

Town of Westford Board of Health

Body Art Regulation

Adopted by the Board of Health on March 12, 2001

Amended December 10, 2018

AUTHORITY:

This regulation is promulgated under the authority of Section 3 1, Chapter 1 1 1 of the Massachusetts General Laws and amendments and additions thereto, in the interest of and preservation of public health.

Rationale: The town of Westford is promulgating this regulation that provides minimum requirements to be met by any person performing body art upon any individual and in any establishment where body art is performed. These requirements shall include but not be limited to general sanitation of premises where body art is to be performed and the use of pre-sterilized, disposable equipment. This regulation is necessary to protect the public's health by preventing diseases, specifically including but not limited to transmission of Hepatitis B/C and/or Human Immunodeficiency Virus (HIV/AIDS).

In addition, this regulation establishes procedures for permitting of all persons performing body art, for the requirement of training courses in disease prevention and in anatomy and physiology, for regular inspections of premises where body art is performed, and for revocation of the permit of any person or establishment deemed in violation of this regulation promulgated under Mass. General Laws, c. 1 1 1, section 31. An annual, non-transferable permit fee set by the Town of Westford Board of Health must be paid by any person or establishment permitted under this regulation.

I. DEFINITIONS:

Aftercare 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 shall include information about when to seek medical treatment, if necessary.

Antibacterial solution — a chemical agent that destroys the growth of bacteria on human skin or mucosa.

Antiseptic solution — a chemical agent that retards the growth of bacteria on human skin or mucosa.

Applicant-any person who applies to the Board of Health for either a body art establishment permit or a practitioner permit.

Autoclave- an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving- a process that results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure per square inch (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard — as defined in the Federal Occupational, Safety and Health Administration (OSHA) regulations published at 29 Code of Federal Regulations (CFR) 1910.1030.

Board of Health (BOH)/ Board — the Town of Westford agency, or its authorized representatives, having jurisdiction to promulgate, monitor, administer, and enforce these regulations.

Board of Health (BOH) Permit for Body Art— written permission by the BOH to engage in the work of body art.

Body Art— the practice of physical body adornment by permitted establishments and practitioners using, but not limited to the following techniques: body art, tattooing, cosmetic tattooing, microblading, 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-- 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 for profit or not for profit.

Body Art Practitioner or Practitioner-a person who has been granted a permit by the Board, to perform body art in an establishment that has been granted a permit by the Board.

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

Body Piercing — puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing only the lower lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition. Establishment and/or individuals involved only in the piercing of earlobes must comply with relevant OSHA requirements.

Braiding- the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

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

Cleaning Area-a specific location within a body art establishment used in the sterilization, sanitation, or other cleaning of instruments or other equipment used for the practice of body art.

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

Contaminated Waste — any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would 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 and are capable of releasing these materials during handling; sharps and any waste containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens," or as defined as "infectious or physically dangerous medical or biological waste" in accordance with 105 Code of Mass. Regulations (CMR) 480.000: Storage and Disposal of Infectious or Physically dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Cosmetic Tattooing — also known as *permanent cosmetics*, *micro pigment implantation*, or *dermal pigmentation*, means the implantation of permanent pigment around the eyes, lips, and cheeks of the face and hair imitation.

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

Disinfectant — a product registered as a disinfectant by the U.S. Environmental Protection Agency.

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

Ear Piercing — the puncturing of only the lower lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following the manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the lower lobe of the ear.

Equipment — all machinery, including fixtures, containers, vessels, tools, 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 — 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 — water that attains and maintains a temperature of at least 110⁰-130⁰ Fahrenheit.

Instruments Used for Body Art -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 any body art procedures.

Inks/Pigments/Dyes-metal or salt-based substances injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

Invasive — entry into the body either by incision or 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.

Jewelry — 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 which has been properly sterilized prior to use.

Liquid Chemical Germicide — a disinfectant or sanitizer registered with the Environmental Protection Agency or a 1 : 100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (1/4 cup/gal. or 2 tablespoons/quart of tap water).

Microblading — a pulling or swiping motion with a set of slightly curved needles. It results in a fine line or scoring of the skin into which the temporary color is delivered by multiple needles being moved as they rotate through the skin in a slight curve.

Minor-any person under the age of 18.

Mobile Establishments- any trailer, truck, car, van, camper, or other motorized or nonmotorized vehicle; a shed, tent, movable structure, bar, home or other similar facility; or concert, fair, party, or other event where at one desire to or actually does conduct body art procedures.

Permit — written approval by the Westford Board of Health to operate a body art establishment. Such approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within the Board's jurisdiction.

Person — an individual, any form of business or social organization or any other nongovernmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust, or unincorporated organization.

Physician — an individual registered by the Massachusetts Board of Registration in Medicine pursuant to Massachusetts General Laws (M.G.L). c. 112 Sec. 2 as a qualified physician.

Procedure Surface — 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 that may require sanitizing.

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

Sanitize- the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

Scarification — 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 — any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including but not limited to pre-sterilized single use needles, scalpel blades, razor blades, lancets, and broken glass.

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

Single Use — products or items that are intended for one time, one person use and are disposed 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, protective gloves, lancets, stencils, and ink cups.

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

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

Tattooing — 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 either the temporary or permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing and microblading.

Three dimensional “3D” Body Art or Beading or Implantation — 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.

Ultrasonic Cleaning Unit- a unit approved by the Board, physically large enough to submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

Universal Precautions — a set of guidelines and controls, published by the Centers for Disease

Control (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 (HIV) and Hepatitis B Virus (HBV) 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, wearing gloves, and personal protective equipment, and injury prevention such as proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

II. RECORDKEEPING AND PROFESSIONAL STANDARDS OF BODY ART ESTABLISHMENTS

A. RECORD KEEPING:

2.1 The body art establishment shall maintain the following records for a period of three (3) years and these records shall be kept on file on the premises of the Establishment and available for inspection upon demand by the Board of Health:

a.) Establishment information that includes:

- 1.) Establishment name.
- 2.) Hours of operation.
- 3.) Owner's name and address.
- 4.) A complete description of all body art procedures performed.
- 5.) An inventory of all instruments, body jewelry, and all sharps used for any and all body art procedures.
- 6.) Material Safety Data sheets when available for each ink and dye used by the establishment
- 7.) Injury reports (kept permanently).
- 8.) A copy of these regulations.

b.) Employee information that includes:

- 1.) Full legal name and exact duties.

- 2.) Date of birth.
- 3.) Gender.
- 4.) Home address.
- 5.) Home and work telephone numbers.
- 6.) Identification photos.
- 7.) Dates of employment.
- 8.) Training records.
- 9.) Hepatitis B vaccination or declination notification.

c.) Client information that includes: 1.) Name.

- 2.) Age and valid photo D.
- 3.) Address of the client.
- 4.) Date of the procedure.
- 5.) Name of the practitioner who performed the procedure(s).
- 6.) Description of the procedure and location on the body.
- 7.) A signed consent form as specified in section 4.2.
- 8.) If the client is a minor, proof of parental or guardian identification, presence of the parent or guardian, and consent including a copy of the photo identification of the parent or guardian.
- 9.) Client information remains confidential at all times.

d.) Autoclave information that includes a copy of the manufacturer's manual as specified in Section 7.3, and a copy of the monthly spore destruction tests as specified in Section 7.4.

B. STANDARDS OF PRACTICE:

- 2.2 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.
- 2.3 The body art operator/practitioner must be a minimum of eighteen years of age.
- 2.4 Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed, with the exception of non -alcoholic fluids being offered to a client during or after a body art procedure.
- 2.5 Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.
- 2.6 The practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body-piercing procedures. Before performing body art, the practitioner must thoroughly wash hands in hot running water

with liquid antiseptic soap, then rinse hands, and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

- 2.7 In performing body art, the practitioner shall wear disposable single use exam gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or 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 washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program and as required by this regulation at section 2.6.
- 2.8 If, while performing a body art, the practitioner's glove is pierced, torn or otherwise contaminated, the procedure in 2.6 and 2.7 shall be repeated immediately before a fresh pair of gloves is applied. Any item or instrument used for body art/ tattooing 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.
- 2.9 Contaminated waste, as defined in this regulation, which may release liquid blood or body fluids when compressed or may release dried or liquid blood or body fluids when handled must be placed in an approved "red" bag that is marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical Waste, State Sanitary Code, Chapter VII. and, meets the standard published at 29 CFR (Code of Federal Regulations) Part 1910.1030, Occupational Exposure to Blood borne Pathogens. Sharps ready for disposal shall be disposed in approved sharps container. 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 through normal, approved disposal methods in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical Waste, State Sanitary Code, Chapter VII.
- 2.10 No tattooing, piercing of genitalia, branding, braiding, or scarification shall be performed on a person under the age of 18.
- 2.11 Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedures. Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor.
- 2.12 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.

- 2.13 The skin of the operator and 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 likelihood that they could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- 2.14 A practitioner shall perform body art in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control.
- 2.15 Practitioners who use ear piercing systems must conform to the manufacturer's directions of use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear-piercing system on any part of a client's body other than the lower lobe of the ear.
- 2.16 All ink dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the manufacturer's instructions.
- 2.17 Proof shall be provided upon request of the Board of Health that all operators/practitioners have either completed or were offered and declined in writing, the Hepatitis B vaccination series. This must be included as pre-employment requirement.

III. PUBLIC NOTIFICATION REOUIREMENTS

- 3.1 All establishments shall prominently display and give to each client a Disclosure Statement, provided by the Board of Health which advises the public of the risks and possible consequences of body art procedures.
- 3.2 Verbal and written instructions, approved by the Board of Health, for the aftercare of the body art procedure site shall be provided to each client by the operator/practitioner upon completion of the procedure.
- a.) The written instructions for the aftercare of the body art procedure shall advise the client
 - (1) on the proper cleansing and care of the area that received the body art
 - (2) to consult a health care provider for:
 - (a) unexpected redness, tenderness or swelling at the site of the body art procedure
 - (b) rash
 - (c) drainage at or from the site of the body art procedure
 - (d) fever within 24 hours of the body art procedure
 - b.) Address and phone number of the establishment.
 - c.) These written instructions for the aftercare shall be signed and dated by both the practitioner and the client, with a copy given to the client. The operator

must retain the original with all other required records as provided in section 2.1 of this regulation.

- 3.3 The operator shall also post in public view the name, address, and telephone number of the Westford Board of Health that has jurisdiction over this program and the procedure for filing a complaint
- 3.4 The operator must display the occupancy permit provided by the building inspectors, the establishment permit provided by the Board of Health, and each practitioner's permit.
- 3.5 All infections, complications, or diseases resulting from any body art procedure, which becomes known to the operator or practitioner, shall be reported within 24 hours to the Board of Health by the operator.

IV. CLIENT RECORDS

To properly evaluate the client's medical condition, prior to performing a body art procedure on a client, the practitioner shall:

- 4.1 Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:
 - a.) History of diabetes;
 - b.) History of hemophilia (bleeding);
 - c.) History of skin diseases, skin lesions, or skin sensitivity to soaps, disinfectants, etc.;
 - d.) History of allergies or adverse reaction to pigments, dyes, or other sensitivities;
 - e.) History of epilepsy, seizures, fainting, or narcolepsy;
 - f.) Use of medication, such as anticoagulants, which thin the blood and/or interfere with blood clotting (includes aspirin);
 - g.) Any other infections or conditions, such as hepatitis or HIV.
- 4.2 Require that the client sign a form confirming that the above information was provided; that the client does not have a condition that prevents the client from receiving body art; that the client consents to the performance of the body art procedure, and that the client has been given aftercare instructions as required by section 3.2.
- 4.3 Nothing in this section shall be construed to require the practitioner to perform a body art upon a client.

V. INJURY REPORTS

- 5.1 The operator or practitioner shall complete a written report of any injury, infection, complication, or disease of a client resulting from a body art procedure, or complaint of

injury, infection complication or disease, and shall be forward said written complaint to the Board with a copy to the complainant or injured client within 24 hours of its occurrence or knowledge thereof. The report shall include:

- a.) The name of the affected client;
- b.) The name and location of the body art establishment involved;
- c.) The nature of the injury, infection complication or disease;
- d.) The name and address of the affected client's health care provider, if any;
- e.) Any other information considered relevant to the situation.

VI. PREPARATION AND CARE OF THE BODY ART AREA

- 6.1 Before performing body art, the immediate area and surrounding area of the skin where the body art is to be placed shall be washed with antibacterial soap and water or an approved surgical skin preparation. If shaving is to be necessary, single use, disposable razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after each use. Following shaving, the skin and surrounding area shall be washed with antimicrobial soap and water. The washing pad shall be discarded after a single use.
- 6.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed immediately after use in appropriate covered containers and disposed in accordance with the provisions of 105 CMR 480.000.
- 6.3 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

VII. SANITATION AND STERILIZATION PROCEDURES

- 7.1 All non-single use, non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, 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 Center of Disease Control (CDC), or following the manufacturer's instructions to remove blood and tissue residue. They will then be placed in an ultrasonic unit sold for cleaning purposes as approved by the U.S. Food and Drug Administration. The ultrasonic unit shall also be operated in accordance with manufacturer's instructions.
- 7.2 After cleaning, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave, sold for medical sterilizing purposes under approval of the U.S. Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be marked with the date of sterilization. No sterilized packs shall be used after six (6) calendar months from this date.

- 7.3 The autoclave shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer use manual shall be kept on site and available for inspection by both the Board and other persons. Each autoclave shall be located away from workstations or areas frequented by the public.
- 7.4 Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave being used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until the Board of Health receives documentation of the autoclave ability to destroy spores. These test records shall be retained by the operator for a period of three (3) years and made available to the Board of Health upon request.
- 7.5 All instruments used in body art procedures shall be cleaned and sterilized before use and stored in sterilizer packs until immediately before the performance of a body art procedure.
After sterilization, the instruments used for body art shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 7.6 When assembling instruments used for body art, the practitioner shall wear disposable exam gloves and use sterile techniques to ensure that the instruments and gloves are not contaminated.
- 7.7 Reusable cloth items shall be mechanically washed with detergent and mechanically heat dried after each use. The cloth items shall be stored in a clean, dry environment until used. Should such items become contaminated directly or indirectly with body fluids, the items shall be washed in accordance with standards applicable to hospital and medical care facilities, at a temperature of 160 degrees F or a temperature of 120 degrees F with the use of sufficient amount of chlorine disinfectant.
- 7.8 Sterile instruments shall not be used if the sterilizer pack has been breached or after the expiration date without first repackaging and re-sterilizing.
- 7.9 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 appropriately discarded.

VIII. REQUIREMENTS FOR SINGLE USE ITEMS

- 8.1 Single use items shall not be used on more than one client for any reason. After a single use, needles and other sharps shall be immediately disposed in approved sharps containers and in accordance with 105 CMR 480.000.
- 8.2 All products applied to the skin, including body art stencils, shall be single use and disposable. Soap shall be dispensed and applied to the area to skin surfaces in a manner to prevent contamination of the original container and its contents as specified in Section 7.9.

- 8.3 Hollow bore needles or needles with cannula shall not be reused.
- 8.4 All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
- 8.5 The mixing of approved inks, dyes, or pigments or diluting with sterilized 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.

IX. REOUIREMENTS FOR PREMISES

- 9.1 Body art establishments shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Board of Health as part of the permit application process. The Board of Health may charge a reasonable fee for this review.
- 9.2 All walls, floors, ceilings, and all procedure surfaces of a body art establishment shall be durable, smooth, 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. 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, room where food is prepared, retail sales occur, or other such activity that may cause potential contamination of work surfaces.
- 9.3 Effective measures shall be taken by the body art operator/practitioner to protect the entrance into the establishment and 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.
- 9.4 There shall be a minimum of forty-five (45) square feet of floor space for each practitioner/client in the establishment (practitioner's area). Each establishment shall have an area, that may be screened from public view for clients requesting privacy. Dividers, curtains, or partitions, at a minimum shall separate multiple body art stations.
- 9.5 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100-foot candles shall be provided at the level where the body art is being performed, where instruments and sharps are assembled, and in all cleaning areas.
- 9.6 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).

- 9.7 A separate, readily accessible hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls, and supplied with liquid soap and disposable paper towels shall be readily accessible within the body art establishment. Each practitioner shall have a hand sink.
- 9.8 At least one covered waste receptacle shall be provided in each practitioner area and each bathroom. Receptacles in the practitioner area shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent resistant containers and shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
- 9.9 All instruments and supplies shall be stored in clean, dry, covered containers and kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- 9.10 There shall be a minimum of one clean restroom, excluding any service sinks containing a toilet and sink. The restroom shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
- 9.11 There shall be sharps containers in each practitioner area and in each cleaning area.
- 9.12 At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state, and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and be sufficient for cleaning of the establishment and storage of any equipment used for cleaning.
- 9.13 All premises must post an emergency plan which includes:
- a.) A plan for the purpose of contacting police, fire, or emergency medical services in the event of an emergency;
 - b.) A telephone that shall be easily available and accessible to all employees and clients during all hours of operation;
 - c.) A sign at or adjacent to all telephones indicating the correct emergency telephone numbers in large, plain, readable type with no other information.
- 9.14 The establishment shall have a cleaning area. Every cleaning area shall have an area for placement of an autoclave or other sterilization unit located or positioned within a minimum of 36 inches from the required ultrasonic cleaning unit.
- 9.15 The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area, or any other area in the body art establishment used for body art activities.
- 9.16 No body art location shall be kept open between the hours of 9:00 P.M. and 9:00 A.M. unless specifically authorized by the Board of Health in writing.

X. MOBILE ESTABLISHMENTS

10.1 No mobile body art establishments shall be allowed to operate in Westford.

XI. PERMT REOUIREMENTS

A. Establishment Permit

- 11.1 Any person operating a body art establishment shall obtain an annual permit from the Board of Health that expires each Dec 31st unless revoked sooner by the Board of Health in accordance with Section 15.
- 11.2 The applicant must provide the Board with the following information in order in order to be issued an establishment permit:
- a.) Name, address, and telephone number of:
 - 1.) The body art establishment;
 - 2.) The body art practitioner(s) working at the establishment;
 - b.) The manufacturer, model year, and serial number of the autoclave used in the establishment;
 - c.) A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations;
 - d.) A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board as part of the application process.
- 11.3 A permit for a body art establishment shall not be transferable from one place or person to another.
- 11.4 A current body art establishment permit shall be posted in a prominent and conspicuous area where clients may readily observe it.
- 11.5 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements and qualifications of this regulation.
- 11.6 The applicant shall pay a fee based upon the Board of Health fee schedule in effect at the time of application, as set by the Board of Health for each body art establishment's permit.

B. Body Art Practitioner

- 11.7 No person shall practice body art without first obtaining a practitioner permit from the Board of Health. The cost of such permit will be based on the current Board of Health fee schedule in effect at the time of application.
- 11.8 Exemptions to the Board of Health permitting process include:

- a.) Physicians as defined in Section 1.
- b.) Establishments that limit its practice to lower lobe ear piercing only, as defined in Section 1.

11.9 The practitioners permit shall be valid from the date of issuance and shall automatically expire on each December 31st unless revoked sooner by the Board of Health in accordance with Section 15.

11.10 Application for practitioners' permits shall include:

- a.) Name.
- b.) Date of birth.
- c.) Sex.
- d.) Residence address.
- e.) Mailing address.
- f.) Phone number.
- g.) Place(s) of employment as a practitioner.
- h.) Training and/or experience.
- i.) Photo ID.
- j.) Hepatitis B vaccination status or declination notice.
- k.) Proof of attendance at a blood borne pathogen training program (or equivalent) approved by the Board of Health

11.11 Before the Board will issue a practitioner a permit, the applicant must present proof of two years' experience in the practice of body art and demonstrate knowledge of the following subjects as listed below:

- a.) Anatomy and Physiology. The applicant must complete a course in anatomy and physiology with a grade of C or better from a college accredited by the New England Association of Schools and Colleges or comparable accrediting entity. This course must include instruction on the integumentary system (skin).
- b.) Skin disease disorders and conditions (including diabetes).
- c.) Infectious disease control including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitation/disaffection/sterilization methods and techniques.
- d.) Facility safety and sanitation. Knowledge of the above subjects may be demonstrated through documentation of attendance/completion of courses. Examples of courses approved by the Board of Health would include such courses as Prevention Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Training courses provided by professional body art organizations/associations or by equivalent manufacturers may also be submitted to the Board of Health for approval.
- e.) First Aid and CPR certification.

- f.) Proof of two (2) year experience in the practice of performing body art, whether such experience was obtained within or outside the Commonwealth of Massachusetts.

- 11.12 No permit shall be issued unless; following reasonable investigation by the Board of Health, the practitioner has demonstrated compliance with the provisions of this section and all other provisions of this regulation.
- 11.13 All practitioner permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this regulation.
- 11.14 All practitioner permits shall be posted in a prominent and conspicuous area of the establishment where clients may readily observe them.

XII. PROHIBITIONS

The following acts are prohibited:

- 12.1 Performing body piercing on a person under eighteen (18) years of age without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body art practitioner or responsible person at the facility at the time the body art is to commence. Photographic identification of the parent or legal guardian is required as well as the birth certificate of minor.
- 12.2 Tongue splitting; skin braiding; three dimensional/beading/implementation. The filing, fracturing, removal or tattooing of teeth. Cartilage modification; amputation body parts, genital modification. The injection of saline or other foreign substances under the skin unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- 12.3 Performing body art of any kind on genitalia.
- 12.4 Branding, scarification, braiding and tattooing procedures are prohibited for any person under the age of 18 regardless of parental consent.
- 12.5 Performing body art upon an animal.
- 12.6 Performing body art on a person who, in the opinion of the practitioner, is inebriated or appears to be under the influence of alcohol or drugs.
- 12.7 Owning, operating or soliciting business as a body art establishment without first obtaining all necessary permits and approvals from the Board of Health, unless specifically exempted by this regulation.
- 12.8 Obtaining or attempting to obtain any body art establishment or practitioner permit by means of fraud, misrepresentation, or concealment.

- 12.9 Piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing in any area from the corona glandis to the pubic bone.

XIII. ENFORCEMENT

- 13.1 A representative of the Board of Health shall properly identify himself or herself before entering a body art establishment to make an inspection. Such an inspection shall be conducted at least twice a year to ensure compliance with this regulation.
- 13.2 It is unlawful for any person to interfere with the Board of Health in the performance of its duties.
- 13.3 A copy of the inspection report shall be furnished to the permit holder or operator of the body art establishment. The Board of Health retaining possession of the original.
- 13.4 If, after investigation, the Board of Health finds that a permit holder or operator is in violation of this regulation, the Board of Health may advise the permittee or operator, in writing, of its findings and instruct the permittee and operator to take specific steps to correct such violations within a reasonable period of time, not to exceed seven (7) days.
- 13.5 If the Board of Health has reasonable cause to suspect that a communicable disease is or may be transmitted by a practitioner, the use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions that may adversely impact the health of the public, upon written notice to the permit holder or operator, the Board of Health may do any or all the following:
- a) Issue an order excluding any or all practitioners from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Board of Health determines there is no further risk to public health.
 - b) Issue an order to immediately suspend the permit of the licensed establishment until the Board of Health determines there is no further risk to the public health. Such an order shall state the cause for the action.

XIV. COMPLAINTS

- 14.1 The Board shall investigate complaints received about an establishment or a practitioner's practices or acts, that may violate any provisions of the Board's regulation.

- 14.2 If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulation, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- 14.3 If the Board finds that an investigation is required because the alleged act or practice may be in violation of the Board's regulation, the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action.
- 14.4 Investigation of complaints may lead to enforcement actions by the Board including revocation, suspension, or refusal to renew a permit by the Board.

XV. SUSPENSION OR REVOCATION OF PERMITS

- 15.1 Permits issued under the provisions of this regulation may be suspended temporarily or permanently by the Board of Health for failure of the holder to comply with the requirements of this regulation.
- 15.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this regulation, the operator or practitioner must be notified in writing that the permit is, upon service of this notice, suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Board of Health within ten business days.
- 15.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) business days following receipt of a written request, including a statement signed by the permit holder that in his or her opinion the conditions causing the suspension have been corrected and the submission of the appropriate re-inspection fees, the Board of Health shall re-inspect the body art establishment or evaluate documentation provided by a permit holder. If the permit holder is in compliance with the provisions of this regulation, the permit shall be reinstated.
- 15.4 For repeated or serious (any regulation infraction that threatens the health of the client, practitioner or operator) violations of any of the requirements of this regulation or for interference with the Board of Health personnel in the performance of their duties, the establishments' permit may be permanently revoked after a hearing. Before taking such action, the Board of Health shall notify the permit holder or operator in writing, stating the reason(s) for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or hearing relative thereto.

- 15.5 The Board of Health may permanently revoke a permit after five (5) business days following service of the notice unless a request for a hearing is filed within the five (5) business day period with the Board of Health by the permit holder.
- 15.6 The Board of Health must conduct the hearings provided in this section at a time and place designated by the Board of Health. Based upon the record of the hearing, the Board of Health shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing. The Board of Health must furnish a written report of the hearing decision to the permit holder or operator.
- 15.7 Any person who performs body art without a permit will be penalized by a fine of \$ 1000 per day/violation.
- 15.8 Any person performing body art on a minor, without the written consent and presence of a parent or legal guardian, will be penalized by a fine of \$1000 per violation/person.
- 15.9 Any person performing tattooing, branding, or scarification on anyone under the age of 18 will be penalized a fine of \$1000 per violation/person.

XVI. VARIANCES

- 16.1 The Board of Health may vary the application of any provision of this regulation with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest injustice
- 16.2 Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof.
- 16.3 Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the Board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

XVII. SEVERABILITY

- 17.1 If any section, paragraph, sentence, clause, phrase, or word of this regulation is declared invalid for any reason, that decision will not be applicable to the remaining portions of these regulations.