table sheets.	
1	b. Clean linen stored in closed cabinet.	
1	c. Towels or washcloths used only on one patron.	
1	d. Soiled linen stored in covered containers.	
1	e. Protection placed around neck to prevent haircloth from contacting patron's skin.	
1	f. All linen free from holes tears and stains.	
1	g. Separate sterile compartment for the storage of cotton, gauzes etc.	
<b>IX</b>	<b>SANITATION</b>	
2	Facility in residence or business separated by a partition from floor to ceiling,	
4	Waste containers kept clean and sanitary.	
<b>X</b>	<b>PERSONAL APPEARANCE AND CLEANLINESS</b>	
2	Neat and clean.	
5	Valid health certificate.	
2	Clean outer garments and used only for work.	
2	Hands and fingernails clean.	
<b>XI</b>	<b>HEADREST</b>	
2	a. Properly stored when not in use.	
2	b. Protected with fresh clean paper.	
<b>XII</b>	<b>TOOLS AND EQUIPMENT</b>	
5	a. All tools and equipment free of bodily fluids.	
2	b. Adequate supply to endure proper sterilization (Minimum of two sets).	
2	c. Adequate supply of personal protective equipment (PPE).	
<b>XIII</b>	<b>STERILIZATION</b>	
5	a. All tools and instruments are sterilized before reuse on another patron.	
5	b. Sterilization cabinets and wet sterilized contain adequate fresh disinfectant.	
5	c. Tools kept in sterilizers at all times when not in use.	

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		REMARKS
2	d. Tools not kept in pocket of uniform.	
3	e. Sterilizing cabinet airtight and free from letters, papers and articles not to be sterilized.	
5	f. Adequate equipment and supplies for sterilization.	
<b>XIV</b>	<b>LICENCE</b>	
5	a. Valid public health licence to operate.	
1	b. Posted in a conspicuous location to view.	

Total Score: .....

Other Remarks/Recommendations:

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An inspection of the body art facility was made on \_\_\_\_\_ by  
 (Name of the signing environmental health officer). All items marked,  
 indicates an unsatisfactory condition which must be corrected to comply  
 with the Public Health Regulations.

.....  
 ENVIRONMENTAL HEALTH OFFICER

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**FORM 3**

(Regulation 7)

**LICENCE TO OPERATE**

.....20.....

THIS IS TO CERTIFY THAT .....  
of .....is licensed in accordance with  
the Public Health Regulations and is given permission to operate a  
.....valid until December 31<sup>st</sup>.....

This Licence is issued with the understanding that the operator adheres to  
the Public Health Act failing which the Licence may be revoked by the  
Public Health Board.

.....  
CHAIRPERSON  
PUBLIC HEALTH BOARD

Note: Licence must be conspicuously displayed on the premises.

**FORM 4**

(Regulation 9(2)(a))

**RENEWAL APPLICATION FOR BODY ART FACILITY LICENCE**

**PUBLIC HEALTH ACT**

To: **THE SAINT LUCIA PUBLIC HEALTH BOARD**

Application for a licence to operate a .....  
*(Type of body art facility)*

Name of body art facility  
.....

I/We .....  
*(Name of Applicant)*

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of (Address) .....

makes an application for a .....Licence  
(Type of licence)

in respect of premises situated at .....

Telephone No.  
.....

Email address  
.....

Signature of Applicant  
.....

Date  
.....

**FORM 5**

(Regulation 14(5)(a))

**CERTIFICATE OF HEALTH**

Name of Holder \_\_\_\_\_

Address of Holder \_\_\_\_\_

Trade or Business \_\_\_\_\_

Date Issued \_\_\_\_\_



**REMARKS**

\_\_\_\_\_

\_\_\_\_\_

*Public Health (Body Art Facility) Regulations***RENEWAL** (back)

RENEWED TO DATE	MEDICAL OFFICER OF HEALTH	RENEWED TO DATE	MEDICAL OFFICER OF HEALTH

*Public Health (Body Art Facility) Regulations***SCHEDULE 2**

(Regulations 5(2)(b), 7, 9(2)(b) and 13(2))

**FEES**

	Fee
Registration	\$20
Renewal	\$20
Replacement certificate, if the certificate is lost or damaged.	\$30

Made this 7<sup>th</sup> day of February, 2020.**MARY ISAAC***Minister responsible for health.*