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JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE No. 20-015

COVID-19 PROTOCOLS FOR TANNING FACILITIES AND BODY ART ESTABLISHMENTS OPERATING PURSUANT TO EXECUTIVE ORDER NO. 154

WHEREAS, according to the Centers for Disease Control and Prevention ("CDC"), Coronavirus disease 2019 (COVID-19) is a respiratory illness caused by a virus called SARS-CoV-2; and

WHEREAS, COVID-19 is thought to spread mainly through close contact from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Orders Nos. 119, 138 and 151; and

WHEREAS, because COVID-19 is also known to spread by people who do not show any symptoms, it is crucial that all personal care facilities follow good personal hygiene practices and take necessary steps to promote healthy work environments to assist in lowering the further spread of COVID-19 and to protect customers and staff; and

WHEREAS, to promote healthy hygiene practices and healthy environments, at minimum, employers should provide training in handwashing, cleaning/disinfection, social distancing, use of face coverings, and monitoring for signs and symptoms of COVID-19 in the workplace; and

WHEREAS, on June 13, 2020, Governor Murphy, moving the state forward into phase 'Stage 2', issued Executive Order No. 154 (2020), allowing personal care facilities, including tanning and body art establishments, to open effective at 6:00 a.m. on Monday, June 22, 2020;

WHEREAS, under the declared Public Health Emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26: 13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls for infectious disease;

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the Department of Health, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. Facilities offering tanning or establishments offering body art services that are permitted to operate pursuant to Executive Order No. 154 (2020) must adhere to the protocols listed below:

    - Obtain all required municipal permits and local health authority approvals before opening and/or reopening and resuming operations. Ensure the tanning facility is registered with the New Jersey Department of Health ("DOH"). Initial and renewal applications can be found at: https://www.nj.gov/health/ceohs/sanitation-safety/app-payments/.

    - Body Art Establishments must obtain all required municipal permits and local health authority approvals before opening and/or reopening establishment.

    - Notify the local health department immediately of any known positive COVID-19 case in the facility and must cooperate with contact tracing while maintaining confidentiality.

    - Maintain daily logs of all employees/clients/visitors entering the facility.

    - Clean and sanitize/disinfect all common areas and contact surfaces prior to opening, after each use, and at the end of each day.

    - Improve ventilation by increasing circulation of outdoor air as much as possible. Consider using high efficiency particulate air (HEPA) filtration systems to enhance air quality.

    - Post conspicuous signage at the entrance alerting staff and customers of the following:

        - For tanning facilities: "Anyone who has been diagnosed or exhibiting COVID-19 symptoms will not be permitted inside this facility; anyone who is at high risk for severe illness from COVID-19 is discouraged from entering the facility; everyone who enters the facility is required to have a

face covering until they are stationed in their assigned tanning beds/booths."

- For body art establishments: "Anyone who has been diagnosed or exhibiting COVID-19 symptoms will not be permitted inside this facility; anyone who is at high risk for severe illness from COVID-19 is discouraged from entering the establishment; everyone who enters the establishment is required to have a face covering."

- Establish and implement a COVID-19 plan which, at a minimum, addresses training on illness reporting, infection control practices, social distancing, proper use of personal protective equipment, employee health assessment, and cleaning and disinfection procedures.

- Develop and provide, post or make available, the COVID-19 safety plan and training for clients. Consider posting CDC resources on CDC's COVID Symptoms and CDC's Stop the spread of Germs.

- Modify areas of the facility to achieve a minimum distance of 6 feet between equipment where appropriate; tanning beds/booths, work stations, waiting areas etc. Consider installing physical barriers (e.g., shields, partitions) in areas where 6 feet of physical distance cannot be maintained.

- Face coverings are required inside the facility or establishment at all times. Clients receiving tanning services utilizing a tanning booth can remove the face covering once stationed in their assigned bed/booth. Otherwise, the facility or establishment is prohibited from offering services that require removal of the client's face covering.

- Appointment times shall be spaced to allow adequate time to clean and disinfect tables, chairs, workspaces and other reusable items after each use and in between clients.

- Provide physical guides, such as tape or stickers on floors, and signage on walls to remind clients/visitors to remain at least 6 feet apart in in common areas.

- Infection control practices should follow CDC's document on How to Protect Yourself and Others on frequent handwashing, coughing and sneezing etiquette, and proper tissue usage and disposal.

- Frequent disinfection and sanitization of high-touch areas, such as doorknobs/handles, toilet areas, credit card machines, keypads, and counters to which the employees and clients have access.

- Provide sanitizing and disinfecting materials to staff, such as hand sanitizer and sanitizing wipes for hands and surface disinfecting wipes for environmental surfaces.

- Provide disposable wipes or paper towels so that a barrier can be placed between hands and commonly used surfaces.

- Remove all unnecessary items such as magazines, newspapers, product samples from the waiting area.

- Provide contactless/touchless payment options, wherever feasible.

- All tanning facilities and body art establishments shall provide hand sanitizing station(s) meeting CDC requirements for hand sanitizers, with 60% alcohol.

- Ensure clients in tanning facilities provide their own goggles or the facility must provide disposable goggles.

2. Facilities offering tanning or establishments providing body art services that are permitted to operate pursuant to Executive Order No. 154 (2020) must impose the following requirements on staff:

    - Conduct health surveillance assessments of staff when entering the facility, which includes at minimum prescreening for COVID-19 symptoms including a forehead temperature check or temperature check with a thermometer equipped with disposable covers. Anyone with a temperature exceeding 100.4°F or any other COVID-19 symptoms is immediately excluded. All thermometers shall be disinfected after each use.

    - All employees shall wash hands when entering the facility, and before and after each client service.

    - Dispose all single use items in a closed container after each client. All other reusable items shall be immediately cleaned and disinfected or placed in a closed container for laundering and disinfection after each use. All reusable linens and towel will be washed in soapy water and dry completely at the warmest temperature allowed, until they are hot to the touch.

    - Require all employees to wear face coverings when inside the facility and establishment and when in contact with clients. Body artists should change face covering between clients. (Consider use of face shield and/or goggles when in closer proximity with customers).

    - Follow COVID-19 operational plan regarding frequent cleaning and disinfection of frequently used and touched areas using only EPA registered disinfectants.

- For tanning facilities, follow disinfectant guidelines according to sunlamp equipment manufacturer's directions to ensure compatible cleaning and disinfecting agents are used with required minimum contact times.

3. Facilities offering tanning or establishments offering body art services that are permitted to operate pursuant to Executive Order No. 154 (2020) must institute the following policies with respect to customers:

    - Appointments are required and walk in customers are prohibited to better control customer traffic/volume.

    - Consider recommending clients and legal guardians (or witnesses, as applicable for body art establishments) to wait in their cars or away from the facility if the waiting area cannot accommodate social distancing.

    - Clients, parents/guardians and visitors are required to wear a face covering when inside the facility or establishment unless a medical condition inhibits such usage or when the client is on/in their assigned tanning beds/booths.

    - Conduct health surveillance assessments of clients when entering the facility, which includes at minimum prescreening for COVID-19 symptoms including a forehead temperature check or temperature check with a thermometer equipped with disposable covers. Anyone with a temperature exceeding 100.4°F or any other COVID-19 symptoms is immediately excluded, and service will be denied at this time. All thermometers shall be disinfected after each use.

    - Encourage clients and visitors to wash and/or sanitize hands, utilize the hand sanitizing station(s) provided, and after handling any papers and documents**.**

    - Decline entry if a customer refuses to wear a face covering for non-medical reasons and if one cannot be provided**.**

    - For body art establishments, require customer/legal guardian to sign a consent form as per N.J.A.C. 8:27-4 with added acknowledgement of the potential risks associated with contracting COVID-19 from the establishment.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency originally declared in Executive Order No.1 03 (2020), and as extended by Executive Order, unless otherwise modified, supplemented and/or rescinded.

Date: June 13, 2020

Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

Available Resources

- NJDOH Communicable Disease Service COVID-19 information https://www.nj.gov/health/cd/topics/ncov.shtml
- Directory of Local Health Departments in NJ https://www.nj.gov/health/webdata/lh/documents/lhdirectory.pdf
- Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020 https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business response.html
- CDC's guidance on How to Protect Yourself and Others https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html
- CDC General Business Frequently Asked Questions https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html
- OSHA Guidance on Preparing Workplaces for COVID-19 https://www.osha.gov/Publications/OSHA3990.pdf
- CDC, Cleaning and Disinfecting https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/..index.html
- NJDOH, Information for Communities and the General Public https://www.nj.gov/health/cd/topics/covid2019_community.shtml
- Body Art Education Alliance's guidelines for reopening body art establishments https://www.neha.org/eh-topics/body-art-0/body-art-resources