



Tyngsborough Board of Health

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Revised March 7, 2019

Revised July 13, 2020

Revised January 11, 2021

The purpose of these Body Art Regulations is set forth by the Tyngsborough Board of Health to protect public health in regulating the practice of Body Art, acting under Massachusetts General Law (M.G.L.), Chapter 111, Section 31.

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Attest: True Copy

Town Clerk

1- Purpose and Scope

1.1 The Tyngsborough Board of Health (Board), acting under M.G.L. c.111, §. 31, is promulgating regulations in the form of this Body Art Regulations (the 'Regulation'), which provide minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment where Body Art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment where Body Art activities are to be performed and the sterilization of instruments to be used in the conduct of Body Art. By enacting this Regulation, the Board has determined that these Regulations are necessary to protect the public's health by preventing disease and the transmission of disease, including, but not limited to, hepatitis B, hepatitis C and/or human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS).

1.2 Adopted March 7, 2019 and revised July 13, 2020 and January 11, 2021, this Regulation establishes a requirement and a procedure for the licensing, permitting and/or registration with the Board of all persons performing such Body Art activities, and for each establishment in which such activities are performed. This Regulation also establishes a requirement for minimal training standards for such practitioners including requirements for training in the prevention of disease transmission and for knowledge of anatomy and physiology. It also provides for the regular inspection of establishments where Body Art activities are to be performed and contains enforcement provisions including but not limited to revocation of the license/registration of any person or establishment deemed in violation of this Regulation

1.3 This Regulation provides for an annual fee to be paid by a person and establishment licensed/registered under these Regulations to help defray the cost to the Board of the administration of the requirements of this Regulation.

2 - Definitions

The following terms used in this Regulation, unless the context otherwise requires, shall have the following meaning:

2.1 AFTERCARE INSTRUCTIONS shall mean written instructions, approved by the Board, required, in accordance with Section 7 below, to be given to anyone upon whom one or more Body Art activities have been performed, specific to the Body Art procedure(s) rendered or performed, concerning the proper care to be given to the area of the body upon which the Body Art has been performed, and concerning the surrounding area of the body. These instructions shall include information about when to seek medical treatment, if necessary.

2.2 ANTIBACTERIAL SOLUTION shall mean a chemical agent that destroys the growth of bacteria on human skin or mucosa.

2.3 ANTISEPTIC SOLUTION shall mean an agent that retards the growth of bacteria on human skin or mucosa.

2.4 APPRENTICE shall mean an individual who has completed the minimum education requirements of this Regulation, in accordance with Section 6 below, but has not met the training

requirement and is practicing a kind of body art at a body art establishment under the supervision of a fully licensed body art practitioner as defined in this Regulation.

2.5 AUTOCLAVE shall mean an apparatus for sterilization utilizing steam pressure at specific temperature over a designated period.

2.6 AUTOCLAVING shall mean the process which results in the destruction of all forms of microbial life - including highly resistant bacterial spores - using an Autoclave for a minimum of 30 minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit (°F).

2.7 BLOOD BORNE PATHOGEN STANDARD means U.S. Occupational Safety and Health (OSHA) Guidelines contained in 29 Code of Federal Regulations (CFR) 1910.1030, entitled "Occupational Exposure to Blood Borne Pathogen."

2.8 BOARD OF HEALTH (BOH) or BOARD means the Tyngsborough Board of Health, which has jurisdiction over body art establishments, practitioners, and apprentices located in Tyngsborough, in accordance with this Regulation and M.G.L. c.111 s.31 which authorizes the Board to promulgate, monitor, administer, and enforce this Regulation.

2.9 BODY ART shall mean the practice of physical body adornment, alteration, or modification by means including, but not limited to, piercing, tattooing, microblading, micropigmentation, cosmetic tattooing, branding, braiding, beading/implantation, or scarification, also known as scarring.

2.10 BODY ART ESTABLISHMENT shall mean any facility, excluding a salon, as defined herein, which is used, exclusively or in part, to conduct Body Art. The establishment must be inspected and permitted by the Board for use in conducting Body Art.

2.11 BODY ART REGULATION or REGULATION shall mean this Regulation as adopted by the Board on March 7, 2019 and revised on January 11, 2021 pursuant M.G.L. c. 111, §31 and amended from time to time.

2.12 BODY ART PRACTITIONER shall mean a person who has received a License to perform Body Art activities from the Board pursuant to this Regulation.

2.13 BODY ART PRACTITIONER LICENSE shall mean a license issued by the Board to a person qualified to engage in the practice of Body Art in accordance with this Regulation.

2.14 BODY PIERCING shall refer to the form of Body Art requiring or consisting of the puncturing or penetration of the skin or of a membrane of a person. This definition includes piercing of the outer perimeter of the ear but does not include Ear Lobe Piercing.

2.15 BRAIDING shall refer to the form of Body Art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

2.16 BRANDING shall refer to the form of Body Art consisting of or requiring the inducement of a burn and/or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.

2.17 CARTILAGE MODIFICATION shall mean the cutting notching, sculpting or other modification of cartilage.

2.18 CLEANING AREA shall mean the area in a Body Art Establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of Body Art.

2.19 CONTAMINATED or CONTAMINATION shall refer to the presence of or a reasonable possibility of the presence of blood, bodily fluids, or infectious or potentially infectious matter on

an inanimate object.

2.20 CONTAMINATED WASTE shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in OSHA's Bloodborne Pathogens standard (29 CFR 1910.1030) , State Sanitary Code Minimum Requirements For The Management Of Medical Or Biological Waste (105 Code of Massachusetts Regulation (CMR) 480.00) et seq, or in this Regulation.

2.21 COSMETIC TATTOOING shall refer to the form of Body Art also known as permanent cosmetics, but not limited to, micro pigment implantation, microblading, micropigmentation or dermal pigmentation requiring the implantation of permanent pigment around the eyes, lips and cheeks of the face, and hair imitation. Cosmetic tattooing includes microblading and micropigmentation.

2.22 CUSTOMER OR CLIENT shall mean a person upon whom one or more Body Art activities is/are to be performed and shall include a minor client.

2.23 CUSTOMER WAITING AREA shall mean the area in a Body Art Establishment for use and occupation by persons and clients prior to and after the conduct of Body Art.

2.24 DISINFECT shall mean the destruction of pathogenic microorganisms using a Liquid Chemical Germicide.

2.25 DISINFECTANT shall mean the same as Liquid Chemical Germicide.

2.26 DERMIS shall mean the deeper, thicker portion on the skin lying beneath the epidermis, to include the subcutaneous layer.

2.27 EAR LOBE PIERCING shall mean the puncturing of only the lower lobe of the ear using a pre-sterilized single use stud-and-clasp ear piercing system. Establishments and/or individuals involved in piercing just the ear lobes must comply with relevant OSHA requirements.

2.28 EPIDERMIS shall mean the outer layer of skin, which is composed of four recognizable layers of cells usually, a total of about 0.1 mm thick.

2.29 EQUIPMENT shall mean all machinery, fixtures, containers, vessels, tools, devices, implements, furniture, display cases, storage units, sinks, and all other apparatus and appurtenances used in connection with the operation of a Body Art Establishment.

2.30 EXPOSURE shall mean an event in which an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth, or other mucous membrane, non-intact skin, or parenteral contact with other potentially infectious matter.

2.31 EXPOSURE CONTROL PLAN shall mean a plan drafted by an Operator pursuant to the requirements of the U.S. OSHA to eliminate or minimize the potential for an exposure.

2.32 EXPOSURE INCIDENT REPORT shall mean a written report detailing the circumstances of an Exposure.

2.33 GERMICIDE or GERMICIDAL SOLUTION shall mean the same as Liquid Chemical Germicide.

2.34 HAND SINK shall mean a sink supplied with hot and cold potable water under pressure, which is used solely for washing hands, arms, or other portions of the body.

2.35 HEALTH AGENT shall mean the Health Agent(s) for the Board of Health.

2.36 HOT WATER shall mean water, which is heated to attain and maintain a temperature of

between 110 and 130 (°F).

2.37 INFECTIOUS WASTE shall mean the same as Contaminated Waste.

2.38 INSTRUMENT STORAGE AREA shall mean the area in a Body Art Establishment used for the storage of linens, equipment and instruments used for Body Art.

2.39 INSTRUMENT or INSTRUMENT USED FOR BODY ART shall mean those hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during Body Art procedures.

2.40 INVASIVE shall describe a procedure causing entry into the body either by incision or by the insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break, or compromise the skin or mucosa.

2.41 JEWELRY shall mean any device or adornment inserted into a pierced or incised area or portion of the body, which must be made of surgical implant-grade stainless steel: solid 14k or 18k white or yellow gold, niobium, titanium, or platinum.

2.42 LICENSE see Body Art Practitioner License and Permit.

2.43 LIQUID CHEMICAL GERMICIDE shall mean a substance registered with the U.S. Environmental Protection Agency (EPA) for use in the destruction of pathogenic microorganisms or an approximate 1:100 dilution of household chlorine bleach in clean water mixed fresh daily.

2.44 MICROBLADING is a form of cosmetic tattooing and shall mean a form of permanent makeup using a hand-held device, in which pigment is deposited into the epidermal layers of the skin typically around the eyes, lips and cheeks of the face, and hair imitation.

2.45 MICROPIGMENTATION/PERMANENT COSMETICS is a form of cosmetic tattooing and shall mean the placement of colorants into the skin typically around the eyes, lips and cheeks of the face, and hair imitation for the purpose of cosmetic enhancement, medical correction and/or aesthetic restoration.

2.46 MINOR or MINOR CLIENT shall mean a person of less than 18 years of age as of that person's last birth date.

2.47 MOBILE BODY ART ESTABLISHMENT shall mean any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility, or concert, fair, party, or other event whereat one desires to or does conduct Body Art procedures, excepting only a Licensed Body Art Establishment.

2.48 MUCOSAL SURFACES shall mean the surfaces that are lined by epithelial cells that form a physical barrier protecting the body against external noxious substances and pathogens. Examples include but not limited to the nose, eyes, and mouth.

2.49 OPERATOR shall mean any person alone or jointly with other persons who owns, controls, operates or manages a Body Art Establishment.

2.50 PATCH TEST shall mean a test in which a small mixture of pigment that is to be used on the client in the microblading process is inserted into an inconspicuous area on the client's scalp to assess for allergic reactions to the pigment.

2.51 PARENTERAL shall mean the invasion of the skin barrier or mucous membranes.

2.52 PERMIT shall mean a document issued by the Board pursuant to this Regulation authorizing the use of an establishment for conducting of Body Art activities. The term license also used in these regulations shall have the same meaning with respect to facilities used as Body Art Establishments.

2.53 PHYSICIAN shall mean a person licensed by the Commonwealth in accordance with M.G.L

c.112 s. 2.

2.54 PIERCING shall mean Body Piercing.

2.55 POCKETING shall mean the ends of the jewelry are under the skin and the middle is exposed.

2.56 PROCEDURE SURFACE shall mean any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

2.57 PROHIBITED FORMS OF BODY ART shall refer to those forms of Body Art prohibited under this Regulation and set forth in Section 5.

2.58 SALON shall mean a "shop," as defined and referred to in M.G.L. c. 112, § 87T through 87KK. A salon may include but is not limited to cosmetology salons, manicuring salons and aesthetic salons which must be duly licensed with the Board of Cosmetology and possess applicable local permits.

2.59 SANITIZE shall mean the process of reducing the number of microorganisms on a surface to a safe level using a liquid chemical germicide in accordance with the label instructions.

2.60 SANITIZER shall mean the same as liquid chemical germicide.

2.61 SCARIFICATION, also known as scarring, shall refer to that form of Body Art that requires the use of an instrument to cut a design into the skin to produce a scar. It shall also include the controlling of the body's healing process to produce wounds which result in permanently raised whealts, known as keloids, on skin.

2.62 SHARPS shall mean any object (sterile or not) that may purposely or accidentally cut or penetrate the skin or mucosa of a person including, but not limited to, needles, scalpel blades, razor blades and lancets.

2.63 SHARPS CONTAINER shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, or disposal, and is labeled with the International Biohazard Symbol.

2.64 SINGLE USE shall mean products or items that are intended for one-time, one-person use and are to be disposed of after such use including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

2.65 STERILE CONDITIONS shall mean free from bacteria or other living microorganisms

2.66 STERILIZATION UNIT shall mean a unit designed to and which is effective at killing all microorganisms, including bacterial spores and which is approved by the Board for use for sterilization in a Body Art Establishment.

2.67 STERILIZE shall mean to effectively kill all microorganisms, including bacterial spores.

2.68 TATTOO shall refer to the form of Body Art consisting of the injection, by any of a variety of methods, of ink, dye or other medium to form or create an indelible mark, figure, or decorative design in the subcutaneous portion of the skin.

2.69 TATTOOING shall mean any method of placing ink or other pigment into or under the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

2.70 TATTOO GUN shall mean an electric, vertically vibrating tool used for tattooing.

2.71 TATTOO INKS/PIGMENTS/DYES or INKS/PIGMENTS/DYES shall mean the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

2.72 TEMPORARY BODY ART ESTABLISHMENT shall mean the same as Mobile Body Art Establishment.

2.73 THREE DIMENSIONAL "3D" BODY ART or BEADING or IMPLANTATION shall refer to the form of Body Art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass, or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

2.74 ULTRASONIC CLEANING UNIT shall mean a unit approved by the Board and physically large enough to fully submerge Instruments in liquid that removes all foreign matter from the Instruments by means of high frequency oscillations transmitted through the contained liquid.

2.75 UNIVERSAL PRECAUTIONS or STANDARD PRECAUTIONS shall mean the set of guidelines and controls, published by the Centers for Disease Control as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report by the Center for Disease Control (CDC) June 23, 1989, Vol.38, NO. S-6, and as "recommendations for preventing transmission of human Immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures" in Morbidity and Mortality Weekly Report July 12, 1991, Vol. 40, No. RR-8, each as amended or updated. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

2.76 WORKSTATION shall mean an area within a Body Art Establishment designated for use in the conducting of Body Art activities.

3 - Licenses, Permits, and Registrations

3.1 Body Art Practitioner License Required

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner License issued by the Board pursuant to this Regulation. A Body Art Practitioner shall only perform those forms of Body Art for which he or she holds a Body Art Practitioner License issued by the Board.

3.2 Body Art Apprentice License Required

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner Apprentice License issued by the Board pursuant to this Regulation. A Practitioner Apprentice shall only perform those forms of Body Art for which he or she holds a Practitioner Apprentice License issued by the Board.

3.3 Body Art Establishment Permit Required

No person shall operate or allow to be operated a Body Art Establishment without a valid permit issued by the Board in accordance with this Regulation.

3.4 Commonwealth of Massachusetts - Registration or Licensing

The requirements of this Regulation to obtain a Body Art Practitioner License, Body Art Apprentice

License, and/or a Body Art Establishment Permit are separate from and in addition to any similar requirements that may be mandated by the Commonwealth.

3.5 Consent to Comply with Body Art Regulation

An applicant for a Body Art Practitioner and/or Apprentice license shall sign a statement provided by the Board consenting to and agreeing to abide by all the provisions of this Regulation.-

4. Exemptions

4.1 Physicians

Physicians, licensed in accordance with M.G.L. c. 112 § 2, who practice Body Art activities as a part of patient treatment are exempt from the provisions of this Regulation so long as such Body Art activities are performed in a medically acceptable manner.

4.2 Ear Piercers

Individuals who perform Ear Lobe Piercing are exempt from this Regulation

5 - Body Art Practitioners

5.1 Age Requirement- Any person seeking licensure under this Regulation shall be a minimum of 18 years of age and shall provide evidence in the form of a driver's license, United States Passport and/or a birth certificate accompanied by photo identification.

5.2 Application - Registration - Body Art Practitioner License

No person shall practice body art or perform any body art procedure without first obtaining a practitioner license from the board. Any person applying for a Body Art Practitioner License, which shall include those practitioners who perform cosmetic tattooing and body piercing, shall submit a completed application provided by the Board and shall pay to the Town a fee to be determined by the Board. A Body Art Practitioner License shall be valid for no more than one year. The Board may renew a Practitioner License under this Regulation and each applicant for such renewal shall pay to the Town a renewal fee to be determined by the Board. All Body Art Practitioner Licenses shall expire on December 31st of the year of issuance regardless of the date of issuance and that fee shall not be refunded or prorated.

5.3 Application - Body Art Practitioner License - Compliance with Body Art Regulation Requirements

An applicant for a Body Art Practitioner License shall demonstrate to the Board successful compliance with all training, disclosure, consent, and educational requirements of this Regulation relative to the form of Body Art activities for which such applicant seeks a Body Art Practitioner License prior to the issuance or renewal of a Body Art Practitioner License by the Board.

5.4 Body Art Practitioner - Temporary License

Temporary Body Art Practitioner License is prohibited.

5.5 Hepatitis B Vaccination Status - Disclosure

An applicant for a Body Art Practitioner License shall provide to the Board, and to the owner of any Body Art Establishment, valid documentation of Hepatitis B Virus (HBV) vaccination status stating:

1. Certification of completed vaccination.
2. Laboratory evidence of immunity.
3. Documentation stating the vaccine is contraindicated for medical or religious reasons.

Contraindication requires a dated and signed licensed health care professional's statement specifying the name of the Body Art Practitioner applicant and that the vaccine cannot be given; or,

4. Signed certificate of vaccination declination of HBV for medical or religious reasons as provided in M.G.L., c.76, §15.

5.6 Tuberculosis

A Body Art Practitioner must provide evidence of a negative Tuberculosis test or a negative chest x-ray dated within one year of the initial license and then again, every 2 years thereafter.

5.7 Hygiene

All Body Art Practitioners shall maintain a high degree of personal cleanliness, sufficiently washed and free of dirt, soil, filth or other potential sources of contamination. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

5.8 Minimal Training Requirements

1. Every applicant for a Body Art Practitioner License, to include any practitioner who performs body piercing or a renewal of a Body Art Practitioner License, to be qualified for such License, shall provide to the Board evidence of satisfaction of the following minimal training requirements:
 - a. For a Body Art Practitioner License enabling one to perform Body Piercing, the completion of a complete course in Anatomy and Physiology (i.e., Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin) and musculoskeletal system.
 - b. For a Body Art Practitioner License that enables one to perform Tattooing, but not Cosmetic Tattooing or Body Piercing, the successful completion of a completed course in Anatomy and Physiology (i.e., Anatomy & Physiology I or II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the integumentary system. Such other course of program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing. Any practitioner performing areola restoration must provide to the board evidence of advanced training certification.
 - c. For a Body Art Practitioner License that enables one to perform Cosmetic Tattooing, but not Tattooing or Body Piercing, the successful completion of a completed course in Anatomy and Physiology (i.e., Anatomy & Physiology I or II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include

instruction on the integumentary system. Such other course of program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing. The practitioner shall have successfully completed a minimum of a 100 hour in-person training program approved by the Society of Permanent Cosmetic Professionals or the American Academy of Micropigmentation. Additionally, to apply for a body art practitioner license for cosmetic tattooing, one must be a licensed esthetician, licensed cosmetologist, registered nurse, nurse practitioner, physician's assistant, or other relevant licensed professionals will be considered by the board on a case-by-case basis. A practitioner performing areola restoration shall have completed a minimum of eight-hour in person training program approved by the Society of Permanent Cosmetic Professionals or the American Academy of Micropigmentation.

- d. For all Body Art Practitioners, the successful completion of a course on Prevention of Disease Transmission and Blood Borne Pathogens compliant with the OSHA guidelines contained in 29 CFR 1910.1030 as amended from time to time. Training provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
- e. For all Body Art Practitioners, a current certification in American Red Cross Basic First Aid or its equivalent and Advanced Cardiopulmonary Resuscitation is required. An **in-person course is required**. On-line training is insufficient to meet this requirement. The certificate of course completion must be dated within the last 2 years. This certification must be renewed every 2 years.
- f. For all Body Art Practitioners, evidence satisfactory to the Board of at least 2 years actual experience in the practice of performing Body Art activities for which the applicant seeks a Body Art Practitioner License is required. Such experience can be obtained within or outside of the Commonwealth, or evidence of a completed apprenticeship program as approved by the Board. Two years' experience is defined as 2,400 hours of actual experience from a licensed Body Art Establishment.

5.12 Body Art Practitioner License - Posting Requirement

A Body Art Practitioner and/or operator shall post in an area of the Body Art Establishment accessible to the Board and to clients the original of the current Body Art Practitioner License of the Body Art Practitioner.

5.13 Body Art Practitioner - Impairment by Drugs or Alcohol

No Body Art Practitioner shall conduct any form of Body Art activity while under the influence of alcohol or drugs.

5.14 Prohibited Body Art Activities

1. Tattooing of a minor.
2. No tattooing of any kind within two inches of all mucosal surfaces; with the sole exception of microblading the eyebrows.
3. Tattooing for the purpose of camouflage of a medical disorder or disfigurement unless a surgical release form from the surgeon is obtained. The signed medical release form must

include the date of, and type of surgery performed and a statement from the attesting physician that the surgical area is currently free from infection, necrosis, or complications. This medical release is to remain with the client information and consent.

4. Brand or perform branding, braiding, beading, or implantation upon any client.
5. Scar or perform scarification upon any client.
6. Tattooing of the sclera or the gum.
7. Tongue splitting upon any client.
8. Cartilage Modification. The cutting notching, sculpting or other modification of cartilage is prohibited.
9. Amputation. The intentional amputation of any part of the body is prohibited unless performed by a doctor licensed by the Commonwealth.
10. Genital Modification. Modification of the genitalia by means of subincision, bifurcation, castration, male or female nullification or other surgical means is prohibited unless performed by a doctor licensed by the Commonwealth.
11. The introduction of saline or other liquids into the body for the purpose of causing a modification of the body is prohibited.
12. Tattooing of any kind on an animal.

5.15 Prohibited Piercing Activities

1. Body piercing a minor without parental/legal guardian consent.
2. No piercing of any kind within two inches of all mucosal surface, with the sole exception of the eyebrows
3. Piercing of the uvula.
4. Piercing of the tracheal area.
5. Piercing of the neck.
6. Piercing of the ankle.
7. Piercing between the ribs or vertebrae.
8. Piercing of the web area of the hand or foot.
9. Piercing of the lingual frenum (tongue web).
10. Piercing of the clitoris.
11. Any form of chest or deep muscle piercing - excluding piercing the nipple.
12. Piercing of the anus.
13. Piercing of an eyelid, whether the top or bottom.
14. The form of Body Piercing known as "pocketing."
15. Piercing of the gums.
16. Piercing or skewering of a testicle.
17. So-called "deep" piercing of the penis - meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone
18. So-called "deep" piercing of the scrotum - meaning piercing through the scrotum, or "trans-scrotal" piercing.
19. So-called "deep" piercing of the vagina - to include, but not limited to - so-called "triangles."
20. Piercing of any kind on an animal.

5.16 Prohibited Cosmetic Tattooing

1. Cosmetic tattooing of a minor
2. Cosmetic tattooing of anyone pregnant or breastfeeding
3. Anyone with the following conditions, unless medical clearance from the physician or provider that treats that condition is provided and kept with the client record:
 - Epilepsy
 - Individuals with a pacemaker or major cardiac conditions
 - Individuals with hemophilia or are prescribed blood thinning medications
 - Individuals with viral infections
 - Individuals with autoimmune diseases, such as lupus or thyroid disorders
 - Individuals with any kind of skin conditions, such as eczema, dermatitis, rosacea, or psoriasis, on or near the treatment area
 - Individuals who used Isotretinoin (Accutane) within the year

5.17 Sterile Conditions

A Body Art Practitioner shall only conduct Body Art activities under sterile conditions.

5.18 Use of Licensed Facility

A Body Art Practitioner shall only conduct Body Art activities within a facility with a current Body Art Establishment Permit, and which the Establishment, is in compliance with all provisions of this Regulation.

5.19 Body Art Practitioner - Use of Mobile or Temporary Body Art Establishment - Prohibited

No Body Art Practitioner shall conduct any form of Body Art activity in a mobile or temporary Body Art Establishment.

6. Apprenticeship Program

6.1 Apprenticeship Program – Board of Health- Authorized to Establish

The Board, pursuant to and in accordance with the authority to promulgate regulations for the protection of the public health granted in M.G.L.c.111 s.31, and pursuant to the authority granted hereunder, hereby establishes a Body Art Practitioner License Apprenticeship Program as set forth herein.

6.2 Compliance with this Regulation

Any Body Art Practitioner Apprentice License shall require that all participants in such program adhere to and abide by all relevant provisions of this Regulation.

6.3 Definition

For the purposes of Section 6.2 of this Regulation and, where the context so requires, for purposes of the Body Art Practitioner License Apprenticeship Program established by the Board pursuant to section 6.1 of this Regulation, the term "Body Art Practitioner" shall mean "Body Art Practitioner Apprentice," and the term "Body Art Practitioner License" shall mean "Body Art Practitioner Apprentice License."

6.4 Apprenticeship Program - Minimum Requirements

As a minimum requirement of the Body Art Practitioner License Apprenticeship Program, the Board shall require that each participant in such program be required to complete the requirements of section 5.8.1 (a) through (f) inclusive of this Regulation prior to a participant in such program conducting any form of Body Art activity.

1. The apprentice must be at least 18 years-of-age as proven by a government issued photo identification
2. All apprentices must complete 2400 hours. Hours and skills must be documented and signed daily by the licensed artist.
3. Only a Practitioner that has been professionally licensed for 3 years and can show evidence of full-time experience during that time, whether such experience was obtained within or outside the Commonwealth shall supervise an apprentice for tattooing and body piercing.
4. Only a Board-Certified Artist who has been professionally licensed for 3 years and can show evidence of full-time experience during that time, whether such experience was obtained within or outside the Commonwealth shall supervise an apprentice as a cosmetic tattooist.

6.5 Apprentices at Body Art Establishments

Body Art Establishments shall have no more than one apprentice per licensed practitioner per day. No more than 2 apprentices can be practicing at one time. All apprentices must be constantly supervised by a licensed body art practitioner.

6.6 Clients - Notice and Consent

1. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a client, that client shall be advised that the person to conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.
2. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a client, such person must obtain the client's written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity required pursuant to section 7.2 of this Regulation and such written consent shall be maintained there within.

7. Customers/Clients

7.1 Application and Consent Form for Body Art Activity - Requirement

Every client shall complete an application and consent form approved by the Board prior to having any Body Art activity performed upon or to their body and no Body Art activity may be performed until such complete application and consent form is provided to the practitioner

7.2 Application and Consent Form for Body Art Activity - Content

Every application and consent form, required by Section 7.1 of this Regulation, shall contain a minimum of the following:

1. General information regarding Body Art, including, at a minimum, the following statements:
 - a. Tattoos should be considered permanent; and

- b. The removal of tattoos and scars would require surgery or other medical procedures that may result in scarring or additional scarring of the skin.
 - c. A patch test should be explained and offered for tattooing and cosmetic tattooing.
2. Information as to the side effects of Body Art, including, but not limited to:
- a. possible hypertrophic scarring.
 - b. possible adverse reaction to ink/dye/pigment.
 - c. possible change in color of ink/dye/pigment over time.
 - d. a decreased ability of physician to locate skin melanoma in regions concealed by tattoos, brands, scars, and other forms of Body Art.
 - e. possible febrile illness.
 - f. possible tetanus.
 - g. possible systemic infection and,
 - h. possible keloid formation.
3. Client information, including:
- a. Name.
 - b. Age and a valid picture identification.
 - c. In the case of a minor client, proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship is required. In the case of a minor client, the signature of client's parent or legal guardian. The parent or legal guardian shall sign the consent form in the presence of the Body Art Practitioner.
 - d. Instructions requiring the client to adhere to the Exposure Control Plan as such Plan relates to the client's conduct in the Body Art Establishment.
 - e. The phone number of the Board and instructions for the client, or in the case of a minor client - the minor client and his or her parent or legal guardian, to contact the Board with any questions or concerns regarding safety, sanitization, or sterilization procedures.
 - f. The name of the Body Art Practitioner who is to conduct the Body Art upon the client or minor client and that practitioner's Board license number.
 - g. Signature of client.
 - h. The signature of Body Art Practitioner.
 - i. The date(s) of the Body Art procedure, including a daily estimate of progress for the conduct of Body Art requiring multiple days to complete.

7.3 Disclosure of Certain Health-Related Information

1. Prior to performing a body art procedure on a client, the practitioner shall inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure, including, but not limited to the following:
 - a. Diabetes.
 - b. History of hemophilia (bleeding).
 - c. History of skin disease, skin lesions or skin sensitivities to soap, disinfectants, etc.
 - d. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities.

- e. History of epilepsy, seizures, fainting or narcolepsy.
 - f. The taking of medications such as aspirin or other anticoagulants, which thin the blood and/or interfere with blood clotting.
 - g. History of or suspicion of adverse reaction to latex or products containing latex.
 - h. History of keloid formation
 - i. HIV or Hepatitis B or C
2. A client shall inform the Body Art Practitioner of a known pregnancy or possibility of pregnancy.
 3. Prior to performing a body art procedure on a client, the practitioner shall require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure.

7.4 Impairment by Drugs or Alcohol

A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.

7.5 Aftercare Instructions

The practitioner shall provide, and all clients shall obtain, read, and follow the Board approved aftercare instructions appropriate for the form of Body Art conducted upon such person.

7.6 Aftercare Instructions - Minimum Content

1. Aftercare Instructions shall be approved by the Board and shall include, at a minimum the following:
2. Responsibilities and proper care following the procedure.
3. Restrictions, if any, upon the client.
4. Signs and symptoms of infection; and,
5. Instructions to contact a physician if signs of infection occur. Examples are unexpected redness, tenderness or swelling at the site of the body art procedure, any rash, fever after the procedure, any unexpected drainage at or from the site of the body art procedure.
6. Instructions to contact the Board if an infection occurs.

8 - Body Art Establishments

8.1 Application - Registration - Body Art Establishment Permit

Any person seeking registration under this Regulation to obtain a Body Art Establishment Permit shall submit a completed application provided by the Board and shall pay to the Town of Tyngsborough a fee to be determined by the Board. A Body Art Establishment Permit shall be valid for no more than one year. The Board may renew a Body Art Establishment Permit under this Regulation and each applicant for such renewal shall pay to the Town a renewal fee to be determined by the Board. All Body Art Establishment Permits shall expire on December 31st of the year of issuance.

8.2 Body Art Establishments May Not Be Located in a Licensed Cosmetology Salons. The Massachusetts Board of Cosmetology has prohibited the practices of tattooing (and variations of tattooing such as permanent cosmetics, micropigmentation, permanent makeup, microblading or cosmetic tattooing) and body piercing in a Salon.

8.3 Mobile or Temporary Body Art Establishment

No person shall establish or operate a mobile or temporary Body Art Establishment.

8.4 Zoning.

To the extent permitted by law, the Board shall consider and not issue a permit unless the applicant has demonstrated a suitable location for the proposed Body Art Establishment.

8.5 Plans

1. Every operator or applicant for a Body Art Establishment Permit shall submit to the Board scaled plans and specifications of the proposed facility wherein any Body Art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Regulation. The operator or applicant should submit the plans to the Board prior to applying for the Certificate of Occupancy. The Board may require an on-site inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Regulation prior to the issuance by the Board of a Body Art Establishment Permit.
2. Prior to issuance of a permit to operate, the operator or applicant must provide a copy of a current Certificate of Occupancy (CO) from the Board to show that the facility and fixtures are in compliance with the Zoning Bylaw and State Building Code and related Codes (State Plumbing and Gas Code, State Electrical Code, and State Access Regulations).

8.6 Workstation

1. Every workstation shall occupy no less than 60 square feet of floor area.
2. Each Body Art Establishment shall have at least one workstation.
3. The area within each workstation shall be capable of being completely screened from view from any person outside such workstation.
4. A workstation shall be used for no other purpose.
5. Each workstation shall be separated from any other area of the Body Art Facility, including other workstations within such Body Art Facility, by a wall or other solid barrier extending from the floor to a minimum height of 8 feet or to the ceiling of the establishment.
6. A workstation shall be maintained in a clean and sterile condition.

8.7 Separate Areas

1. Every Body Art Establishment shall have a cleaning area. Every cleaning area shall have an area for the placement and use of an autoclave or other sterilization unit located or positioned to be a minimum of 36 inches from a required ultrasonic cleaning unit. The cleaning area shall be used for no other purpose.
2. Every Body Art Establishment shall have an instrument storage area exclusive of the cleaning area. The instrument storage area shall be equipped with cabinets for the storage of all instruments and equipment. The required cabinets shall be located a sufficient distance from the cleaning area to prevent contamination of the instruments and equipment stored therein.
3. Every Body Art Establishment shall have a customer waiting area exclusive of and separate from any workstation, instrument storage area or cleaning area.

8.8 Walls - Floors - Ceilings

1. Every workstation, instrument storage area, toilet room, and cleaning area shall be constructed and maintained in an acceptable manner to provide a durable, smooth, nonabsorbent, and washable surface.
2. All such floors, walls and ceilings shall be light-colored

8.9 Lighting and Ventilation

1. Every workstation shall be properly ventilated and have adequate lighting always maintained during the conducting of Body Art activities.
2. Every workstation, cleaning area and every area in a body art establishment where linens, instruments, sharps, or other equipment are exposed, sanitized or sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses, or globes of shatterproof material.

8.10 Hand Washing Sinks

1. A hand sink shall be provided at each workstation. These are in addition to the required sinks in the bathroom and clean room.
2. Every hand washing sink shall be equipped with an adequate supply of hot and cold water under pressure with fixture to allow for washing of hands, liquid hand cleanser, single-use sanitary towels in devices for dispensing, and a waste container of washable construction; and
3. A hand sink shall not be used as a janitorial sink

8.11 Janitorial Sink

1. At least one janitorial sink shall be provided in every Body Art Establishment for use in cleaning the Body Art Establishment and proper disposal of liquid wastes in accordance with all applicable federal, state, and local laws. For purposes of these Regulations, a janitorial sink means a sink of adequate size equipped with hot and cold water under pressure to permit the cleaning of the Body Art establishment and any equipment used for cleaning.

8.12 Instrument Sink

Every cleaning area shall have a sink used exclusively for the cleaning of instruments.

1. Every instrument sink shall be of adequate size and equipped with hot and cold water in quantity and pressure sufficient as to permit the cleaning of instruments.

8.13 Bathroom Requirement

There shall be a minimum of one bathroom containing a toilet and sink. The bathroom shall be provided with toilet paper, liquid hand soap and paper towels in a fixed dispenser should be readily accessible to any client or practitioner.

8.14 Exposure Control Plan - Requirement

Each operator shall create, update as needed, and comply with an Exposure Control Plan.

8.15 Exposure Control Plan - Submission

1. The Exposure Control Plan for a Body Art Establishment shall be submitted by the operator to the Board for review so as to meet all the requirements of OSHA regulations, to include, but not limited to 29 CFR 1910.1030 et seq, as amended from time to time.
2. A copy of the Body Art Establishment's Exposure Control Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

8.16 Telephone Access - Emergency Communication

A Body Art Establishment shall be required to have a telephone in good working order and easily accessible to all employees and clients during all hours of operation for the purpose of contacting police, fire, or emergency medical assistance or ambulance services in the event of an emergency or perceived emergency. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency telephone numbers and the number of the Board.

8.17 Body Art Establishment - Liability Insurance

A Body Art Establishment shall be required to demonstrate Liability Insurance coverage for the Body Art Establishment and each Body Art Practitioner from an approved provider for a minimum of \$1,000,000.

8.18 Body Art Establishment - Other Activities - Restrictions

No Operator shall permit the use of a Body Art Establishment for any other use which, in the opinion of the Board, may cause the contamination of instruments, equipment, a procedure surface or workstation or in any way contribute to an exposure to bloodborne pathogens, or which is otherwise inconsistent and/or incompatible with the body art establishment

8.19 Body Art Establishment - Permit - Board of Health Authorized to Issue

If an applicant for a Body Art Establishment Permit demonstrates to the Board compliance with all relevant provisions of this Regulation, the Board is authorized to issue a Body Art Establishment Permit pursuant to the provisions of this Regulation.

8.20 Body Art Establishment - Permit - Posting Requirement

The Operator of a Body Art Establishment shall post in a conspicuous area of the Body Art Establishment accessible to the Board and to clients the original of the current Body Art Establishment Permit issued by the Board.

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9 - Instruments and Equipment

9.1 Equipment and Furnishings

The Procedure Surface and the surface of all furniture and countertops located in a workstation, instrument storage area and cleaning area shall be made of materials that are, or shall be treated so as to be, smooth, non-absorbent, non-porous, easily cleanable, and able to withstand repeated cleaning and disinfecting. Such surfaces shall be maintained in a good condition free from holes and cracks.

9.2 Sanitizing and Sterilization Units

1. Every Body Art Establishment shall have at a minimum the following:
 - a. One or more Ultrasonic Cleaning Units sold for cleaning purposes under approval of the U.S. Food and Drug Administration. Every ultrasonic cleaning unit shall be clearly labeled "Biohazardous" and shall be installed or placed in the cleaning area at a minimum distance of 36 inches from the required autoclave or other sterilization unit.
 - b. One or more Autoclaves or other sterilization units sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration; and,
2. Every operator and Body Art Practitioner shall be knowledgeable in the required washing, cleaning and Sterilization procedures including the proper operation of the ultrasonic cleaning unit and autoclave or other sterilization unit.

9.3 Waste Receptacles

1. Every workstation shall have a foot-operated, covered, cleanable, waste receptacle for disposal of trash and other debris.
2. Every workstation shall have an approved sharps container exclusively used for the

disposal of Contaminated Waste in accordance with 105 CMR 480.000: Storage and disposal of infectious or physically dangerous medial or biological waste, State Sanitary Code, Chapter VIII.

9.4 Linens

Every Body Art Establishment or Body Art Practitioner shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in conducting Body Art activities.

9.5 Rotary Pens

If used in Body Art activity, rotary pens, also known as cosmetic machines, shall have detachable, disposable, sterile combo couplers and shall have detachable, disposable casings or casings designed and manufactured to be easily cleaned and sterilized.

9.6 Inks - Dyes - Pigments

All inks, dyes and pigments used in the conduct of Body Art shall be specifically designed for that purpose, properly labeled as to their ingredients and shall not be adulterated or contaminated in any way. The mixing of such inks, dyes or pigments or the dilution of the same with potable sterile water is acceptable, unless prohibited or not recommended by the product manufacturer.

9.7 Inserted Objects - Jewelry

1. Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs, or irregular surface conditions.
2. Jewelry of 16 Gage girth or thicker shall not have raised external threads or threading
3. Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the client.
4. The use of previously worn jewelry or jewelry brought into the Body Art Establishment by the client is prohibited.
5. Only jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, American Society for Testing and Material Standards F-136-98, platinum, sterling silver or other materials considered by the Board to be equally biocompatible and capable of adequate cleaning and sterilization shall be inserted into a client.

9.8 Single Use Equipment and Instruments

1. Equipment, instruments, and supplies intended for single use shall not be used more than one time. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000 (Minimum Requirements for The Management of Medical or Biological Waste).
2. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze, and razors, shall be single use and disposable.
3. Hollow bore needles or needles with cannula shall not be reused.

9.9 Prohibited Instruments and Materials

No Operator, Body Art Practitioner or other person shall utilize or have available in a Body Art Establishment any:

1. Instruments or materials, such as styptic pencils or devices, alum, or any similar material, used to check the flow of blood.
2. Liquid sterilant for the attempted sterilization of any reusable instrument or component.

3. Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for the purpose of prohibiting the backflow of pigment and body fluid into the machine.
4. Multiple-use instruments or components that are designed in such a manner that restrict or prevent proper washing, cleaning, or sterilization.
5. Drugs, chemicals, or agents that require a licensed medical practitioners' authorization for use, application, or dispensation.
6. Suturing kits or suturing devices, scalpels, biopsy or dermal punches, cauterizing tools or devices, or other tools, devices or instruments used for or in conjunction with any Prohibited Body Art Activity, and not otherwise properly used for any allowed Body Art activity.
7. Piercing needles or piercing tapers for the sale or use by one not a Body Art Practitioner.
8. Needles used in the practice of "play piercing," so-called.
9. Piercing guns.

10 - General Requirements

10.1 Animals

1. No animal, except for a certified service animal, shall be allowed in a Body Art Establishment. Fish aquariums shall be allowed in the waiting rooms and nonprocedural areas.

10.2 Smoking, Eating and Drinking - Prohibited

No person shall smoke, or otherwise use any form of tobacco, or eat or drink at or in a workstation, instrument storage area or cleaning area. Only in the case of medical need may a client consume fluids.

10.3 Disease Transmission

Except as set forth in these regulations, no operator, Body Art Practitioner, or other person shall commit or permit any act that may expose any client or person to disease or illness or otherwise contaminate any instrument or area in a Body Art Establishment.

10.4 Exposure Incident Report

1. An Exposure Incident Report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable Body Art Practitioner for every Exposure incident occurring in the conduct of any Body Art activity.
2. Each Exposure Incident Report shall contain:
 - a. A copy of the Application and Consent Form for Body Art activity completed by any Client or Minor Client involved in the Exposure incident.
 - b. A full description of the exposure incident, including the portion of the body involved.
 - c. Instrument[s] or other equipment implicated.

- d. A copy of the Body Art Practitioner License of the involved Body Art Practitioner.
- e. Date and time of exposure.
- f. A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and
- g. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

10.5 Injury Reports

A written report of any injury, infection complication or disease because of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board within 5 working days. A copy of the report should also be forwarded to the injured client within 5 working days of its knowledge of occurrence. The report shall include:

1. the name of the affected client.
2. the name and location of the Body Art Establishment involved.
3. the nature of the injury, infection complication or disease.
4. the name and address of the affected client's health care provider, if any; and
5. any other information considered relevant to the situation.

10.6 Complaints

1. The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
2. If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
3. If the Board finds that an investigation is warranted, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall undertake whatever enforcement action is appropriate, as set forth in Section 12 below, to remedy the situation and shall notify the complainant of its action in this manner.

10.7 Record Maintenance

1. Every operator shall have and retain at the Body Art Establishment for inspection by the Board the following information for the time period specified below, to be updated as needed to remain current. All records must be maintained on site, unless otherwise indicated. All records shall be available for inspection by the Board.
 - a. Exposure Control Plan - one copy of the Exposure Control Plan for the Body Art Establishment submitted to the Board.
 - b. Employee records [3 years] - indicating name, home address, home phone number, identification photograph, state identification card number, physical description as detailed on state identification card, date of birth, type[s] of Body Art procedures conducted, dates of employment at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification.

- c. Body Art Practitioner independent operator (non-employee of the Body Art Establishment) records [3 years] - indicating name, home address, phone number, state identification card number, physical description as detailed on state identification card, date of birth, type[s] of Body Art procedures conducted, dates operating at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification.
 - d. Client records [3 years] - copies of all Application and Consent forms for Body Art activity, the manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any Dye/Ink or Pigment to be used in the Body Art activity; the date(s) of the Body Art procedure, including a daily estimate of progress for the conduct of Body Art requiring multiple days to complete, and surgical release form if appropriate. Client information must be stored onsite for the first year following a procedure and may be stored off site thereafter so long as it is available to the Board or client upon request.
 - e. Waste hauler manifests for Contaminated Waste transport and disposal [3 years].
 - f. Training records [3 years] - documentation to verify training of Exposure Control Plan to all employees and Body Art Practitioner independent operator[s] conducting Body Art activity at such establishment; and
 - g. Commercial biological monitoring [spore] system test results [3 years]; and
2. Body Art Regulation - one copy of the most current version of this Body Art Regulation and any State regulations concerning the practice of Body Art shall be kept by every establishment.
 3. Every Operator shall have and retain at the Body Art Establishment for inspection by the Board all Exposure Incident Reports permanently. The disposal or destruction of these reports is prohibited.

10.8 Establishment Maintenance

Every area of a Body Art Establishment shall be kept in good repair, clean and free of all vermin and maintained so as to prevent Contamination of clients and other persons.

10.9 Bathroom and Plumbing Maintenance

Every bathroom, all plumbing and all plumbing fixtures shall be kept clean, fully operative, and in good repair.

10.10 Equipment and Instrument Maintenance

1. All instruments, equipment and procedure surfaces used for Body Art activity, including, but not limited to, devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, and in good repair and free from contamination.
2. All Instruments manufactured for performing any specific Body Art activity shall be so designated, used and approved, and shall not be modified, adulterated, contaminated, or improperly used. Instruments used for Body Piercing shall be constructed of stainless surgical grade steel and designed and manufactured for such use.

10.11 Contaminated Instruments

1. Every contaminated reusable instrument or component thereof, including, but not limited to, needles, needle bars, needle tubes, needle caps, Body Piercing tubes, rotary pens, and coil machines, shall be immersed in water or other approved liquid solution in the cleaning

- area until cleaned and sterilized.
2. Prior to sterilization, every such instrument shall be thoroughly washed by scrubbing with an appropriate disinfectant and hot water in accordance with manufacturer's instructions so as to remove contamination and foreign matter.
 3. Upon completion of the washing process as set forth in subsection (2) above, every such instrument shall be cleaned using an ultrasonic cleaning unit in accordance with manufacturer's instructions.
 4. Upon completion of the cleaning process as set forth in subsection (3) above, every such Instrument shall be packaged into procedure set-up packages with color change indicators designed to indicate complete sterilization thereof, initials of the person responsible for sterilizing the instruments and date of such sterilization. Instruments may be packaged individually or with other instruments to the extent permitted under the package manufacturer's instructions.
 5. Upon completion of the packaging process as set forth in subsection (4) above, every such instrument shall be properly sterilized by properly autoclaving in an approved autoclave or sterilized in another type of sterilization unit according to manufacturer's instructions.
 6. If a package becomes wet, is opened, or is otherwise compromised so as to allow the possible contamination of the contents of the package, any instrument shall be deemed contaminated and shall again be washed, cleaned, packaged and sterilized as indicated above prior to use.
 7. Sterilized instruments shall be stored in a dry, clean cabinet or tightly covered container. cabinets and containers designated for the storage of sterilized instruments shall be used for that purpose exclusively.
 8. Every sterilized package shall be deemed expired 30 days after the date of sterilization. Every Instrument shall again be washed, cleaned, packaged, and sterilized consistent with the provisions of this section prior to use.
 9. Liquid sterilant shall not be used for the sterilization of any reusable instrument.

10.12 Instrument Storage

All instruments must be stored in the instrument storage area in a manner so as to prevent contamination. Identical instruments shall be exclusively stored together, unless intermingled storage with different instruments does not represent a hazard as determined by the Board.

10.13 Use of Chemicals and Cleansers

All germicides, disinfectants, chemicals, and cleansers must be used according to the manufacturer's requirements, used only for the purpose approved and intended by the manufacturer and properly labeled and stored so as to prevent contamination and hazard.

10.14 Labeling

All storage containers, cabinets, shelves, and other storage areas in the instrument storage area shall be properly labeled as to their contents, including, but not limited to, identification of contaminated or soiled contents as appropriate.

10.15 Linen Storage and Cleaning

Clean linen shall be stored in a manner so as to prevent contamination. Containers used for the storage of such linen shall be clearly labeled as to the contents and used for no other purpose. Linens that have become soiled or contaminated shall be disposed of, or not be used, until properly laundered contaminated linen shall be labeled, handled, stored, transported, and

laundered or disposed of so as to prevent hazard in a manner approved by the Board.

1. Any other protective clothing, garment or cloth items worn during or used during in Body Art activity and intended for reuse shall be mechanically washed with detergent and dried after each use. The items shall be stored in a clean, dry manner and protected from contamination until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160°F or a temperature of 120°F with the use of chlorine disinfectant.

10.16 Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units

1. Every ultrasonic cleaning unit and autoclave or sterilization unit shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit, autoclave or other sterilization unit shall be emptied and thoroughly cleaned and disinfected at least once each day that the unit is used.
2. Every autoclave or sterilization unit shall be tested with a commercial biological monitoring (spore) system test in a manner and frequency consistent with the manufacturer's instructions, but no less than once every week, to monitor the efficacy of the eradication of all living organisms, including spores, by the autoclave or other sterilization unit.
3. Biological monitoring [spore] system testing of the autoclave or other sterilization unit shall be performed by an independent commercial testing laboratory contracted by the operator and/or Body Art Practitioner. A provision shall be included in the contact between the operator and/or Body Art Practitioner with the commercial testing laboratory requiring the commercial testing facility to notify the Board of any failure of the autoclave or other sterilization unit to eradicate all living organisms, including spores.

10.17 Waste Hauling

1. All waste shall be removed from the Body Art Establishment daily and placed in an approved secured receptacle for pickup and removal.
2. All contaminated waste in solid form and sharps shall be disposed of through use of an approved waste hauler in accordance with all applicable state and federal and local laws and regulations. The frequency of disposal shall be determined by the Board but shall be no less than every 90 days.

11 - Conduct of Body Art

11.1 Workstation Sanitizing

1. All surfaces in a workstation which come in contact with a client, or which become contaminated, or which may reasonably have become contaminated shall be cleaned with water and soap or other appropriate cleaning compound immediately following the conduct of Body Art upon a client.
2. The workstation, including, but not limited to the client's chair, table, tray, procedure surface and similar surfaces shall be thoroughly sanitized with an approved disinfectant immediately before and immediately after the conduct of Body Art upon a client.

11.2 Hand Washing and Use of Gloves

1. A Body Art Practitioner shall clean his or her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry the same with single-use paper

- towels or like material prior to conducting any Body Art activity.
2. A Body Art Practitioner shall wear new, clean, single-use examination gloves while assembling all Instruments and other supplies intended for use in the conduct of Body Art and during the conduct of Body Art upon a client. New, clean, single-use non-latex examination gloves shall be used during the preparation for and the conduct of any Body Art activity upon a client with a known or a suspected latex allergy.
 3. If an examination glove is pierced, torn, or contaminated through contact with any part of the client not subject to the conduct of Body Art or such other surface to present the possibility of Contamination, any person other than the client, or otherwise exposed to an unsanitary or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle. The Body Art Practitioner shall don new gloves before proceeding with the conduct of Body Art.
 4. If the gloves of a Body Art Practitioner are removed at any time during assembly of instruments or supplies, or the conduct of Body Art, the Body Art Practitioner must clean his or her hands and don new gloves in accordance with this section.
 5. The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

11.3 Instrument and Equipment Preparation

1. Every Body Art Practitioner shall use linens, properly cleaned in accordance with this regulation, or new single-use drapes, lap cloths, and aprons for each element of Body Art conducted upon a client.
2. Every substance used in the conduct of Body Art shall be dispensed from containers so as to prevent Contamination or the possibility of Contamination of the unused portion. Immediately before tattooing a client, a sufficient quantity of the ink, dye, or pigment to be used shall be transferred from its original bottle or container into sterile, single-use disposable cups, caps or containers.
3. Upon sanitization of the workstation, the instrument tray shall be covered with an uncontaminated single-use paper towel, tray cover or similar material
4. Every instrument required for the conduct of Body Art upon a client shall be placed and arranged on the instrument tray in a manner so as to prevent contamination of sterilized Instruments. All sterilized instruments shall remain in Sterile packages until opened in front of the client.
5. Sharp's containers shall be easily accessible to the Body Art Practitioner and located as close as is feasible to the immediate area where the sharps will be used.

11.4 Use of Workstation

1. The conduct of Body Art shall occur only under sterile conditions.
2. Only the client, the parent or legal guardian of a minor client, a companion of the client, the Body Art Practitioner conducting the Body Art and an assistant or apprentice to the Body Art Practitioner - with the express permission of the client, shall be permitted in the workstation during the conduct of Body Art.

11.5 Use of Instruments, Supplies and Sharps

1. All Instruments used in the conduct of Body Art shall be without contamination, and shall be properly cleaned, sanitized and sterilized in accordance with this Regulation.
2. All instruments and other equipment or supplies used in the conduct of Body Art that are

designed or intended for single use shall only be used once.

3. All sharps shall be properly disposed of immediately following use in a sharps Container.
4. All products applied to the skin, including Body Art stencils, shall be single-use and shall be used only once.
5. Products used in the application of Body Art stencils shall be dispensed and applied to the area of the Client upon which the Body Art activity is to be performed with sterile gauze or other sterile applicator so as to prevent contamination of the container and contents of the product in use. The gauze or other applicator shall be used only once.
6. Only single-use disposable razors shall be used in the conduct of Body Art activities and such single-use disposable razors shall not be used more than one time.

11.6 Waste Disposal

Disposable items such as gloves, wipes, cotton balls, Q-tips, water cups, rinse cups (used alone or in an ultrasonic cleaning unit), drapes, lap cloths, aprons and other single-use items that have come into contact with any person, client, workstation, instrument trays, counters, towels or linens used for the conduct of Body Art, or have otherwise become contaminated shall be promptly discarded during or upon completion of the conduct of Body Art into an appropriate waste receptacle in accordance with this Regulation.

11.7 Multiple Body Art Activities

Multiple Body Art activities on a single client, each requiring proper washing, cleaning, sanitization and sterilization of instruments, workstations and other equipment and areas as set forth under these Regulations.

12 - Enforcement of Body Art Regulation

12.1 Grounds for Denial of License, Suspension of a License, Revocation of a License, or Refusal to Renew a License

1. The Board may deny a license, suspend a license, revoke a license, or refuse to renew a license on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
 - a. any actions which would indicate that the health or safety of the public would be at risk.
 - b. fraud, deceit, or misrepresentation in obtaining a permit, or its renewal.
 - c. criminal conduct which the Board determines to be of such nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts.
 - d. any present or past violation of the Board's regulations governing the practice of body art.
 - e. practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability.
 - f. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects.
 - g. knowingly permitting, aiding, or abetting an unauthorized person to perform activities requiring a permit.
 - h. continuing to practice while his/her permit is lapsed, suspended, or revoked; and

- i. having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations.
 - j. other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.
- 2. The board shall notify an applicant, establishment, or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, suspend, revoke, or refuse to renew a permit. Unless otherwise determined by the Board, the applicant, establishment, or practitioner shall have 7 days after the receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke, or refuse to renew a permit, if the applicant, establishment, or practitioner fails to comply after said 7 days.
- 3. An applicant denied a permit or an establishment or practitioner subject to suspension or revocation may reapply at any time after denial.

12.2 Grounds for Suspension of Permit

Notwithstanding the forgoing and subject to the provisions below, the Board, or its agent, may summarily suspend a permit if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety, or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board or its agent.

12.3 Procedure for Hearings

1. Suspension of a Permit

- a. After a Board suspension of a permit, the suspended establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board if and only if, no later than twenty-one (21) calendar days after the effective date of the suspension, the establishment or practitioner files a written request for hearing with the Board. A request for hearing shall not stay the suspension.
- b. In cases of suspension of a permit, the Board shall determine whether by a preponderance of the evidence there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety, or welfare. The Board shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.
- c. In appropriate cases, the Board may combine any hearing under this Section, with a hearing to consider revocation or any other matter under these Regulations.

2. Denial, Revocation, or Refusal to Renew a Permit

- a. If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing by giving not less than three (3) business days' notice to the establishment or practitioner.
- b. Following the hearing, the Board shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

- c. In appropriate cases, the Board may combine any hearing under this Section, with a hearing on any other matter under these Regulations.

3. Unauthorized Practice of Body Art

- a. The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

12.4 Violation by a Body Art Practitioner

1. A Body Art Practitioner License shall be suspended by the Board immediately upon written notice of such suspension to the subject Body Art Practitioner when, in his or her sole discretion, the Health Agent, has reason to believe that, due to a condition or practice of the subject Body Art Practitioner, an imminent threat to the public health and/or welfare exists.
2. When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Health Agent, the Health Agent may terminate the suspension of the Body Art Practitioner License of the subject Body Art Practitioner and reinstate the same upon written notice to the subject Body Art Practitioner and the Body Art Practitioner License of such Body Art Practitioner shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof by the Health Agent or Board.
3. In all other instances of a violation of this Regulation by a Body Art Practitioner, the Board shall serve upon the subject Body Art Practitioner a written order of notice detailing the condition, event or practice determined by the Health Agent to be in violation of this Regulation and such written order of notice shall instruct the Body Art Practitioner that he or she shall have 5 business days to abate or correct such condition, event or practice to the satisfaction of the Health Agent.
4. Should a Body Art Practitioner, subject to an order of notice pursuant to section 12.4(3) fail to abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Health Agent may suspend, terminate, revoke or modify the License held by such Body Art Practitioner, subject to the hearing provisions of section 12.3 (or 12.7).

12.5 Violation by an Operator of a Body Art Establishment

1. A Body Art Establishment Permit shall be suspended by the Board immediately upon written notice of such suspension to the subject operator when, in the sole discretion of the Health Agent, due to a condition of or practice in the Body Art Establishment, the Health Agent has reason to believe that an imminent threat to the public health and/or welfare exists.
2. When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Health Agent, the Health Agent may terminate the suspension of the Body Art Establishment Permit of the subject Operator and reinstate the same upon written notice to the subject operator and the Body Art Establishment Permit of such Body Art Establishment shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof by the Health Agent or Board.
3. In all other instances of a violation of this Regulation by an Operator or in a Body Art

Establishment, the Board shall serve upon the subject Operator written order of notice detailing the condition, event or practice determined by the Health Agent to be in violation of this Regulation and such order of notice shall instruct the Operator that he or she shall have 5 business days to abate or correct such condition, event or practice to the satisfaction of the Health Agent.

4. Should an Operator, subject to an order of notice pursuant to section 12.5 fail to abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Health Agent may suspend, terminate, revoke or modify the Body Art Establishment Permit held by such Operator, subject to the hearing provisions set forth herein.

12.6 Failure to Comply with Orders of the Board of Health

Whenever a Body Art Practitioner or operator has failed, to the satisfaction of the Board, to comply with an order of notice issued by the Board pursuant to the provisions of this Regulation, the Health Agent may suspend the Body Art Practitioner License of the subject Body Art Practitioner or the Body Art Establishment Permit of the subject operator until such time as the subject Body Art Practitioner or operation has complied with the order of notice to the satisfaction of the Board.

12.7 Right to a Hearing

1. No license or permit granted under these Regulations, whether for the individual practitioners or for the establishments may be suspended or revoked without a hearing except in cases of emergency or where a substantial risk to the public health exists as determined by the Health Agent. In such cases, a hearing will be conducted within a reasonable time after the suspension has taken place.
2. Prior to a hearing on the license suspension or revocation, the licensee shall be notified in writing of the proposed action and hearing, including the date, time, and location of the hearing.
3. At the hearing the petitioner shall be given an opportunity to be heard. After the hearing, the Health Agent shall notify the licensee in writing of the decision.

12.8 Enforcement

The Board may, as it deems appropriate, employ any of the below enforcement methods individually or together and may initiate civil or criminal, or non-criminal enforcement as the particular matter warrants including a civil action for injunctive relief.

12.8.2 Criminal Prosecution

The Board shall refer to the appropriate District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention.

12.8.3 Fine for Violation - Each Day a Separate Offense

The fine for a violation of any provision of this Regulation shall be \$300 per offense. Each day that a violation continues shall be deemed to be a separate offense.

12.8.4 Non-Criminal Disposition

In accordance with M.G.L. c.40 s.21D, and this Regulation as amended from time to time, at the discretion of the Board, whoever violates any provision of this Regulation, may be penalized by a non-criminal disposition as provided in M.G.L c.40 s.21D. The enforcing persons shall be the Health Agent and any member of the Board.

Section 13 – Severability and Administration

13.1 Severability

If any provision or subpart contained in this Regulation is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart shall not be so affected but shall remain in full force and effect.

13.2 Administration and Enforcement

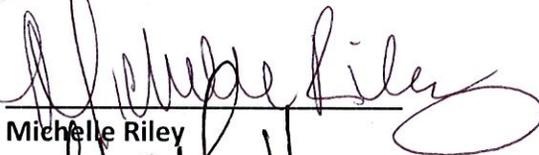
This Regulation shall be administered and enforced by the Health Agent for the Town established pursuant to M.G.L. c.111, s.26B.



Sheila Perrault, Chairperson



Michael-Ryan Roache, Vice Chairperson



Michelle Riley



Stephen Jeannette