

# Control of skin penetration procedures

The *Public Health Act 2010* and the *Public Health Regulation 2012* commence on **1 September 2012**. To support implementation of the *Act* and *Regulation*, a series of Information Sheets has been developed to outline the key requirements in relation to particular areas. Visit the NSW Ministry of Health webpage at [www.health.nsw.gov.au/phact](http://www.health.nsw.gov.au/phact) for more information on the *Act* and *Regulation*.



## What is a 'skin penetration procedure'?

Under the *Public Health Act 2010*, a skin penetration procedure is defined as:

*any procedure (whether medical or not) that involves skin penetration (such as acupuncture, tattooing, ear piercing or hair removal), and includes any procedure declared by the regulations to be a skin penetration procedure.*

The *Public Health Regulation 2012* declares colonic lavage to be skin a penetration procedure. The *Regulation* provides that laser hair removal is not a skin penetration procedure.

Skin penetration procedures carried out by a health practitioner registered under the *Health Practitioner Regulation National Law*, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service are not subject to the provisions of the *Act* or *Regulation*.

## Who do the requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012* apply to, in relation to skin penetration?

The skin penetration requirements of the *Act* and *Regulation* apply to all operators who carry out such procedures.

This includes:

- Tattooists
- Beauticians and hairdressers
- Unregistered acupuncture and dry needling practitioners
- Colonic lavage practitioners

## Why has the legislation related to skin penetration been revised?

The new *Regulation* replaces the Public Health (Skin Penetration) Regulation 2000. The revised *Regulation* is designed to better protect public health by formalising infection control requirements.

The *Regulation* will also allow more streamlined and flexible enforcement practices and the penalties for breaches have been significantly increased.

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### What are the key requirements for the skin penetration sector under the new legislation?

Under the *Public Health Act 2010* and the *Public Health Regulation 2012*, the occupier of premises where skin penetration procedures are carried out will be required to:

- Notify the local council of the premises' existence. Councils may charge a notification fee
- Ensure that any premises where a skin penetration procedure is practised is equipped in accordance with the *Regulation*, including a hand basin with warm water, hand cleaning and drying equipment and a separate sink for cleaning equipment
- Ensure that all needles and sharps which penetrate the skin are sterile
- Ensure there is an appropriate sharps container at the premises that complies with either Australian/New Zealand Standard AS/NZS 4261:1994 *Reusable containers for the collection of sharp items used in human and animal medical applications*, if reusable sharps are used; or that complies with AS 4031–1992 *Non-reusable containers for the collection of sharp medical items used in health care areas*, if non-reusable sharps are used
- Ensure benchtop sterilisers are operated in accordance with Australian Standard AS 2182–1998 *Sterilizers—Steam—Benchtop* to sterilise reusable skin penetration articles
- Ensure adequate infection control practices and the wearing of gloves and other personal protective equipment
- Ensure that they comply with all aspects of the *Act* and *Regulation* as they relate to skin penetration.

The *Regulation* also sets out the requirements persons who carry out skin penetration must comply with, such as wearing gloves and protective clothes and not reusing needles.

### What are the areas of the *Act* and the *Regulation* that relate to skin penetration operators?

*Public Health Act 2010* Division 4, Sections 38 and 39  
*Public Health Regulation 2010* Part 4, Clauses 21 to 33

You can view the *Act* and the *Regulation* online at:  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### Where to go for further information

If you will be affected by the commencement of the *Public Health Act 2010* and the *Public Health Regulation 2012*, and you want further information, you can:

- Contact your industry association
- Contact your Council
- Contact your local Public Health Unit
- Visit the NSW Ministry of Health webpage for the *Public Health Act* and *Public Health Regulation*

[www.health.nsw.gov.au/phact](http://www.health.nsw.gov.au/phact)

