

Authority: Licensing and Standards Committee Item 18.2, as adopted by City of Toronto Council on February 20 and 21, 2013 and Board of Health Item 18.2, as adopted by City of Toronto Council on February 20 and 21, 2013

CITY OF TORONTO

BY-LAW No. 629-2013

To amend City of Toronto Municipal Code Chapter 545, Licensing and Chapter 441, Fees and Charges, respecting personal services settings.

Whereas the *City of Toronto Act, 2006* grants the City of Toronto the authority to enact by-laws for the health, safety and wellbeing of persons, for consumer protection, and for business licensing; and

Whereas the services and procedures provided by businesses operating as personal services settings have been associated with the transmission of infectious diseases, the risk of which varies according to the nature of the personal services provided; and

Whereas the *Health Protection and Promotion Act* and the guidelines and standards made under that *Act* establish non-exhaustive requirements for fundamental public health programs and services, which include risk assessment and inspection, and disease and injury prevention; and

Whereas Council wishes to licence and regulate personal services settings for purposes of consumer protection, health, safety and wellbeing of persons, and in aid of infection prevention and control, and law enforcement;

The Council of the City of Toronto enacts:

1. Section 545-1 of City of Toronto Municipal Code Chapter 545, Licensing, is amended by adding the following definitions in alphabetical order:

PERSONAL SERVICES - The following classes of services and procedures for personal care or adornment when performed by a personal services worker: aesthetics, body piercing, electrolysis, hairstyling, manicure and pedicure, and tattoo and micropigmentation. When used in reference to this definition:

- A. 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;
- B. 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;
- C. ELECTROLYSIS - Removing hair by use of an electric current conducted through a needle that has been inserted into the hair follicle;
- D. HAIRSTYLING - Cutting, shaving, styling or colouring hair, including facial hair;

- E. MANICURE AND PEDICURE - Cosmetic treatment of nails and skin on hands and feet; and
- F. TATTOO AND MICROPIGMENTATION - Depositing pigments below the dermis by the use of needles or other like implements.

PERSONAL SERVICES SETTING - A premise at which personal services are provided or offered.

PERSONAL SERVICES WORKER - Any person who performs personal services but does not include a person who is a member of a health profession listed in Schedule 1 of the *Regulated Health Professions Act*, as amended.

- 2. Section 545-2 of Chapter 545 is amended by adding the following subsection:
 - (69) Every person who owns or operates a personal services setting.
- 3. (1) Subsection 545-2(3) and Article XII of Chapter 545 are repealed.
 - (2) Despite subsection 1 of this section, the provisions of Article XII of Chapter 545 shall continue to apply to every person licensed as an owner of a barber shop or hairdressing establishment until the licence issued to such person expires or is renewed as a personal services setting licence, endorsed for hairstyling.
- 4. Chapter 545 is amended by adding Article XLIV attached to this By-law as Schedule "A".
- 5. Chapter 441, Fees and Charges, Appendix C, Schedule 12, Municipal Licensing and Standards, is amended by deleting the words "hair salon" in lines 195 and 196 and replacing them with the words "personal services setting".
- 6. (1) This By-law shall come into force on July 1, 2013.

Enacted and passed on May 10, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE "A"

**ARTICLE XLIV
Personal Services Settings**

§ 545-515. Definitions.

As used in this article, the following terms shall have the meanings indicated:

INSPECTION NOTICE - A notice issued by the Medical Officer of Health to a personal services setting as a result of any inspection conducted pursuant to this chapter and the *Health Protection and Promotion Act* or the regulations and guidelines made under that *Act*.

INSPECTION REPORT - A report issued by the Medical Officer of Health to a personal services setting as a result of any inspection conducted pursuant to this chapter and the *Health Protection and Promotion Act* or the regulations and guidelines made under that *Act*.

OWNER or OPERATOR - The person or persons who operate or direct the activities carried on within the personal services setting and includes the person or persons actually in charge of the premises, whether or not such person is licensed under this chapter.

§ 545-516. Issuance, renewal and endorsements.

- A. The Municipal Licensing and Standards Division shall submit to the Medical Officer of Health every application for a license and for a renewal of a license as an owner or operator, and any report received by the Municipal Licensing and Standards Division in response thereto shall be considered in the determination of whether or not the license should be issued, renewed, refused or have conditions placed on it in accordance with this chapter.
- B. Every owner or operator of a personal services setting shall obtain a license and, at the time of application for a license and at each application for renewal, obtain a separate endorsement of his or her license for every class of personal service provided or offered at the premises in accordance with the following:
 - (1) Any person who owns or operates personal services settings which offer or provide hairstyling shall, after July 1, 2013, be required to obtain a license and endorsement and every application for renewal of a barber shop or hair dressing establishment license after July 1, 2013 shall be deemed to be an application for a personal services setting license, endorsed for hairstyling, and the fee payable for the renewal application shall be the renewal fee for a personal services setting license.
 - (2) Any person who owns or operates personal services settings which offer or provide tattoo, micropigmentation, body piercing, or electrolysis shall obtain a license and endorsement by July 1, 2014.

- (3) Any person who owns or operates personal services settings which offer or provide manicure and pedicure or aesthetics shall obtain a license and endorsement by July 1, 2015.
- C. Every owner or operator shall notify the Municipal Licensing and Standards Division and the Medical Officer of Health in writing of any change to the operations of the business which may result in a change in the class or classes of personal service provided or offered, at least 30 days prior to the implementation of such change.

§ 545-517. Inspection notices and reports.

- A. Every owner or operator shall keep posted, in a conspicuous place clearly visible to members of the public, at or near the entrance of the premises, the most recent inspection notice issued by the Medical Officer of Health.
- B. Every owner or operator shall, when so requested by any person, produce the inspection report or reports relating to the currently posted inspection notice for such premises.

§ 545-518. Infection prevention and control - minimum standards.

Every owner or operator shall comply with, and shall ensure compliance with, the following regulations in a manner satisfactory to the Medical Officer of Health:

- A. The premises, and the fixtures and furniture therein, shall be kept in good repair and in a clean and sanitary condition.
- B. 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.
- C. 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.
- D. 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:
- (1) An adequate supply of liquid soap in a suitable container or dispenser;
 - (2) Hot air dryers or individual clean towels for hand drying; and
 - (3) A suitable receptacle for used towels and waste material.
- E. 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.
- F. 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.

- G. Instruments and equipment which have been cleaned and disinfected or sterilized shall be stored and handled in a manner which prevents contamination.
- H. Notwithstanding any other provision in this chapter, 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.
- I. 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.
- J. 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.

§ 545-519. Records.

- A. Every owner or operator shall make the following written records in a form and manner satisfactory to the Medical Officer of Health:
 - (1) 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.
 - (2) A record of all spore testing conducted at the personal services setting, including the date and results of such testing for each sterilizer.
 - (3) 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.
 - (4) 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 services worker, and the full name, telephone number and address of the customer.
 - (5) 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 services workers involved in the incident.

- B. Every owner or operator shall retain the records required to be made under this section for five years and shall keep the records at the premises for the first year.

§ 545-520. Service provider qualifications.

Every owner or operator shall ensure that every personal services worker holds whatever training or qualifications may be required by law.

§ 545-521. Insurance.

Every owner or operator shall, in respect of each personal services setting which provides or offers tattoo, micropigmentation, body piercing or electrolysis, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.