**Banning the Use of Fish in Pedicure Procedures**

# senate seal color

# **State Senator Jeffrey D. Klein**

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Report by

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**Origins:**

The practice known as “fish pedicures” can be traced to hot springs in Kangal, Turkey. These springs are inhabited by small fish, the Garra Rufa and the Cyprinion macrostomus, relatives of the carp. These fish are approximately 2 to 12 centimeters (1 to 4.5 inches in length), lack teeth, and are indigenous to Turkey, Syria, and Iraq. It is speculated that the scarcity of the plankton these fish generally eat in these hot springs is the reason why these fish aggressively attack the skin of individuals who went into these springs. This behavior was first discovered in the 19th century by local villagers and currently these springs are the site of a spa commonly visited by individuals with psoriasis. Psoriasis is a common autoimmune skin condition without cure that is characterized by red areas of the skin covered by a white plaque made up of dead skin cells. In these springs in Turkey, the fish strike and lick off the psoriatic plaque from patients, which have been softened by immersion in the hot water. Patients usually stay for treatments lasting many days, in which they are submerged in the water for many hours with the fish. Many patients who visit these springs report that the fish clear up the plaques. The high and peculiar mineral content of these springs is also thought to have curative and healing properties.

**Arrival in the US:**

In the early part of this decade various sites in Japan began to import the Garra Rufa fish (which is generally smaller than the Cyprinion macrostomus) to their spas, in order to use them as living exfoliating agents. The practice also spread to China and Singapore. Given the cost of importing Garra Rufa fish, various operators in China have begun using a different species of fish, known as the Chin Chin. It was in China that John Ho, owner of the Yvonne Hair and Nail salon in Alexandria, Virginia, was exposed to this procedure. Mr. Ho then imported some of the Garra Rufa fish and began offering what he termed as “Dr. Fish” pedicures in mid-2008. This procedure brought in significant media attention when it first began, and a number of salons in other parts of the country have begun to offer the service.

**Actions in Other States:**

Several States have taken steps to ban the procedure. At least fourteen states, including Maine, Texas, Florida, Massachusetts, New Jersey, Pennsylvania, New Hampshire, and Washington, have instituted bans. The States of Virginia and Ohio have as of yet declined to ban the procedure. In Nevada, an Assemblyman has introduced a bill to legalize the procedure in that State.

The States that have banned this procedure have done so primarily because they feel that it is impossible to have the procedure comply with the strict sanitary and hygienic regulations laid down for the handling of items used in pedicure procedures. The International Nail Technicians Association, an organization that represents nail technicians, opposes this procedure, stating that it fails to conform to their sanitation guidelines.

**Fish Pedicures in New York State:**

At least one salon in New York City, Ritz Nail & Spa in Astoria, Queens, offers this procedure, though this salon and others do not publicly advertise these services on the Internet. Hearsay evidence from calling various salons in Manhattan and Flushing’s Chinatowns mentioned locations in Midtown Manhattan or somewhere in Brooklyn that may offer the service. Again, while this is hearsay, it points to the possibility that unless it is banned, this procedure will spread to other locations.

Here in New York, §404 of the General Business law grants the Department of State the responsibility to draft the rules and regulations that govern the business of cosmetology in New York State, including regulations about sanitation and hygiene. These are laid down in §160.17 through §160.20 of the Compilation of Codes, Rules, and Regulations of the State of New York. These rules state that any implement which “may abrade or clip superficial layers of skin” must be washed, dried, and then disinfected by being completely immersed in “hospital grade disinfectant” for at least ten minutes. The rules also state that any pedicure bowls or footbaths must be cleaned, rinsed, and disinfected after each use. There are also strict procedures for the handling of any spilled blood.

**Health Implications:**

The possible health problems with this procedure are several. In Singapore last year, at least two complaints were filed against spas providing fish pedicures, including a report in *The New Paper* from two sisters who reported having caught fungal infections from the Spa. Another major issue of concern comes from possible bacterial infections. Regular pedicure procedures are not without possible risk: small cuts or lesions in a foot caused by a pedicure can become infected by aggressive bacteria, such as Staphylococcus aureus (commonly known as Staph) or its even more dangerous relative, MSRA (Methicillin-resistant Staphylococcus aureus). These infections can be fatal. The possibility of infections being spread between different clients is why States have such strict rules on sanitation and sterilization of equipment used during pedicures. It is impossible to entirely sanitize a fish unless you kill them. One could also decide to use these fish only once per client, but given that the Garra Rufa can sell for between $5 and $7 per fish, and hundreds, if not thousands, are necessary to run a viable fish pedicure operation, this is clearly utterly uneconomical, and therefore unlikely.

The issue of the possible spread of fungal or bacterial infections, especially through any injury caused by a pedicure is compounded by the use of the Chin Chin in many American spas. As previously noted, the Chin Chin became popular for use in fish pedicures in China because they are much cheaper than the Garra Rufa. Unlike the Garra Rufa, Chin Chin can grow teeth, and can also grow significantly larger than the Garra Rufa. In fact, the Chin Chin cangrow large enough to bite hard enough to draw blood. As previously noted, such an injury could be a pathway for dangerous bacteria to enter the bloodstream.

Even if an owner is using the Garra Rufa, an individual might come in with lesions or pre-existing injuries to their feet, and the exfoliating actions of the fish might open up these wounds, causing bleeding. As noted above, there are very strict rules about the disposal of blood in any beauty enhancement store. What would happen to the water into which an individual bled? And would the fish that were in that tank be treated any differently? These are questions that the current law does not answer.

**Humane Treatment**

For the Garra Rufa, the behavior of eating dead human skin is not natural. As was explained earlier, the reason the fish in the natural spas in Turkey where this behavior was discovered, do this is because they were starving, due to the poor quantity of nutrients in the water. Well-fed Garra Rufa do not actively feed on dead human skin. This means that for a person to run an active fish spa, they need to keep the fish at a certain level of starvation, which is very inhumane. The Garra Rufa are also accustomed to a specific water temperature, generally warm. Any store keeping hundreds, if not thousands of these fish, would have to invest heavily in keeping these fish at an acceptable temperature, in keeping with their natural environment.

Many of the same concerns exist for those stores keeping or using the Chin Chin. As noted before, the Chin Chin is significantly larger than the Garra Rufa, and do grow teeth. At some point, these fish can grow to be too large to be used in fish pedicures. What would happen to Chin Chin that have become too large, and potentially too dangerous to use in these procedures?

**Legislative Solution:**

Senator Klein’s new bill, Senate bill 6205, bans the use of live fish in any pedicure procedure. It also impose a fine of $250 maximum for the first offense and makes subsequent offenses a class B misdemeanor. Senate bill 6205 has an effective date of 180 days.

**Links to Video:**

[*http://www.youtube.com/watch?v=7JPCHJS92fc*](http://www.youtube.com/watch?v=7JPCHJS92fc)

[*http://www.youtube.com/watch?v=fWGQlU6b0Q8\*](http://www.youtube.com/watch?v=fWGQlU6b0Q8\)

[*http://www.youtube.com/watch?v=SPNRXdLHCl8*](http://www.youtube.com/watch?v=SPNRXdLHCl8)