

REPORT TO: Safer Policy & Performance Board
DATE: 26 June 2012
REPORTING OFFICER: Strategic Director, Communities
PORTFOLIO: Health & Adults
SUBJECT: Health and Safety of Cosmetic Treatments
WARD(S) Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To inform the board of the current regulatory arrangements to control the safety and hygiene of cosmetic treatments in the borough.

2.0 **RECOMMENDATION: That:**

- i) **The report be noted**
- ii) **Members take the opportunity to seek further information or raise questions about the existing regulatory regime.**

3.0 **SUPPORTING INFORMATION**

3.1 **Scope**

3.1.1 This report will focus on cosmetic treatments that pose a risk of infection or physical injury to the client e.g. Tattooing, body piercing, Botox injections and Teeth Whitening.

3.1.2 This report will not consider more conventional cosmetic treatments such as hairdressing, beauty and manicures. Whilst these treatments do present a theoretical risk of infection or injury they are considered lower risk and are regulated by Environmental Health under the general provisions of the Health and Safety at Work etc. Act 1974.

3.2 **Tattooing, Cosmetic Piercing, Electrolysis and Acupuncture**

Before discussing the health risks and controls associated with these treatments it is considered useful to provide a brief description of each treatment

3.2.1 **Tattooing:**

Tattooing involves the use of needles to pierce the skin and

introduce permanent colouration underneath the skin surface.

3.2.2 **Cosmetic Piercing**

A piece of jewellery is inserted into a piercing of the skin or body. The most common form is ear piercing - 80% of adult females have their ears pierced. However in recent years there has been a dramatic increase in other forms of piercing including nose, lip, tongue, navel and other parts of the body.

3.2.3 **Acupuncture**

Although there are a variety of different methods – acupuncture normally involves the insertion of needles into the skin to stimulate acupuncture points. Acupuncture works by stimulating the body's own healing response and is used to treat both physical and emotional conditions. It is also used to control pain. Acupuncture may be carried out by medical professionals but is also undertaken in private clinics and salons as a therapeutic and cosmetic treatment.

3.2.4 **Electrolysis**

Electrolysis is the process of permanent hair removal by the insertion of tiny electrically charged needles into a hair follicle.

3.2.5 **Health Risks**

Although each of the above treatments differ in nature they all have in common the fact the skin is pierced to some degree. This creates the risk of transmitting blood borne infections such as hepatitis B and C and HIV. This can also result in localised bacterial infections.

Blood borne infections can be spread if equipment contaminated with a blood borne virus is shared between clients or is inadequately sterilised.

Further complications can arise with body piercing including;

- Loss of blood
- Scarring
- Swelling
- Nerve damage and interference with bodily function
- Piercing of the wrong site
- Post treatment infection

3.2.6 **Controls and Regulation**

When carried out in commercial premises in the borough these activities are well regulated by the authority's environmental health

department. Businesses must comply with the general requirements of the Health and Safety at Work Act 1974. In addition the authority has adopted by-laws under the Local Government (Miscellaneous Provisions) Act 1982. Each premises used for the business of tattooing, body piercing, acupuncture and electrolysis and each individual operator must be registered with the authority. In order to obtain registration the premises must comply with the hygiene requirements set out in the by-law.

In summary the principal control measures to ensure public health and safety are;

- Hygiene and cleanliness of premises
- Adequate hand washing facilities
- Good personal hygiene
- Sterile equipment
- Operator training
- Hygienic dressing of wound

The authority currently has registered 29 premises and 65 individual operators.

In addition to inspection the authority has a number of enforcement powers under the Health and Safety at Work Act to ensure standards are maintained and public health is protected. These include;

- Improvement notice – requires work to be completed in designated time period.
- Prohibition notice – Prohibits activities that pose an imminent risk to public health.
- Seizure of equipment as evidence
- Prosecution

3.2.7 Tattooing of minors

The Environmental Health Department enforce the Tattooing of minor's act 1969. This act makes it an offence to Tattoo a person under the age of 18. In 2010 the authority successfully prosecuted a registered tattooist in the borough for tattooing two underage girls. The prosecution followed a complaint to the department by the girls' parents.

3.2.8 Illegal home tattooists

Whilst the authority has a good range of powers to protect public health in relation to activities within shops and salons – powers to deal with unlicensed activities in domestic homes are more limited.

The authority does receive and investigate complaints regarding the activities of illegal home tattooists. These activities pose a significant risk to public health as they will not have undergone assessment and registration to ensure that their premises and activities are safe and hygienic. Responsibility for enforcement of the Health and Safety at Work Act in domestic premises falls to the Health and Safety Executive (HSE) so the authority does not automatically have powers to secure improvement or prohibit activity. Whilst the By-laws on Tattooing can be applied to domestic premises the authority only has power of entry by warrant issued by a court. There are no powers in the by-law to require improvements, prohibit activity or seize equipment.

It possible for the authority to seek legal transfer of Health and Safety Enforcing responsibility from the HSE. However this has recently become more difficult. The HSE like other public bodies have suffered budgetary cuts and this has affected their ability to facilitate partnership working with local authorities. The HSE are also under considerable political pressure to reduce proactive health and safety inspections. There is a perception within local government that this has led to a reticence to transfer enforcement responsibility to local authorities. However due to resources and competing priorities it is very unlikely that the HSE would investigate the activities of a home tattooist themselves. This creates an unfair and potentially unsafe anomaly that there is greater control of registered tattooists in shops than there is of unregistered home tattooists. This limits the ability of the authority to influence public health at a local level.

The environmental health department are currently investigating the activity of an illegal home tattooist. A Warrant to enter the premises was secured and executed with the police. The HSE initially refused an application to transfer enforcement responsibility to the local authority. However after being informed of the poor standards found they agreed to transfer enforcement powers – although this formal legal transfer took over 3 weeks to process. This has eventually allowed the authority to legally prohibit the activities in the interests of public health.

3.3 Teeth Whitening

- 3.3.1 Teeth whitening involves the use of chemical bleaching agents to whiten the teeth. Whilst the borough does not currently have any salons dedicated to this process the environmental health department are aware that this service is offered to clients by external providers visiting a beauty salon by appointment.
- 3.3.2 It is the opinion of the General Dental Council (GDC) that teeth whitening is the practice of dentistry and should only be undertaken by a registered dental practitioner. Therefore the practice of teeth

whitening in a salon without a dentist present is illegal. Indeed the GDC have prosecuted a Warrington based company for this practice.

3.3.3 **Health Risks**

The main health risks associated with Teeth Whitening are;

- Risk of transmission of blood borne viruses such as HIV and Hepatitis
- General oral infection risk
- Sensitivity / reaction to bleaching agent

3.3.4 **Controls / Enforcement**

The main control measures are;

- Qualifications and training of practitioners
- Patient consultation
- Clean and sterile premises and equipment
- High standards of personal hygiene
- Good hygiene facilities
- Single use of equipment i.e. not reused between clients
- Legal cosmetic products

Teeth whitening products are considered Cosmetic Products and must comply with the Cosmetic Products Safety Regulations 2004. These are enforced by Trading Standards.

Whilst the activities of registered dentists fall to the HSE for enforcement, the regulation of cosmetic treatments in salons falls to the local authority. Therefore if a non-registered dentist was carrying out the practice of teeth whitening in a salon and there were concerns over standards of hygiene, safety or competency the authority would have the powers to prohibit or require improvements. It is unlikely however that the activity could be prohibited simply on the grounds the operator was not registered as a dentist. The authority would need to refer this to the GDC for investigation.

Halton's Environmental Health Department are currently assisting the GDC with an investigation into a non-registered dentist who was found to be operating a teeth whitening business in Widnes

3.4 **Botox injections**

Botox® and similar products Vistabel® and Disport® are used to reduce facial lines and wrinkles. The active ingredient of these products is derived from the powerful neurotoxin produced by

clostridium botulinum bacteria. The product works by temporarily paralysing the facial muscles that cause fine lines and wrinkles. Whilst the product is licensed as a medicine by the Medicines and Health Care Regulatory Authority (MHRA) it is only licenced for specific conditions and not for general cosmetic treatments. In addition it can only be administered by or under the supervision of a medical practitioner to a patient who has been individually prescribed the drug.

Halton does not have any salons dedicated to this treatment. However the environmental health department do have evidence that the treatment may be provided to salon clients in the area by external providers. It is likely that the administration of this treatment is illegal and outside the scope of the product licence.

3.4.1 **Botox: Health Risks**

The main health risks associated with Botox injections are consistent with other procedures that pierce the skin i.e. blood borne or localised infections caused by poor hygiene and unclean equipment. However Botox is reported to have further possible side effects depending where on the body it is injected.

- Face pain
- Muscle weakness
- Headaches
- Allergic reaction

3.4.2 **Botox: Controls**

Any activity undertaken by a medical practitioner would fall to the HSE for enforcement. However if the activity was undertaken by a non-registered medical practitioner in a salon in the borough this authority can enforce the Health and Safety at Work etc Act 1974 to prohibit the activity and secure improvements. It may not be possible to prohibit the activity simply because it was being undertaken by a non-medical practitioner. However the authority can report the practice to the MHRA.

3.5 **Melanotan**

Melanotan is administered as an injection or a nasal spray. It causes the body to produce increased level of the natural pigment melanin. The body produces melanin as a natural defence to UV radiation. Melanotan therefore has the effect of increasing the tanning effect of the skin on exposure to UV radiation.

Melanotan is an unlicensed medicine and is therefore an illegal product. It is known to have been on sale in salons and gyms across the country since 2008 when there was an explosion of interest in the drug. However Halton's Environmental Health Department have only received one complaint to date that this product is on sale in the borough. This is currently under investigation.

3.5.1 **Melanotan: Health Risks**

The short and long term health risks of melanotan are not fully known because the product is unlicensed and has not undergone clinical trials. However reported side effects include;

- Loss of appetite
- High blood pressure
- Facial flushing
- Nausea

The drug is usually supplied concentrated so must be diluted with sterile water. Users normally require a course of injections so there are concerns about the reuse of needles if the product is administered at home. There is also the risk of blood borne and local infections associated with any piercing of the skin.

3.5.2 **Melanotan: Controls**

Sale of the drug would have to be referred to the MHRA for investigation. If any salon was found to be administering melanotan consideration could be given to prohibiting the activity under the Health and Safety at Work etc Act 1974.

3.6 **Support from partner organisations**

The authority can call on the assistance of colleagues within the PCT and Health Protection Agency for expert advice and assistance in controlling infection risk. The authority appoints practitioners from both organisations to act as proper officers in relation to the Public Health (Control of Diseases) Act 1984 and associated regulations.

4.0 **POLICY IMPLICATIONS**

4.1 In general the authority has good control over the public health and safety of cosmetic treatments. However there are some situations where enforcement must be referred to a national agency. This limits the authority's ability to fully control the public health aspects of cosmetic treatments. This is of a particular concern in relation to the activity of home tattooists.

5.0 **OTHER/FINANCIAL IMPLICATIONS**

5.1 There are no further policy implication associated with this report

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

Enforcement of the Tattooing of minors act and the hygiene requirements relating to ear piercing protects the health and safety of Children and Young People in Halton. An operator should always ensure parental consent is granted before performing a cosmetic treatment on a child or young person.

6.2 **Employment, Learning & Skills in Halton**

The environmental health department offer advice and guidance to new and existing operators to help ensure they operate a safe, hygienic and sustainable business.

6.3 **A Healthy Halton**

The control of cosmetic treatments ensures the population is protected from infectious diseases in particular blood borne viruses such as HIV and hepatitis. The authority may require the assistance of national regulators in relation to some treatments.

6.4 **A Safer Halton**

The regulation of cosmetic treatments ensures the safety of Halton's residents. Of particular concern is the activity of home and unlicensed tattooists. The authority will investigate such cases in partnership with the police and HSE.

6.5 **Halton's Urban Renewal**

There is no significant implications for urban renewal in the borough.

7.0 **RISK ANALYSIS**

7.1 Public health may be compromised if the authority does not receive adequate support from national regulators to control issues for which the authority does not have enforcement powers.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 There are no significant equality or diversity issues associated with this report.

9.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF**

THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.