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EASTON BOARD OF HEALTH
BODY ART REGULATIONS

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EASTON BOARD OF HEALTH
BODY ART REGULATIONS

1.00 GENERAL

1.01 Purpose

Body art is becoming prevalent and popular throughout the Commonwealth. To prevent the transmission of disease and injury to the client and practitioner, the body art practitioner must know and practice universal precautions, sanitation, personal hygiene, sterilization, and proper aftercare requirements.

These regulations provide minimum requirements for any individual performing body art and for any establishment where body art is performed. In addition, these regulations establish licensing requirements for all individuals performing body art; regular inspections of establishments where body art is performed; and revocation of the licenses of practitioners or permits of establishments when the Board finds a violation of these regulations.

An annual, non-transferable license or permit fee must be paid by any individual and establishment licensed or permitted under these regulations.

1.02 Authority

The Easton Board of Health promulgates these regulations under Mass. Gen. Laws, c. 111, §31, which grants to local health boards the authority to promulgate reasonable regulations for the protection of public health and to impose a fine for the violation of any such regulation.

1.03 Exempt Procedures

Individuals conducting the following activities are exempt from the provisions of these regulations:

(a) Physicians licensed in accordance with Mass. Gen. Laws, c. 112, §2, who perform body art procedures as part of patient treatment; and

(b) Individuals who pierce only the ear with a sterilized single-use stud-and-clasp ear-piercing system.

1.04 Prohibition of Mobile or Temporary Body Art Establishments in Easton

No mobile or temporary body art establishments shall be allowed to operate in Easton.

1.05 Severability

If any provision contained in these regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

1.06 Definitions

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

Autoclave – an apparatus for sterilization that uses steam pressure at a specific temperature over a period of time. The term "autoclaving" is sometimes used by health agents to refer to 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 – the standard defined in the Federal Occupational Safety and Health Administration guidelines published at Title 29, Code of Federal Regulations, Section 1910.1030 "Occupational Exposure to Bloodborne Pathogens."

Board; Board of Health – the Easton Board of Health or its authorized representative having authority to monitor, administer, and enforce these regulations.

Body Art Procedures – the practice of physical body adornment by licensed establishments and approved practitioners using but not limited to the following procedures: 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, such as implants under the skin, which procedures shall not be performed in a body art establishment or by a body art practitioner.

Body Art Establishment or Establishment – a location, place, or business, whether public or private, that has been granted a license by the Easton Board of Health in which body art procedures are performed, whether for profit or not for profit.

Body Art Practitioner or Practitioner – a specifically identified individual to whom the Easton Board of Health has granted a permit to perform body art procedures in an establishment to which the Board has granted a license.

Body Piercing – [see Piercing]

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, making a serious burn that eventually becomes a scar.

Cleaning Area – the area in a body art establishment that is dedicated to the sterilization, sanitation, or other cleaning of instruments or other equipment used in the practice of body art. Cleaning areas must be located away from workstations and away from areas frequented by persons other than the employees.

Client – a member of the public who requests a body art procedure at a body art establishment.

Contaminated Waste – waste as that is defined in Title 105, Code of Massachusetts Regulations, Chapter 480.000 "Disposal of Infectious or Physically Dangerous Medical or Biological Waste" (State Sanitary Code, Chapter VIII), and Title 29, Code of Federal Regulations, Part 1910.1030. This waste includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious materials and which are capable of releasing these materials during handling; sharps; and any wastes containing blood or other potentially infectious materials.

Cosmetic Tattooing – the implantation of permanent pigment around the eyes, lips and cheeks of the face, and hair imitation. Cosmetic tattooing is also known as permanent cosmetics, micro-pigment implantation, or dermal pigmentation.

Disinfectant – a product registered as a disinfectant by the U.S. Environmental protection Agency (EPA).

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

Employee – persons who work in a body art establishment, including independent body art practitioners.

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

Exposure – an event whereby there is an eye, mouth or other mucus membrane, non-intact skin, or parental contact with the blood or bodily fluids of another person or with other potentially infectious matter.

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 110 – 130 degrees Fahrenheit.

Instruments Used for Body Art – hand pieces, needles, needle bars, and other devices that may be used by the practitioner to perform any body art procedure.

Infectious – the ability to cause or communicate infection / disease, as from one person to another or from one part of the body to another. Infectious should not be confused with "contagious," which is an infection or disease that is capable of being transmitted. An infectious person or item carries or spreads a contagious disease.

Invasive – entry into the human body either by incision or insertion of any instrument into or through the skin or mucosa (mucous membranes) or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry – any ornament inserted into a newly pierced area that 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. Such ornament must be free of nicks, scratches, or irregular surfaces and properly sterilized before use.

License – Board approval in writing to operate a body art establishment. Said license is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the jurisdiction of the Board.

Light Colored – a light reflectance value of 70-percent or greater, which means that where these regulations require a light colored surface, such surface shall be white or off-white.

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

Mobile Body Art Establishment – any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, shed, tent, movable structure, bar, home, or other facility wherein a person desires to or actually does body art procedures. Mobile body art establishment also means a concert, faire, party or other event where a person desires to or actually does body art.

Operator – any person who individually or jointly or severally with others owns, manages, or controls a body art establishment, but is not a body art practitioner.

Permit – Board approval in writing to function as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations.

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

Piercing –

Body Piercing - the puncturing or penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment into the opening. This definition does not encompass ear-piercing system, which system shall not be used for body piercing.

Ear Piercing – the puncturing of the lobe of the ear with a pre-sterilized single use stud-and clap ear-piercing system following the instructions of the manufacturer.

Pre-sterilized – instruments or procedure setups that are sold individually packaged and sterilized. Each package shall have a sterilization lot number that may be audited.

Procedure Surface – any surface of an inanimate object that contacts the client's unclothed body during a body art procedure or any work area that may require sanitizing that is associated with the body art procedure. Procedure surface also refers to the actual skin area of the body art procedure and any adjacent skin area that requires cleaning, shaving, or other preparation for the body art procedure.

Sanitary – clean and free of agents of infection or disease affecting human health; taking measures for guarding against the spread of infection or disease. When a surface or object is not free of agents of infection or disease, the surface or object is "insanitary" and likely to cause disease.

Sanitize – the effective disinfectant treatment that reduces to a safe level or eliminates pathogens on procedure surfaces as those are defined in these regulations. Sanitizing may be accomplished with the use of an U.S. EPA registered disinfectant, such as iodophor, chlorine, or phenolic, on a clean surface in accordance with the label instructions.

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

Sharps – any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including but not limited to needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container – 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 Items – products that are intended for one-time, one-person use and are disposable after use. Single-use items include but are not limited to cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and other sanitary coverings, razors, piercing needles, lancets, scalpel blades, stencils, ink cups, and protective gloves.

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

Tattoo – the 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 permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

Temporary Body Art Establishment - [*see* Mobile Body Art Establishment]

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 material such as steel, titanium, rubber, latex, plastic, glass, or other inert matter, beneath the surface of the skin of a person. This term does not include body piercing.

Ultrasonic Cleaning Unit – a unit, approved by the Easton Board of Health, physically large enough to fully 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 method of infection control requires all persons to assume that all human blood and specified human body fluids are infectious for the human immunodeficiency virus (HIV), hepatitis B virus (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.

The Universal Precautions guidelines and controls are published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report, 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.

2.00 PERMITTING BODY ART PRACTITIONERS; LICENSING BODY ART ESTABLISHMENTS

2.01 Body Art Practitioner Permit: Application – Initial and Renewal

(a) Permit Application Fee, Information. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Easton Board of Health.

(1) The Board shall set a reasonable fee for issuing and renewing such permit.

(2) A practitioner permit shall be valid from the date of issuance and shall expire one year from the date of issuance, unless revoked sooner by the Board.

(3) The Board shall require, at a minimum, the person applying for a practitioner permit or renewal thereof to provide the following information: name, date of birth, residence address, mailing address, telephone number, place(s) of employment as a practitioner, proof of a current Hepatitis B vaccination as provided in Section 2.03, and proof of the required training or experience as set forth in Section 2.04.

(4) The Board shall condition the practitioner permit upon the practitioner's continued compliance with all applicable provisions of these regulations.

(b) Age Requirement. A person applying for a practitioner permit shall be a minimum of 18 years of age.

(c) Possible Limitation on Permit. The Board of Health may limit any practitioner permit granted to certain body art activities. Where the permit is limited to a specific body art procedure, then the permit shall state such in bold lettering on the first page of the permit.

(d) Reapply. Where the Board denies a permit or refuses to renew a permit, an applicant or practitioner may reapply at any time.

2.02 Body Art Practitioner Permit: Denial, Suspension, Revocation, and Renewal Refusal

(a) Prohibitions. The Board may suspend, deny, revoke, or refuse to renew a practitioner permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation, or refusal to renew. The Board may take the previously listed enforcement actions where the applicant or practitioner:

(1) Takes any action that risks the health or safety of the public;

(2) Uses fraud, deceit, or misrepresentation in obtaining a permit or the renewal of the permit;

(3) Engages in criminal conduct that the Board determines to be of such a nature as to render the person unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, plea of guilty, or plea of *nolo contendere* or an admission of sufficient facts;

(4) Violates or has violated any of the Board's regulations governing the practice of body art;

(5) Practices or has practiced body art while the ability to practice is impaired by alcohol or drugs or both;

(6) Is habitually drunk or dependent on, or a habitual user of, narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;

(7) Knowingly permits, aids, or abets an unauthorized person to perform body art procedures that require a permit;

(8) Continues to practice body art procedures when the practitioner permit has lapsed, has been suspended, or has been revoked;

(9) Has been disciplined in another jurisdiction in any way by the permitting/licensing authority for violating rules substantially the same as those set forth in these regulations; or

(10) Causes the Board to determine that the practitioner or applicant is unfit to practice body art.

(b) Denial of Permit. The Board shall notify the applicant or practitioner in writing of its denial of a practitioner permit and the reasons for the denial.

(1) The applicant shall have seven calendar days after receipt of such written notice in which to offer additional information and request reconsideration of the Board's decision.

(2) The Board shall have 30 days in which to issue a written decision from the date the Board received the reconsideration request.

(c) Notice of Noncompliance. The Board may notify a practitioner in writing of any violation of the Board's regulation, for which the Board intends to revoke the permit.

(1) The practitioner shall have seven (7) calendar days after receipt of such written notice in which to comply with the Board's regulations.

(2) If the practitioner does not show compliance, the Board may revoke the permit after following the process described in Section 2.02(d) below.

(d) Suspension and Revocation of Permit, Refusal to Renew Permit: Notice and Hearing

(1) The Board shall provide the practitioner with written notice of the Board's intention to hold a hearing to address possible revocation of a permit or nonrenewal of the practitioner permit.

a. The Board shall hold the hearing no later than 60 days from the date the written notice is received.

b. The Board shall serve written notice through a certified letter sent return receipt requested or by a constable or other person duly authorized to serve civil process.

(2) The written notice shall include the date, time, and place of the hearing, the practitioner's right to be heard, to be represented by counsel, and to present witnesses. The notice shall contain a brief statement of the reasons for revocation or non-renewal.

(3) The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that a practitioner is an immediate and serious threat to the public health, safety, or welfare.

a. The suspension of a permit shall take effect immediately upon the vote of the Board.

b. The Board shall schedule a revocation hearing no later than 60 days from the date of the suspension.

2.03 Practitioner Hepatitis B Vaccination Status: Proof.

A person applying for a practitioner permit or renewal shall provide the Board with valid documentation of Hepatitis B Virus (HBV) vaccination status.

(a) The documentation must certify completed vaccination and laboratory evidence of immunity or documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the employee and that the vaccine cannot be given; or

(b) Certificate of vaccination declination for HBV.

2.04 Practitioner Required Training and Experience

(a) Training, Experience in Another State. In reviewing an application for a practitioner permit, the Board may consider experience, training, and certification acquired in another state that regulates body art. The Board may consider education and training from an accredited institution notwithstanding the state may not regulate body art.

(b) Minimum Training Requirements. Training for all practitioners shall be approved by the Board and, at a minimum, shall include both bloodborne pathogen, first aid and cardiopulmonary resuscitation (CPR):

(1) The bloodborne pathogen training program (or equivalent) shall provide instruction, at a minimum, in: control of infectious disease; waste disposal; handwashing techniques; operation of sterilization equipment; and sanitizing, disinfecting, and sterilizing methods and techniques.

(2) The applicant must show a current certification in First Aid and CPR. Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA).

The Board may also approve training and certification courses provided by professional body art organizations or associations or by equipment manufacturers.

(c) Body Piercing Qualifications. The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, that the applicant:

(1) Completed a course in anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity if the school is in another state. This course must include instruction on the system of the integumentary system (skin).

(2) Has at least one year actual experience in the practice of performing body piercing and has two written references from professionals in the same field.

(d) Tattoo, Branding, Scarification Qualifications. The applicant for a tattoo, branding, or scarification practitioner permit shall provide documentation, acceptable to the Board, that the applicant:

(1) Completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity if the school is in another state. This course must include instruction on the system of the integumentary system (skin). Such other courses or programs as the Board shall deem appropriate and acceptable may be substituted for the anatomy course.

(2) Has at least two years actual experience in the practice of performing tattooing, branding, or scarification.

2.05 Body Art Establishment License: Application – Initial and Renewal

(a) Permit Application Fee, Information. No person shall operate a body art establishment without first obtaining a license from the Easton Board of Health.

(1) The Board shall set a reasonable fee for issuing and renewing such license.

(2) A body art establishment license shall be valid from the date of issuance and shall expire one year from the date of issuance, unless revoked sooner by the Board.

(3) An application for a body art establishment shall be made on a form prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used in this section of the regulations shall include the original and renewal applications.

(4) The Board shall require that the applicant provide, at a minimum, the following information:

a. Name, address, and telephone number of
   1. The body art establishment;
   2. The operator of the establishment; and
   3. The body art practitioner(s) working at the establishment.

b. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment.

c. A signed and dated acknowledgement that the applicant has received, read, and understood the requirements of these body art regulations.

d. A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board.

e. An exposure report plan

f. Such additional information as the Board of Health may reasonably require.

(4) The Board shall condition the license upon the operator of the establishment continued compliance with all applicable provisions of these regulations.

(b) Possible Limitation on License. The Board of Health may limit any establishment license as may be appropriate. In such a case, the license shall clearly state the limitations in bold lettering on the first page of the license.

(c) Reapply. Where the Board denies a license or refuses to renew a license, an applicant or establishment operator may reapply at any time.

2.06 Body Art Establishment License: Denial, Suspension, Revocation, and Renewal Refusal

(a) Prohibitions. The Board may suspend, deny, revoke, or refuse to renew an establishment license on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation, or refusal to renew. The Board may take the previously listed enforcement actions where the applicant or establishment operator:

(1) Takes any action or fails to take action that would indicate that the health or safety of the public would be at risk.

(2) Uses fraud, deceit, or misrepresentation in obtaining a permit or its renewal.

(3) Violates or has violated the Board's regulations governing the operation of a body art establishment.

(4) Knowingly permitting, aiding, or abetting an unauthorized person to perform body art procedures that require a permit.

(5) Has been disciplined in another jurisdiction in any way by the permitting authority for violating rules substantially the same as those set forth in these regulations.

(b) Denial of License. The Board shall apply the same process stated in Section 2.02(b) of these regulations where it denies a license to operate a body art establishment.

(c) Notice of Noncompliance. The Board shall apply the same process stated in Section 2.02(c) of these regulations in issuing a notice of noncompliance to a body art establishment.

(d) Suspension and Revocation of License, Refusal to Renew License: Notice and Hearing. The Board shall apply the same process stated in Section 2.02(d) of these regulations in revoking or refusing to renew the license of a body art establishment.

3.00 CLIENTS

3.01 Health History and Client Informed Consent.

(a) Written and Verbal Health Warning. Before 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:

(1) History of diabetes;

(2) History of hemophilia (bleeding);

(3) History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;

(4) History of allergies or adverse reactions to pigments, dyes, or other similar sensitivities;

(5) History of epilepsy, seizures, fainting, or narcolepsy;

(6) Use of medications ,such as anticoagulants, that thin the blood or interfere with blood clotting or both; and

(7) Any other conditions such as hepatitis or HIV.

(b) Consent Form. The practitioner shall require that the client sign a form confirming that:

(1) The information contained in Section 3.01(a)(1) – (7) above was provided;

(2) The client does not have a condition that prevents the client from receiving body art;

(3) The client consents to the performance of the body art procedure; and

(4) The practitioner gave the client the aftercare instructions as required by Section 3.02 of these regulations.

3.02 Aftercare Instructions for the Body Art Site.

(a) Written and Verbal Instructions for Care of Site. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:

(1) On the proper cleansing of the area that received the body art;

(2) To consult a health care provider for unexpected redness, tenderness, or swelling at the site of the body art procedure; any rash; any unexpected drainage at or from the site of the body art procedure; or a fever within 24 hours of the body art procedure; and

(3) Of the address and telephone number of the body art establishment.

(b) Required Signatures. The written instructions for aftercare of the body art procedure shall be signed and dated by both the practitioner and the client. The practitioner shall provide a copy to the client. The operator of the establishment must retain the original instruction with the other required records, as provided in Section 6.06 of these regulations.

(c) Board of Health Must Approve Instructions. The operator of the Establishment shall be responsible for providing a copy of the aftercare instructions for the body art site given to clients by each practitioner to the Board of Health for approval. The Board of Health must approve the instructions before the practitioner performs body art procedures upon any client.

4.00 BODY ART ESTABLISHMENTS

4.01 Separation of Establishment Space from Other Spaces.

Solid partitions or walls extending from floor to ceiling shall separate the body art establishment's space from any other 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.

4.02 Workstation

(a) Area. Every workstation shall have a minimum of 45 square feet of floor space for each practitioner. Each workstation shall be separated by a divider or partition at a minimum. Each workstation shall have a hand sink and one covered foot-operated waste receptacle.

(b) One Workstation Screened. Every body art establishment shall have at least one workstation that can be completely screened from view from any person outside such workstation, including but not limited to clients, practitioners, and other persons in other workstations, the customer waiting area, and any area outside the body art establishment.

(c) Sharps Requirement. There shall be a sharps container in each workstation.

4.03 Separate Areas within Establishment Required for Different Functions

(a) Areas Used for Body Art Procedure. Smoking, eating, or drinking is prohibited in any 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. In addition, every area in a body art establishment used for body art procedure shall be:

(1) Used for no other purpose, including but not limited to use as a food establishment, for human habitation, hair and nail activities, or any other use that may cause contamination of instruments, other equipment, or work surfaces used for body art procedure; and

(2) Separated from any area used for a non-body art procedure by a wall or other solid barrier extending from floor to ceiling to prevent airborne contamination of the workstation and the instruments and other equipment therein.

(b) Cleaning Area. Every body art establishment shall have therein a cleaning area, which shall be located away from workstations and areas frequented by the public.

(1) Every cleaning area shall have sufficient space for the placement of the steam autoclave located or positioned no closer than 36 inches from the required ultrasonic cleaning unit.

(2) Every cleaning area shall have an instrument sink used exclusively for the cleaning of instruments as required by Section 4.11 of these regulations.

(3) There shall be a sharps container in each cleaning area.

(c) Instrument Storage Area and Storage of Instruments. Every body art establishment shall have therein an instrument storage area exclusive of and separate from any cleaning area. All instruments and supplies shall be stored in clean, dry, and covered containers. These containers shall be kept in the instrument storage area.

(d) Customer Waiting Area. Every body art establishment shall have therein a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area, or any other area in the establishment used for body art procedure.

4.04 Walls, Floors, Ceilings: Construction and Maintenance

(a) Construction. Any area in a body art establishment, except any customer waiting area or office, shall be constructed as follows to provide a durable smooth, nonabsorbent, and washable surface.

(1) Floors – constructed of commercially rated continuous sheet vinyl, smooth sealed cement, ceramic tile, or other similar materials approved by the Board;

(2) Walls – covered with a semi-gloss or gloss enamel paint, or constructed of fiberglass reinforced panel, or ceramic tile or other similar materials approved by the Board;

(3) Ceiling - covered with semi-gloss or gloss enamel paint or acoustical paneling approved by the Board.

All such walls and ceilings shall be light-colored as that is defined in these regulations.

(b) Maintenance. 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.

4.05 Lighting and Ventilation

(a) Minimum Light Requirements. The establishment shall be well ventilated and shall have a minimum artificial light source maintained at all times during operation at an equivalent of not more than 216 Lux (approximately 20-foot candle) as measured 36 inches above the floor, except that not more than 1,076 Lux (approximately 100-foot candle) shall be provided at the level where the body art procedure is being performed, where instruments and sharps are assembled, and in all cleaning areas. These Lux requirements are in accord with the guidelines of the American Illuminating Engineering Society (IES).

(b) Cleaning Light Fixtures. Every workstation or every area in a body art establishment where linens, instruments, or other equipment used in body art procedure are exposed, sanitized, or sterilized shall exclusively use readily cleaned light fixtures with lights of shatterproof construction or lights enclosed by a shatterproof shield.

(c) Electrical Codes Apply. All electrical outlets in workstations and cleaning areas shall comply with the Massachusetts Wiring Code.

4.06 Plumbing

All plumbing and plumbing fixtures shall be installed in compliance with Easton plumbing codes. To the extent permitted by applicable Federal, Massachusetts, and Easton laws, all liquid wastes shall be discharged through the plumbing system into the public sewerage or into a Board-approved private sewage-disposal system.

4.07 Water Supply

(a) Minimal Water Requirement. An adequate, protected, pressurized, potable water supply shall be provided to every body art establishment.

(1) Such water supply and plumbing shall be Board-approved.

(2) A testable, reduced-pressure back-flow preventor installed in accordance with Title 142, Code of Massachusetts Regulations, Chapter 248.00, as amended from time to time, shall protect the public water supply entering an establishment.

(b) Definition of Hot Water. For purposes of these regulations, hot water shall mean a minimum temperature of 110 degrees Fahrenheit.

4.08 Toilet Rooms

(a) Minimum One Toilet. Every body art establishment shall provide at least one toilet room with adequate lighting and Board-approved ventilation to the outside for use by employees and clients. This toilet room shall be available to clients during all business hours.

(b) Local Building and Plumbing Rules Apply. The number and construction of toilet rooms, commodes, and separate stalls for each commode in a toilet room shall be in accordance with local building and plumbing codes. There shall be a minimum of one sink in each toilet room, as provided in Section 4.09(a) of these regulations.

(c) Enclosed Room Required. Every toilet room shall be fully enclosed and have a well-fitting, self-closing door, which shall remain closed.

(d) Tissue. Toilet tissue shall be provided in a permanently installed dispenser in each stall.

(e) Use. Toilet rooms shall not be used for the storage of instruments or other supplies used for body art procedure.

(f) Establishment Located in Shopping Center. A body art establishment located within a retail shopping center, or similar setting housing multiple operations within one

enclosed structure having shared entrance and exit points, shall not be required to provide a toilet room within such establishment if Board-approved toilet facilities are located in the center within 300 feet of the establishment so as to be readily accessible to any client or practitioner.

4.09 Hand Washing Sinks

(a) Number Required. A hand-washing sink shall be provided within any toilet room and in each workstation.

(b) Equipment for Sink. Every hand-washing sink shall be equipped with:

(1) An adequate supply of hot and cold running water under pressure with fixtures to allow for washing of hands; and

(2) Liquid hand cleanser and single-use sanitary towels in devices for dispensing, and a waste container of washable construction.

4.10 Janitorial Sinks

(a) Minimum Number. At least one janitorial sink shall be provided in every body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, Massachusetts, and Easton Bylaws and regulations.

(b) Definition. For purposes of these regulations, a janitorial sink means a sink of adequate size equipped with hot and cold running water under pressure so as to permit the cleaning of the body art establishment and the cleaning of any equipment used for cleaning the establishment.

(c) Not Used for Hand Washing Sink in Toilet Room. The janitorial sink shall not be used for a hand-washing sink in a toilet room as required under Section 4.09(a) of these regulations.

4.11 Instrument Sinks

(a) Sink. Every cleaning area, as provided by Section 4.03(b), shall have an instrument sink used exclusively for the cleaning of instruments.

(b) Size and Equipment. Every instrument sink shall be of adequate size and equipped with hot and cold running water under pressure to permit the cleaning of instruments used in body art procedure.

4.12 Telephone Access

Every body art establishment shall have a telephone in good working order easily accessible to all employees during all hours of operation for the purpose of contacting and requesting emergency medical assistance / paramedic services in the emergency or perceived need. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency number, for example 911.

4.13 Exposure Control Plan : Contents and Submission

(a) Board Review. Every body art establishment shall create and keep updated an exposure control plan. The operator shall submit such plan to the Board for review and as the plan is amended from time to time.

(b) OSHA Requirements. The Board shall review the exposure control plan to determine whether such meets al of the requirements of OSHA regulations, to include, but not limited to Title 29, Code of Federal Regulations, Part 1910.1030, Bloodborne Pathogens Standards.

(c) Maintain at Establishment. A copy of the establishment's exposure control plan shall be maintained at the establishment as set forth in Section 6.06, Record Retention.

5.00 INSTRUMENTS AND EQUIPMENT

5.01 Equipment

The surface of all equipment and furniture located in an area used for body art procedure or instrument storage area, including but not limited to counters, tables, equipment, benches, chairs, recliners, shelves, storage containers, and cabinets in the workstations, cleaning areas, and instrument storage areas shall be made of materials that are, or shall be treated so as to be, smooth, nonabsorbent, nonporous, easily cleaned, and able to withstand repeated cleaning and disinfecting.

5.02 Sanitizing and Sterilizing Units

(a) Requirements. Every body art establishment shall have the following to ensure the cleaning and maintenance of an adequate supply of instruments for use in body art procedure:

(1) One or more ultrasonic cleaning units sold for cleaning purposes under approval of the Food and Drug Administration (FDA). Every ultrasonic

cleaning unit shall be clearly labeled as a "biohazard" and installed or placed in an area separate from any workstation or area used for sterilization.

(2) One or more steam autoclaves sold for medical sterilization purposes under the approval of the FDA.

(3) One or more commercial biological monitoring (spore) system tests per each sterilization unit, consistent with the sterilization unit manufacturer's instructions. The Board shall use the results of this monitoring system during inspections.

(b) Single-use Items, No Need to Independently Sterilize. The requirements of Section 5.02(a) shall not apply if pre-sterilized, individually packaged, single-use needles, needle chamber machine tips, machine casings, and combo couples are exclusively used for body art procedure.

5.03 Waste Receptacles

(a) Workstation. Every workstation shall have a foot-operated, covered waste receptacle, capable of being cleaned, for disposal of trash and other debris. Receptacles in the workstation shall be emptied daily.

(b) Toilet Room. Each toilet room shall have at least one covered, foot-operated waste receptacle.

(c) Contaminated Waste. Every body art establishment shall have a waste receptacle exclusively used for the disposal of contaminated waste in accordance with the Medical Waste Management Act. Each such receptacle shall be tightly covered and clearly labeled as containing biohazard waste.

(d) Solid Waste. Solid waste shall be stored in covered, leak proof, rodent-resistant containers and shall be removed from the premises at least weekly. All refuse containers shall be capable of being cleaned and shall be kept clean.

5.04 Linens

Every body art establishment shall maintain an adequate supply or reusable, washable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in body art procedure in accordance with these regulations.

5.05 Rotary Pens

If used in body art procedure, 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 in accordance with these regulations.

5.06 Inks, Dyes, Pigments: Manufacturing, Mixing, Diluting Requirements

(a) Approval by FDA. All inks, dyes, and pigments used to alter the color of skin in the conduct of body art shall be specifically manufactured for such purpose; approved by the FDA; properly labeled as to its ingredients, manufacturer, and lot number; and shall not be contaminated or adulterated.

(b) Mixing and Diluting. Inks, dyes, or pigments may be mixed. Inks, dyes, or pigments may be diluted with water but only if sterilized and potable, unless prohibited or not recommended by the manufacturer.

5.07 Inserted Objects, Jewelry: Condition, Grade of Metals

(a) Condition of Objects. Jewelry or objects intended for bodily insertion shall be sterilized, in good condition, designed and manufactured for insertion into the intended body part. For example, jewelry designed for insertion in pierced ear lobes shall not be used for insertion in other parts of the body.

(b) Manufacture Requirements. Only jewelry manufactured of ASTM F138 and ISO 5832-1 implant grade stainless steel, solid 14K through 24K gold, niobium, titanium, platinum, or other materials considered by the Board to be equally biocompatible shall be inserted into newly pierced skin.

5.08 Prohibited Instruments and Materials

No person shall use or have available in a body art establishment:

(a) Unapproved instruments or materials, such as styptic pencils or devices, alum, or any similar material, to check the flow of blood.

(b) Liquid sterilants for the sterilization of any reusable instrument or component;

(c) Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for prohibiting the back flow of pigment and body fluid into the machine;

(d) Multiple use instruments or components that are designed in such a manner that restrict or prevent proper cleaning or sterilization;

(e) Drugs, chemicals, or agents that require a licensed medical practitioner's authorization for use, application, or dispensation.

(f) Suturing kits or suturing devices, scalpels, cauterizing tools or devices, branding tools or devices, or other tools, devices or instruments used for or in conjunction with any prohibited body art procedure, and not otherwise used for any permitted body art procedure.

6.00 OPERATIONS

6.01 No Animals (non-human): Prohibition and Exception

(a) Except as otherwise provided below, no animal shall be allowed in a body art establishment.

(b) Section 6.01(a) does not apply to any guide animal, signal animal, or service animal, accompanied by a totally or partially blind person or deaf person, a person whose hearing is impaired, or a disabled person; any dog accompanied by a person licensed to train guide dogs; or any dog accompanied by a uniformed employee of a private patrol service during and within the course and scope of their employment as a patrol person.

(c) Section 6.01(a) does not apply to dogs under the control of uniformed law enforcement officers.

(d) Section 6.01(a) does not apply to fish or other aquatic life contained in a completely enclosed aquarium within the customer waiting room.

6.02 No Smoking, Eating, or Drinking: Prohibited Areas within Establishment

No person shall smoke, or otherwise use tobacco, eat, or drink at or in the workstation, instrument storage area, cleaning area, or toilet room.

6.03 Disease Transmission: Protection

Except as set forth in these regulations, no person shall commit or permit any act that may expose any person to disease or illness or otherwise contaminate any instrument or area in a body art establishment used for body art procedure.

6.04 Exposure Incident Report

(a) Time to Complete; Appropriate Person. An exposure incident report shall be completed by the close of the business day during which an exposure has or might have taken place in the conduct of any body art procedure. This report must be completed by the person involved or the practitioner with knowledge of such incident.

(b) Contents of Report. Each exposure incident report shall contain:

(1) A copy, where applicable, of the application and consent form for body art procedure completed by any client involved in the exposure incident;

(2) A full description of the exposure incident, including the portion of the body involved therein;

(3) The instrument(s) or other equipment implicated;

(4) A copy of the practitioner permit of the involved practitioner;

(5) The date and time of exposure and approximate duration;

(6) A copy of any medical history released to the Body art establishment or practitioner; and

(7) Information regarding any recommendation to refer to a physician or waiver to consult a physician by the client or persons involved.

6.05 Injury Report; Complication Report

(a) Time to Complete; Appropriate Person. The operator of a body art establishment shall provide a written report of any injury, infection complication, or disease that is or claimed to be the result of a body art procedure to the Board and to the client within five working days of its occurrence or knowledge thereof.

(b) Contents of Report. The injury or complication report shall include:

(1) The name and address of the affected client;

(2) The name and address 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.

6.06 Records Retention

(a) Time. The establishment shall retain the records enumerated in Section 6.06 (b) in a secure place for a minimum of three (3) years, unless a longer time is required. Such records shall be made available to the Board upon request.

(b) General Records. Every body art establishment must retain the following establishment information:

(1) Official name of the establishment;

(2) Hours of operation;

(3) Name(s) and address(s) of operator(s);

(4) Complete description of all body art procedures performed;

(5) Inventory of all instruments and body jewelry, all sharps, and all inks used for any body art procedures including names of manufactures and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;

(6) Material safety data sheet, when available, of each ink and dye used by the establishment;

(7) Copies of waste-hauler manifests;

(8) Copies of commercial biological monitoring test results;

(9) Copies of exposure incident reports (kept permanently); and

(10) Copy of these regulations.

(c) Employee Records. Every body art establishment must retain the following employee information:

(1) Full legal name(s) and exact duties

(2) Date of birth;

(3) Home address;

(4) Telephone numbers where the employee may be reached at home or work;

(5) Identification photograph;

(6) Dates of employment at establishment or for operator, whichever is applicable or both;

(7) Hepatitis B vaccination status or declination notification; and

(8) Training records.

(d) Required Client Confidential Records to be maintained. Every body art establishment must retain the following client information, but the establishment must keep such client information confidential at all times except as to inquiry by the Easton Board of Health:

(1) Full legal name

(2) Age and copy of valid photo-identification;

(3) Home address;

(4) Date of procedure(s);

(5) Name of the practitioner who performed the procedure(s);

(6) Description of the procedure(s) performed and the location(s) on the body;

(7) Signed consent form as required by Section 3.01(b) of these regulations;

(8) If the client is a person under the age of 18, proof of parental or guardian identification, presence, and consent including a copy of the photographic identification of the parent or guardian.

6.07 Posting Requirements

Every body art establishment shall prominently display the following

(a) A disclosure statement, a model of which shall be available from the Easton Board of Health during normal business hours.

(b) The name, address, and telephone number of the Easton Board of Health.

(c) An emergency plan, which shall include:

(1) A plan for contacting police, fire, or emergency medical services

(2) A telephone in good working order that is easily available and accessible to all employees and clients during all hours of operation; and

(3) A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.

(d) An occupancy and use permit issued by the Easton Building Inspector.

(e) A current Board of Health establishment license.

(f) Each practitioner's Board of Health permit.

6.08 Physical Plant Maintenance

Every area of a body art establishment shall be kept in good repair, clean, and free of all vermin (including insects, rodents) and maintained to prevent contamination of clients and other persons.

6.09 Toilet Room and Plumbing Maintenance

(a) Every toilet room, plumbing, and plumbing fixture shall be kept clean, fully operative, and in good repair.

(b) A closed door shall separate every toilet room from other areas of the body art establishment as further provided in Section 4.08(c) of these regulations.

6.10 Equipment and Instrument Maintenance

(a) Maintain Free from Contamination. All instruments and surfaces of equipment used for body art procedures including, but not limited to devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, in good repair, and free from contamination.

(b) Improper Use and Alteration Prohibited. All instruments manufactured for performing any specific body art procedure shall be so designated, used, and approved and shall not be altered, contaminated, or improperly used. Instruments used for body piercing shall be constructed of stainless surgical-grade steel, and designed and manufactured for such use.

(c) Reuse of Single-Use Instruments Prohibited, Even on Same Client. Instruments intended for single-use shall not be reused, even on the same client. There are no exceptions to this requirement.

(1) After use, all single-use sharps shall be immediately disposed in approved sharps containers as provided under Title 105, Code Massachusetts Regulations, Chapter 480.000, "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste" (State Sanitary Code, Chapter VIII).

(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. Soap shall be dispensed and applied to the area of skin surfaces in a manner that will prevent contamination of the original soap container and its contents as specified in Section 6.10(a).

6.11 Instrument Sterilization Procedure

(a) Immersion Immediately Into Solution. 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. Such immersion shall be done immediately following any use or other contamination.

(b) Washing. Before sterilization, every such instrument shall be thoroughly washed by scrubbing with an appropriate soap or disinfectant solution and hot water (as defined in these regulations as at least 110ºF) in accordance with manufacture's instructions to remove contamination (including blood and tissue residue).

(c) Ultrasonic Cleaning. Upon completion of the washing process as set forth in Section 6.11(b), every such instrument shall be cleaned using an ultrasonic cleaning unit in accordance with the manufacturer's instructions.

(d) Packaging Process. Upon completion of the cleaning process as set forth in Section 6.11(c), every such instrument shall be packaged into procedure setup packages with color change indicators designed to indicate complete sterilization thereof, initial of the person responsible for sterilizing the instruments, and the date of such sterilization. Instruments must be packaged individually.

(e) Sterilization Process. Upon completion of the packaging process as set forth in Section 6.11(d), every such instrument shall be properly sterilized in a steam autoclave.

(f) Contamination of Packaging. If a package becomes wet or is opened or compromised so as to allow for the possibility of the contamination of the contents of the package, any instrument therein shall be deemed contaminated and again shall be washed, cleaned, packaged, and sterilized as indicated above.

(g) Storage of Sterilized Instruments. Sterilized instruments shall be stored in a dry, clean cabinet or tightly covered container, each of which shall be used for that purpose exclusively.

(h) Sterilization Expiration. Every sterilized package shall be deemed expired six (6) months after the date of sterilization. Every instrument therein shall again be washed, cleaned, packaged, and sterilized consistent with the provisions of Section 6.11(a)-(g).

(i) Prohibition of Liquid Sterilants. Liquid sterilants shall not be used for the sterilization of any reusable instrument.

6.12 Instrument Storage and Labeling Requirements

(a) Storage. All instruments must be stored in an instrument storage area in a manner 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.

(b) 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.

6.13 Ultrasonic Cleaning Units and Autoclaves: Cleaning and Testing

(a) Use Manufacturer's Instruction. Every ultrasonic cleaning unit and steam autoclave shall be used, cleaned, and maintained according to manufacture's specifications.

(b) Monthly Testing for Spore Destruction Required. Every steam autoclave 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 month, to monitor the efficacy of the unit's eradication of all living organisms, including spores.

(1) Each operator of a body art establishment shall demonstrate, by monthly spore destruction testing, that the autoclave being used is capable of attaining sterilization. An independent laboratory shall verify these tests.

(2) The Board shall not renew or issue a license to the establishment until documentation of the autoclave's ability to destroy spores is provided to the Board as part of the renewal or application request. The test records must be retained by the operator for three years as provided in Section 6.06, Records Retention.

6.14 Use of Chemicals and Cleaners: Generally

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 to prevent contamination and hazard.

6.15 Linens: Cleaning and Storage

(a) Mechanical Washing and Heat Drying Required. After each use, reusable cloth items (for example, protective clothing or garments) shall be mechanically washed with detergent and mechanically heat dried.

(1) If washing is conducted in the body art establishment, all applicable pluming codes shall apply.

(2) If reusable cloth items should 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 160ºF or, alternatively, a temperature of 120ºF with the use of a sufficient amount of chlorine disinfectant.

(b) Storage Requirements. Clean linen shall be stored in a manner to prevent contamination. Containers used shall be clearly labeled as to contents and used for no other purpose. Linens that have become soiled or contaminated shall not be used until properly laundered and shall be handled and stored to prevent hazard.

6.16 Waste Removal from Establishment

All waste shall be removed from the body art establishment on a daily basis and placed in an approved secured receptacle for pickup and removal as provided in Section 5.03 of these regulations.

7.00 PERFORMING BODY ART PROCEDURES

7.01 Personal Hygiene and Health of Practitioner

(a) General Hygiene Practices. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Frequent washing of hands, as described in Section 7.03, should be done as often as necessary to remove contaminants.

(b) General Health of Practitioner. 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 practitioner could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

7.02 Workstation Sanitizing

(a) Contaminated Surfaces. To disinfect any surface contaminated or reasonably suspected of contamination, a person shall:

(1) Clean the surface with water and soap or other appropriate cleaning compound; and

(2) Sanitize the surface by applying an EPA registered hard surface disinfectant product, (such as iodophor, chlorine, phenolic), an alcohol containing germicide, or a 1.5% dilution of household non-scented bleach and water (¼ cup of bleach to one gallon of water) made fresh daily. The disinfectant or germicide shall be applied using a single-use paper towel.

(b) All Surfaces Sanitized Before and After Procedure. The workstation, including but not limited to the client's chair, table, tray, and similar surfaces, shall be thoroughly cleaned and sanitized with an approved disinfectant or germicide (as set forth in Section 7.02(a)(2)) immediately before and immediately after performing body art procedures.

7.03 Hand Washing and Use of Gloves

(a) Washing. Every practitioner shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and prompt drying with single-use towels before conducting any body art procedure.

(b) Use of Singe-use Gloves. Every practitioner shall wear new, clean, single-use examination gloves while assembling all instruments and other supplies intended for use in the conduct of any body art procedure, and during the conduct of body art upon a client.

(c) Contamination of Glove. If a glove is pierced, torn, or contaminated through contact with any part of the client not subject to the conduct of the body art procedure, any person other than the client, or otherwise exposed to an insanitary or nonsterile surface, the practitioner must promptly remove both gloves and discard them into an appropriate waste receptacle.

(d) Gloves Used Only for One Client. The practitioner shall discard the single-use gloves after the completion of each procedure on an individual client, and hands shall be washed in accordance with Section 7.03(a) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person.

7.04 Instrument and Equipment Preparation

(a) New Linen for Each Client. Every practitioner shall use linens, properly cleaned in accordance with these regulations, or new single-use drapes, lap cloths, and aprons for each client receiving body art.

(b) Dispensing Substances to Avoid Any Contamination. Every substance used in the conduct of body art shall be dispensed from containers to prevent contamination of the unused portion.

(1) Immediately before applying a tattoo or permanent cosmetics upon a client, the quantity of the ink dye, or pigment to be used therefor shall be transferred from the original bottle into sterile, single-use disposable cups, caps, or containers.

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

(c) Instrument Tray. Upon sanitizing the workstation in compliance with Section 7.02 of these regulations, the instrument tray shall be covered with an uncontaminated single-use paper towel or tray cover.

(d) Use of Sterilized Instruments. Every instrument required for the conduct of body art upon a person shall be placed and arranged on the instrument tray in a manner to prevent contamination of sterilized instruments. All sterilized instruments shall remain in sterile packages until opened in front of the client.

(e) Use of Sharps Container. Sharps containers shall be easily accessible to the practitioner and located as close as is feasible to the immediate area where sharps will be used.

7.05 Use of Workstation

(a) Body Art Procedures Only in Workstation. The conduct of body art procedures shall occur only upon a client exclusively in and at a workstation under sterile conditions.

(b) People Allowed in Workstation. Only the client, the client's parent or guardian if the client is a minor, the client's service animal as regulated under Section 6.01(b) of these regulations, and the practitioner conducting the body art shall be allowed in the workstation during the body art procedure.

7.06 Use of Instruments

(a) Use Only Non-contaminated Instruments. All instruments used in the conduct of body art procedures shall be without contamination and properly sanitized and sterilized in accordance with these regulations.

(b) Procedure Where Instrument Contaminated. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with new disposable item or a new sterilized instrument or item before the practitioner resumes the procedure.

7.07 Restrictions on Performing Certain Types of Body Art Procedures

(a) No tattooing, piercing of genitalia, branding, or scarification shall be performed on a person under the age of eighteen (18).

(b) 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

procedure. Properly identified shall mean a valid photo-identification of the adult and a birth certificate of the minor.

(c) No body art shall be performed upon any animal (non-human).

(d) The following types of body piercing are prohibited:
- (1) Piercing of the uvula;
- (2) Piercing of the tracheal area;
- (3) Piercing of the neck;
- (4) Piercing of the ankle;
- (5) Piercing between the ribs or vertebrae;
- (6) Piercing of the web area of the hand or foot;
- (7) Piercing of the lingual frenulum (tongue web);
- (8) Piercing of the clitoris;
- (9) Piercing, in any form, of chest or deep muscle, excluding the nipple;
- (10) Piercing of the anus;
- (11) Piercing of an eyelid, whether top or bottom;
- (12) Piercing of the gums;
- (13) Piercing or skewering of a testicle;
- (14) Piercing of the penis, (so called "deep piercing") whether piercing through the shaft of the penis or "trans-penis" piercing in any area from the corona glandis to the pubic bone;
- (15) Piercing of the scrotum, whether "deep piercing" (through the scrotum) or "transcrotal" piercing; and
- (16) Piercing of the vagina that is considered "deep piercing"

(e) The following practices are prohibited, unless performed by a medical doctor licensed by the commonwealth of Massachusetts:
- (1) Tongue splitting;
- (2) Braiding;
- (3) Three dimensional beading or implementation;
- (4) Tooth filing/ fracturing/ removal/ tattooing;
- (5) Cartilage modification;
- (6) Amputation;
- (7) Genital modification; and
- (8) Introducing saline or other liquids into any part of the body.

7.08 Preparation and Care of Client's Skin

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

(b) Preparation of Skin.

(1) Washing. Before the practitioner performs a body art procedure, the practitioner shall wash with soap and water or an approved surgical skin preparation the immediate skin area and the areas of skin surrounding the body art procedure. The washing pad shall be discarded after a single use.

(2) Shaving. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Following shaving, the skin and surrounding area shall be washed with soap and water.

a. Blades shall be discarded after each use, and reusable holder shall be washed, cleaned, and sterilized.

b. The washing pad shall be discarded after a single use.

(c) Bleeding. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use and discarded immediately after us in appropriate covered containers in accordance with Section 5.03 of these regulations and with Title 105 Code of Massachusetts Regulations, Chapter 480.000, "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste" (State Sanitary Code, Chapter VIII).

7.09 Waste Disposal

(a) Single-Use Items. Disposable items such as gloves, wipes, cotton balls, cotton swabs, 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 or a workstation, instrument trays, counters, towels, or linens used for any body art procedure, or have otherwise become contaminated shall be promptly discarded upon completion of the body art procedure into an appropriate waste receptacle in accordance with Section 5.03 these regulations and all other applicable regulations, including the relevant part of the State Sanitary Code, 105 CMR 480.000.

(b) Sharps. Contaminated sharps shall be promptly discarded upon completion of the body art procedure in a waste receptacle as described in Sections 1.06 definitions- "Sharps Container," 4.02(c), 4.03(b)(3), 6.10(c)(1), and 7.04(e), of these regulations.

7.10 Multiple Body Art Procedures

The Board shall consider the following as multiple body art procedures on a single client, each requiring proper washing, cleaning, sanitizing, and sterilizing of instruments, workstations, and other equipment and areas as set forth under these regulations:

(a) Applying two or more tattoos on different areas of the body of a client; or

(b) The use of more than one needle during the body art procedure.

8.00 COMPLAINTS; PENALTIES

8.01 Complaints

(a) Investigation of Complaint Allegations. The Board shall investigate all complaints received about an establishment or practitioner where the action or inaction complained of may violate any provision of these regulations and other public health laws.

(b) Notice to Complainant Where Investigation Not Required. If the Board finds that an investigation is not required because the alleged act, practice, or failure to act is not in violation of these regulations, the Board shall notify the complainant of this finding and the reasons upon which the finding is based.

(c) Notice to Complainant Where Investigation Not Required. If the Board finds that an investigation is required because the alleged act, practice, or failure to act may be in violation of these regulations, the Board shall notify the complainant that it is investigating the matter.

(d) Use of Legal Process in Investigation. To accomplish the investigation, the Board may apply appropriate legal action to complete the investigation.

(e) Appropriate Enforcement Action within Discretion of Board. Upon a finding that a provision of these regulations have been violated, the Board may, within its discretion, take appropriate enforcement action including issuing a notice of non-compliance; revoking, suspending, or refusing to renew a license of a body art establishment or a permit of a body art practitioner; and imposing a fine.

8.02 Penalties

(a) Statutory Authority to Impose Fines. The Easton Board of Health is authorized by Mass. Gen. Laws, c. 111, §31, to impose a fine up to a maximum of $1000 for violation of any reasonable health regulation. Each day of a continuing violation shall be considered a separate violation.

(b) Maximum Fine for Certain Violations of Regulations. The Board shall impose the maximum fine of $1000 for the following violations.

(1) Any person who performs body art without a practitioner permit. The Board shall consider a separate violation any body art procedure performed by such person on a minor without the written consent and presence of a parent or legal guardian.

(2) Any practitioner performing body art on a minor, without the written consent and presence of a parent or legal guardian;

(3) Any practitioner performing tattooing, branding, or scarification on anyone under the age of 18.

8.03 Noncriminal Disposition

In accordance with Mass. Gen. Laws, c. 40, §21D, and the Easton Charter, whoever violates any provision of these regulations may be penalized by noncriminal disposition.

Adopted: February 11, 2002

Effective Date: April 12, 2002

EASTON BOARD OF HEALTH

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