

## Document 3 - Draft Personal Services Registration By-law Requirements

### APPLICATION OF BY-LAW

By-law applies to the following Personal Service Settings, except settings with personal service settings that include a person who is a member of a health profession listed in Schedule 1 of the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18, as amended:

- AESTHETICS - Beautifying, cleaning, stimulating, hydrating or waxing the skin by the use of cosmetic preparations, including cleansers, antiseptics, lotions, exfoliants, masques, essential oils and hair removal waxes;
- BODY PIERCING - Piercing the skin with a needle, ear-piercing device or other like implement for the purpose of inserting jewelry, studs, beads, rings or other like items into body tissue, including, but not limited to, the ear and tongue;
- ELECTROLYSIS - Removing hair by use of an electric current conducted through a needle that has been inserted into the hair follicle;
- HAIRSTYLING - Cutting, shaving, styling or colouring hair, including facial hair;
- MANICURE AND PEDICURE - Cosmetic treatment of nails and skin on hands and feet; and
- TATTOO AND MICROPIGMENTATION - Depositing pigments below the dermis by the use of needles or other like implements.

### OBLIGATION TO REGISTER AND RENEW REGISTRATION

- The “Owner” or “Operator” of a Personal Service Setting is the person or persons who operate or direct the activities carried on within the Personal Service Setting and includes the person or persons actually in charge of the premises
- No Owner or Operator shall carry on, operate, or offer Personal Services in whole or in part within the City unless such person:
  - a) registers with the Registrar in accordance with this by-law; and
  - b) renews registration annually
- No Owner or Operator shall fail to register in accordance with subsection (1):
  - a) prior to commencing the carrying on, operation or offering of Personal Services; or
  - b) within 60 days of the coming into force of the by-law, in the case of a person who was carrying on, operating or offering Personal Services before the enactment of this by-law.

- (Every registration required under the by-law shall be in writing or in a form determined by the Registrar, and shall include:
  - a) the name, business address, and business telephone number of the Personal Service Setting, and for each location of the Personal Service Setting where there is more than one branch or location.
  - b) the name, address, and telephone number of the Owner or Operator of the Personal Service Setting;
  - c) Where the Owner or is a partnership, the name, address, and telephone number, and where different, the mailing address, of each partner in the partnership;
  - d) the name, address and telephone number of a contact person for the Personal Service Setting;
  - e) the type of business, trade, occupation, and service being operated, offered, or provided at the Personal Service Setting;
  - f) such other information that the Registrar may require for the health, safety and well-being of persons.
- Every Owner or Operator of a Personal Service Setting shall register separately each Personal Service Setting owned or operated by him or her.

## INFECTION PREVENTION AND CONTROL MINIMUM STANDARDS

The Owner or Operator of a Personal Service Setting as workers at the Personal Service Setting will be obligated to comply with the following infection prevention and control minimum standards:

1. The premises, and the fixtures and furniture therein, shall be kept in good repair and in a clean and sanitary condition.
2. All work areas shall be well lighted to facilitate proper cleaning of the work areas and of any equipment and instruments therein, and to prevent injuries.
3. Every table, mat or other surface upon which persons lie or sit while being given a Personal Service shall have a smooth top surface of impervious material.
4. The premises shall have a sink with an adequate supply of hot and cold water, which, when used for cleaning of instruments and equipment, shall be of a type and size adequate for the proper cleaning of such instruments and equipment and which, when used for hand cleaning, shall have:
  - a. An adequate supply of liquid soap in a suitable container or dispenser;
  - b. Hot air dryers or individual clean towels for hand drying; and
  - c. A suitable receptacle for used towels and waste material.

5. Every Personal Service Worker shall clean his or her hands both before and after providing a personal service, and as necessary to prevent disease transmission.
6. All instruments and equipment used in the provision of a personal service which are not single-use items shall be properly cleaned and disinfected, or cleaned and sterilized, between each use in a manner which, in the opinion of the Medical Officer of Health, is sufficient to prevent disease transmission.
7. Instruments and equipment which have been cleaned and disinfected or sterilized shall be stored and handled in a manner which prevents contamination.
8. Notwithstanding any other provision in this Scheduler, all sharp instruments, including but not limited to needles, syringes, scalpels and razor blades, shall be disposed of in an approved sharps container and the container shall be disposed of as pathological or biomedical waste in accordance with the Environmental Protection Act, the regulations made under that Act, and any other applicable law.
9. Single use instruments and equipment shall be used on one person only and, unless clearly identified and maintained for subsequent use on that same person only, shall be disposed of immediately upon use.
10. Mechanical sterilizers shall be monitored on a regular basis by spore testing and by the use of temperature sensitive indicators, in a manner and upon such schedule as may be determined by the Medical Officer of Health necessary to ensure proper functioning at all times.

## REQUIREMENT FOR RECORDS

The Owner or Operator of Personal Service Setting is obligated to ensure that the following records are kept and made available upon inspection:

1. Every Owner or Operator of a Personal Service Setting shall make the following written records in a form and manner satisfactory to the Medical Officer of Health:
  - a. A record of each use of a mechanical sterilizer, including the date and time of each use, the identity of the individual who performed the sterilization, and for sterilization equipment manufactured such that it is capable of producing such information, the temperature, pressure and duration of the sterilization cycle.
  - b. A record of all spore testing conducted at the Personal Service Setting, including the date and results of such testing for each sterilizer.
  - c. A record of all purchases of pre-packaged sterilized items, including the date of purchase, the name of the supplier, and the type, quantity, lot numbers and any expiry date of the items purchased.
2. A record of all body piercing, electrolysis, tattoo and micropigmentation services or procedures performed, including the date on which the service or procedure was performed, the full name of the Personal Service Worker, and the full name, telephone number and address of the customer.
3. A record of all accidental exposures to blood and other body fluids, including the date on which the incident occurred, the site of the injury, the nature and circumstances of the incident, any action taken as a result of the exposure, the full name, address and telephone number of all persons involved in the exposure, and the full names of all Personal Service Workers involved in the incident.
4. Every Owner or Operator of a Personal Service Setting shall retain the records required to be made under this Schedule for five years and shall keep the records at the premises for the first year.

## INSURANCE

Every Owner or Occupier shall, in respect of each Personal Service Setting that he or she operates or owns, file with the Registrar at the time of registration and on renewal of registration under this by-law proof of Comprehensive/Commercial General Liability insurance subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof.

## INSPECTIONS

- The Medical Officer of Health or a municipal law enforcement appointed under this By-law such as Public Health Inspectors are authorized to at all reasonable times inspect as much of any house, place, land or premises as is used for the carrying on or operation of a Personal Service Setting and may inspect any equipment, tool, good, product, thing, books, records and other documents of or relating to the Personal Service Setting for the purposes of ensuring compliance with this by-law.
- During an inspection conducted under subsection (1), the Medical Officer of Health or a municipal law enforcement officer may himself or herself, or with the assistance of any other person:
  - (a) require the production for inspection of any document or thing relevant to the inspection;
  - (b) require the production of information relevant to the inspection; and,
  - (c) make examinations or take tests, samples or photographs necessary for the inspection.