



City of Gloucester **Board of Health** Regulations

For **Body Art**

Adopted
January 18, 2001

Revised
01/05/01
02/07/02
03/01/07



Public Health
Prevent. Promote. Protect.

Gloucester Health Department

1. AUTHORITY

The Board of Health of the City of Gloucester, Massachusetts, acting under the authority of Chapter 111 Section 31 of the Massachusetts General Laws, hereby adopts the following regulations governing the operation and conduct of tattoo and body piercing establishments.

2. PURPOSE AND SCOPE

The City of Gloucester with the intent to protect the health, safety and welfare of the public is promulgating rules and regulations which provide minimum requirements to be met by any person performing tattooing or body piercing upon any individual and for any establishment where tattooing or body piercing is performed. Tattooing and body piercing are collectively referred to as Body Art. These rules and regulations are necessary to establish sanitary conditions and procedures which are designed to protect the public from the transmission of blood borne pathogens.

3. DEFINITIONS

Aftercare means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

Blood borne Pathogens Standards means OSHA Regulations 29 CFR 1910.1030.

Board of Health or Board means the Gloucester Board of Health or its authorized representatives, such as its staff, the Gloucester Health Department.

Body Art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall not be performed in a body art establishment.

Body Art Establishment or Establishment means a specified place or premise that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

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Body Art Practitioner or Practitioner means a specified person who has been granted a permit by the Board to perform body art in a body art establishment that has been granted a valid permit by the Board.

Body piercing means puncturing or penetration of the skin of a person with pre sterilized single-use needles and the insertion of pre sterilized jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with pre sterilized single-use stud-and-clasp ear-piercing systems.

Branding means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

Client means any person who has requested a body art procedure at a body art establishment.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that could release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials which are capable of releasing potentially infectious materials during handling; sharps and any wastes containing blood and/or other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Blood borne Pathogens", or as defined as "infectious or physically dangerous medical or biological waste" in accordance with in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Cosmetic tattooing see "Tattooing"

Department means the Massachusetts Department of Public Health or its authorized representatives.

Disinfectant means a product registered as a disinfecting agent by the U.S. Environmental Protection Agency.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

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Ear Piercing means the puncturing of the lobe of the ear with a pre-sterilized single-use stud and clasp ear-piercing system following manufacturer's instructions.

Equipment means all machinery, including fixtures, containers, vessels, tools, gloves, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot water means water that attains and maintains a temperature 110°-130°F.

Instruments used for Body Art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

Invasive means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

Minor means any person under the age of eighteen (18) years.

Operator means any person who alone, jointly or severally with others owns, has care, charge, or control of any body art establishment as agent or lessee of the owner or as an independent contractor, but is not required to be a body art practitioner.

Permit means approval in writing by the Board either (1) to operate a body art establishment or (2) to operate as a body art practitioner within a body art establishment.

Person means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

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Physician means an individual registered by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

Procedure Surface means 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.

Sanitization Procedure means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards.

Sanitary means clean and free of agents of infection or disease.

Sanitized means effective disinfectant treatment by a process using intermediate disinfectants for sufficient time to reduce the bacteria count including pathogens to a safe level on semi-critical or non-critical equipment.

Scarification means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

Sharps means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needles, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

Single Use means products or items that are intended for one-time, one-person use and are disposed of after use on each client, 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.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Tattoo means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

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Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), 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 (MMWR), 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 MMWR, July 12, 1991, Vol. 40, No. RR-8. 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 product.

4. GENERAL RULES AND REGULATIONS

(A) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.

(B) All establishments shall prominently display a disclosure statement approved by the Board which advises the public of the risks and possible consequences of body art procedures.

(C) The facility permit holder shall also post in public view the name, address and phone number of the Board of Health and the procedure for filing a complaint.

(D) Each body art practitioner must be a minimum of 18 years of age and shall not perform body art while under the influence of any substance which may impair their judgment or ability.

(E) It shall be unlawful for an operator/practitioner to pierce or tattoo any person under the influence of alcohol or drugs.

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(F) No practitioner shall perform any body art procedure upon a client under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require a practitioner to perform any body art procedure on a person under 18 years of age regardless of parental or guardian consent.

(G) Infections and adverse reactions of any kind shall be reported to the Gloucester Board of Health Department within twenty-four (24) hours. The client shall be referred to a physician for an examination.

(H) All body art establishments shall (as a pre-employment requirement) offer free hepatitis B vaccination series to their employees, as required by OSHA regulations. Proof shall be provided upon request of the Board of Health that all practitioners have either completed or were offered and declined, in writing, the hepatitis B vaccination series.

(I) Smoking, eating, or drinking is prohibited in the area where body art is performed.

(J) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums may be allowed in waiting rooms and non procedural areas.

(K) No practitioner shall perform any body art procedure upon a pregnant woman.

(L) The practitioner shall require from the client one form of identification which must be an acceptable photo ID such as a driver's license, passport, or other form issued by the Commonwealth. A copy shall be kept on file for one year.

(M) Only a physician licensed in accordance with M.G.L. c.112 § 2 shall be allowed to tattoo any person under the age of eighteen (18) and said physician must have the presence, consent and proper identification of a parent, legal custodian parent, or legal guardian.

(N) Safety tips, sanitation care and disclosure of risks and possible consequences must be provided in writing and read out-loud by the practitioner to the client. The client must sign and date said disclosure care. These records will be stored on site with all other record keeping.

5. PERMITS

(A) Establishment Permit

- (1) No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Board.
- (2) The establishment permit shall be an annual permit with a fee of \$100.00. This permit shall expire on December 31st of that year unless revoked sooner by the Board.
- (3) A permit for a body art establishment shall not be transferable from one place or person to another.
- (4) A current body art establishment permit shall be posted in a prominent and conspicuous area where clients may readily observe it.
- (5) The holder of a body art establishment permit must hire only practitioners who have complied with the practitioner permit requirements of this code.
- (6) New body art establishments shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Board, as part of the permit application process.

(B) Body Piercing and/or Tattoo Practitioner Permits

- (1) No person shall practice body piercing or tattoo procedures without first obtaining a practitioner's permit from the Board.
- (2) Tattooing and Body Piercing shall be considered separate practices and each procedure shall require individual licenses.
- (3) The practitioner permit shall be an annual permit with a fee of \$60.00. This permit shall expire on December 31st of that year unless revoked sooner by the Board.

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(C) Application for a practitioner permit shall include:

- (1) name;
- (2) date of birth;
- (3) gender;
- (4) residence address;
- (5) mailing address;
- (6) phone number;
- (7) place(s) of employment as a practitioner;
- (8) training and/or experience;
- (09) proof that the applicant has met all the minimal training requirement listed in Section 7 of these regulations.

(D) No permit shall be issued unless, following reasonable investigation by the Board, the body art establishment or practitioner has demonstrated compliance with the provisions of this section and all other provisions of these regulations.

(E) All permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of these regulations.

6. EXEMPTIONS

(A) Physicians licensed in accordance with M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations.

(B) Individuals who pierce only the ear lobe or the upper leading edge of the ear with a pre sterilized single-use stud-and-clasp ear-piercing system are exempt. However the practitioner must be able to demonstrate that all equipment, supplies or jewelry that come into contact with the client's ear are sterile, and that the practitioner's hands that come into contact with equipment, jewelry or the client's skin surface are clean and single-use disposable medical examination type gloves are used.

7. PROHIBITIONS

(A) Braiding, scarring, tongue splitting and 3-D body art shall be considered medical procedures and no body art practitioner or any other person (with the exception of a physician as defined in these regulations) shall perform these procedures within the City of Gloucester.

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(B) Temporary or mobile body art establishments shall not be allowed to operate within the City of Gloucester.

8. MINIMAL TRAINING

(A) Body art practitioners must show evidence that they have completed the following training programs (or equivalent), given or approved by the Board.

- (1) Basic training in First Aid and CPR, as well as recertification classes.
- (2) Prevention of Disease Transmission and Blood-borne Pathogens.
(a) Examples of courses approved by the Board include courses such as "Preventing Disease Transmission" (American Red Cross) and "Blood borne Pathogen Training" (U.S. OSHA).
- (3) For issuance of a Body Piercing Practitioner license, a basic Anatomy and Physiology course as taught by a College or Community College.
- (4) For issuance of a Tattoo Practitioner license, a basic skin anatomy course as offered by a skilled professional approved by the Gloucester Board of Health.
- (5) Evidence of at least one (1) year of apprenticeship under the supervision of a trained and experienced body art professional, or proof of licensure in another Massachusetts community

(B) Employees must be trained in the use of a steam autoclave and adhere to the manufacturer's recommended procedures for the operation of the sterilization unit.

9. RECORDS AND REPORTS

(A) Establishment Records

(1) The following information shall be kept on file on the premises of a body art establishment and be available for inspection by the Board:

- (a) employee information
 - (1) full names and exact duties;
 - (2) date of birth;
 - (3) gender;
 - (4) home address;
 - (5) home /work phone numbers;
 - (6) identification photos of all body art practitioners;
 - (7) establishment information;
 - (8) establishment name;
 - (a) hours of operation;
 - (b) owner's name and address;
 - (9) proof of required training and apprenticeship.

(b) A complete description of all body art procedures performed.

(c) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

(d) A copy of these regulations.

(e) Proof of agreement with a sharps and biohazard disposal company showing maximum 30 day interval between pickups.

(B) Client Records

(1) Prior to performing any body art procedure, the body art practitioner shall request from the client, verbally and in writing, the following health history information:

- (a) history of diabetes;
- (b) history of hemophilia (bleeding);
- (c) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;

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- (d) history of allergies or adverse reactions to pigments, dyes, latex, or oilier sensitivities;
- (e) history of epilepsy, seizures, fainting, or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.

If there is a history of any of these conditions, the client shall be advised by the practitioner to first consult with their private physician.

(2) The practitioner shall have the client sign a Release Form confirming that the above information was obtained. The client should be asked to disclose any other information that would aid the practitioner in evaluating the client's suitability for body art procedures.

(3) Each operator shall keep records of all body art procedures administered, including date, identification and location of the body art procedure(s) performed, ink type, jewelry used, and practitioner's name. All client records shall be confidential, kept locked and secured and be retained for a minimum of three (3) years. These records shall be made available to the Board upon notification for the purpose of complaint investigations, license renewal or other reasons the Board may deem reasonable.

(4) Nothing in this section shall be construed to require the practitioner to perform a body art procedure upon a client.

(C) Injury Reports

(1) A written report of any injury, infection, complication or disease to a client as a result of a body art procedure, or complaint of injury, infection, complication, disease or other adverse reaction, shall be forwarded by the operator or practitioner to the Board with a copy to the complainant or injured client within five working days of its occurrence or knowledge thereof. The report shall include:

- (a) the name, address and telephone number of the effected client;
- (b) the name and location of the body art establishment involved;
- (c) the nature of the injury, infection, complication, disease or other adverse reaction;

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(d) the name and address of the affected client's health care provider, if any; (e) any other information considered relevant to the situation.

(D) Records Retention

(1) The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the name of the practitioner who performed the procedure(s), type and location of procedure performed including ink type and jewelry used, and signature of client, and, if the client is a minor, proof of parental or guardian presence and consent. Such records shall be confidential, kept locked and secured and be retained for a minimum of three (3) years. These records shall be made available to the Board upon notification for the purpose of complaint investigations, license renewal or other reasons the Board may deem reasonable.

10. FACILITIES AND EQUIPMENT

(A) Facilities

(1) All walls, floors, ceilings, and procedure surfaces within the body art establishment shall be smooth, non-porous, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.

(2) All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.

(3) Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.

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(4) There shall be a minimum of 45 square feet of floor space for each practitioner in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.

(5) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

(6) A separate, readily accessible hand sink with hot and cold running water, under pressure equipped with a wrist sensor, foot operated controls or other device which will not allow recontamination of practitioner's hands and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three practitioners.

(7) There shall be a minimum of one lavatory, excluding any service sinks, and one working toilet in a body art establishment or as required in the Commonwealth of Massachusetts Fuel Gas and Plumbing Code.

(8) At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.

(9) At least one stationary sharps container shall be provided at each practitioner site. All sharps containers shall be lidded.

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(B) Equipment

- (1) All instruments and supplies shall be stored in clean, dry, and covered containers.
- (2) Jewelry used in body art procedures shall be made of only the following materials:
 - (a) Surgical-implant-grade stainless steel; solid 14K or 18K white or yellow gold; niobium; titanium or platinum.
 - (b) All jewelry shall be free of nicks, scratches or irregular surfaces and shall be properly sterilized prior to use.
- (3) Reusable cloth items shall be mechanically washed with hot water, sanitized and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
- (4) Any cloth, soiled with body fluids, shall be sanitized in a chlorine solution before being washed. This process shall be performed by soaking the cloth in a 200 ppm solution (one tablespoon of chlorine/gallon of water) for one (1) minute. All solutions shall be tested by using litmus paper strips for testing chlorine sanitizers.
- (4) Every chair or bed used in each body art procedure shall be wiped down and sanitized after completion of work on each client and before commencing work at the start of a new day.

11. OPERATION PROCEDURES

(A) Before any act of body art, verbal and written instructions for the aftercare of the body art procedure site shall be provided to each client by the operator/practitioner.

- (1) The written instructions shall advise the client:
 - (a) on the proper cleansing of the area which received the body art; (b) to consult a health care provider for:
 - (1) unexpected redness, tenderness or swelling at the site of the body art procedure.
 - (2) rash
 - (3) drainage at or from the site of the body art procedure.
 - (4) fever within 24 hours of the body art procedure.
 - (b) statement referring to an anticipated time for healing.
- (2) address, and phone number of the establishment.
- (3) These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.

(B) Practitioners shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.

(C) Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use and applicable U.S. Food and Drug Administration requirements.

(D) Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towel. This shall be done as often as necessary to remove contaminants.

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(E) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors shall be used and discarded in closed sharps containers after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(F) All equipment and packages containing sterile equipment to be used during the body art procedure shall be set up and opened in front of the client.

(G) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, discarded immediately after use in appropriate covered biohazard containers, and disposed of in accordance with 105 CMR 480.000.

(H) In performing body art procedures, the practitioner shall wear disposable single-use gloves. Gloves must be changed if they become contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person or on more than one body part of the same person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

(I) If, while performing a body art procedure, the practitioner's glove is pierced, torn, or otherwise contaminated, the contaminated gloves shall be immediately discarded, and the hands washed thoroughly before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

(J) Practitioners who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA regulations regarding the reporting and follow-up on needle stick injuries. OSHA guidelines shall be posted in an employee area (Code of Federal Regulations 29 CFR 1910.1030-f).

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(K) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

(L) The skin of the practitioner shall be free of rash or infection. No person or operator 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 fluids.

12. SANITATION AND STERILIZATION PROCEDURES

(A) All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, a solution of household chlorine bleach as recommended by the CDC or by following the manufacturer's instructions to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.

(B) After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.

(C) All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Board.

(D) Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

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(E) Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by twice monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

(F) All reusable needles used in body art procedures shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(G) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(H) All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

(I) The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

13. REQUIREMENTS FOR SINGLE USE ITEMS

(A) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers and in accordance with 105 CMR 480.00.

(B) All products applied to the skin, including body art stencils, shall be single use and disposable.

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(C) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used only once and then discarded.

14. STORAGE AND DISPOSAL OF WASTE

(A) Contaminated waste as defined in this code that may release liquid blood or other body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.00: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, or, at a minimum, in compliance with 29 CFR Part 19 10.1030, "Occupational Exposure to Blood-borne Pathogens".

(B) Storage of contaminated waste on site shall not exceed 30 days.

(C) Used sharps ready for disposal shall be discarded in approved sharps containers.

(D) Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

15. COMPLAINTS

(A) The Board shall notify the practitioner/operator prior to investigating any complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.

(B) 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.

(C) If the Board finds that an investigation is required, 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 apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner. **(Continued Page 21)**

17. GROUND FOR SUSPENSION OF PERMIT

The Board or its staff may summarily suspend a permit pending a hearing on the merits of the question of revocation 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. A hearing by the Board regarding the suspension shall be granted within fourteen (14) days of the written notice.

18. GROUND FOR REVOCATION OF PERMIT OR REFUSAL TO RENEW

(A) The Board may revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:

- (1) Fraud or misrepresentation in obtaining a permit, or its renewal;
- (2) Criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner 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;
- (3) Violation of any rule or regulation of the Board governing the practice of body art;
- (4) Other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice body art;
- (5) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- (6) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
- (7) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
- (8) Continuing to practice while his/her permit is lapsed, suspended, or revoked; **(Continued Page 23)**

(9) 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, and,

(10) Refusing to practice body art on a person because of such person's race, creed, color, gender, age, disability, national origin, or sexual orientation.

19. PROCEDURES FOR HEARING

(A) Suspension of a Permit.

(1) Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.

(2) Such a hearing shall be initiated no later than fourteen (14) calendar days after the effective date of the suspension.

(B) Denial, Revocation, or Refusal to Renew a permit.

(1) 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, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations.

(a) The written notice shall be served in the following manner:

(1) personally, by any person authorized to serve civil process, or

(2) by any person authorized to serve civil process by leaving a copy of the order at his last and usual place of abode, or

(3) by sending a copy of the notice by registered or certified mail, return receipt requested, if within the Commonwealth, or

(4) if the last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the premises and by advertising it for at least three out of five consecutive days in one or more newspapers of general circulation within the municipality wherein the denial, revocation or refusal is situated. **(Continued Page 24)**

The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.

(2) A permit may be denied, revoked or refused renewal only after a hearing conducted by the Board;

(3) 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.

20. UNAUTHORIZED PRACTICE OF BODY ART

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.

**ADOPTED 01/18/01
REVISED 04/05/01
REVISED 02/07/02
REVISED 03/01/07**