

TOWN OF PLYMOUTH  
BOARD OF HEALTH

**Body Art Regulations**

**Contents**

1. Purpose and Authority
2. Definitions
3. Exemptions
4. Restrictions
5. Operation of Body Art Establishment
6. Standards of Practice
7. Injury Reports
8. Complaints
9. Application for Body Art Establishment Permit
10. Application for Body Art Practitioner Permit
11. Body Art Practitioner Apprenticeship Program
12. Guest Body Art Practitioner
13. Enforcement
14. Unauthorized Practice of Body Art
15. Severability

**1. Purpose and Authority**

Body art is prevalent and popular throughout the Commonwealth. The Board of Health ( of the Town of Plymouth passes these regulations for the practice of body art in the Town of Plymouth to promote and protect the health, safety, and welfare of the public. This regulation establishes minimum practitioner licensing requirements to be met by any individual who is performing body art activities in the Town. Practitioners must demonstrate knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements in order to prevent the transmission of disease or injury to the client and/or practitioner.

The Body Art Regulation is established pursuant to Massachusetts General Laws Chapter 111, Section 31 and shall be administered and enforced by the Board of Health of the Town of Plymouth.

**2. Definitions**

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

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

Apprentice means one who is learning by practical experience under a skilled worker of a trade, art or calling.

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

Autoclaving means a process which 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 (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard means OSHA Guidelines Contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens".

Board of Health or Board means the Board of Health of the Town of Plymouth that has jurisdiction in the community in which a body art establishment is located, including the Board's Agents and/or Officers.

Body Art means the practice of physical body adornment by permitted establishment and practitioners using, but not limited to, the following techniques: body piercing, 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, such as implants under the skin, which are prohibited.

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

Body Art Practitioner Apprentice means an individual who has completed the minimum educational requirements of this regulation but has not met the training requirement and is practicing body art at a licensed body art establishment under the supervision of a fully permitted master practitioner as defined in this regulation.

Body Art Practitioner or Practitioner means a specifically identified individual 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 Piercing means 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 excludes piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

Braiding means the cutting of strips of skin of a person, which strips are then to be intertwined with one another.

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

Cleaning area means the area in a Body Art Establishment used in the sterilization or other cleaning of instruments or other equipment used for the practice of body art.

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

Contaminated Waste means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and/or 29 Code of Federal Regulation part 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any waste containing blood or other potentially infectious material.

Cosmetic tattooing, also known as permanent or semi-permanent cosmetics, micro pigment implantation or dermal pigmentation, means the implantation of pigment around the eyes, lips and cheeks of the face and hair limitation.

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

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

Ear piercing means the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturer instruction.

Equipment means 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.

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

Guest Body Art Practitioner means a visiting body art practitioner possessing a temporary permit issued by the Board to perform body art in the Town.

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

Hot water means water that attains and maintains a temperature of 110F – 130F.

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

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

Jewelry means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18K white or yellow gold, niobium, titanium, or

platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

Light colored means a light reflectance value of 70 percent or greater.

Master Practitioner means a specifically identified individual with at least five years experience in the field of body art with a minimum two years as a body art practitioner permitted by the Board.

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

Mobile Body Art Establishment means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, or other movable structure, in which any person intends or attempts to conduct Body Art procedures, bar, home, private residence or other facility wherein, or concert, fair, party or other single event or celebration whereas one desires to, or actually does conduct Body Art procedures, excepting only a Body Art Establishment.

Operator means any person whom individually or jointly or severally with others, owns, or controls an establishment.

Permit means Board approval in writing to either (1) operate a body art establishment or (2) operate 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. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist with other federal, state, or local licensing or permitting requirements that may exist.

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

Physician means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L. C 112, s. 2.

Procedure surface means any surface of an inanimate object that makes contact with 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 means clean and free of agents of infection or disease.

Sanitize means the application of a US. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

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

Sharps means any object, sterile or contaminate, 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 means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazards Symbol.

Single Use Items means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

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

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

Three Dimensional “3D” Body Art or Beading or Implantation means 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 means 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 means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures: in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention and proper handling and disposal of needles, other sharps instruments, and blood and body fluid-contaminated products.

### **3. Exemptions**

- A. Physicians licensed in accordance with M.G.L., C. 112, S. 2, who perform body art procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

### **4. Restrictions**

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

- B. Body piercing, and not the piercing of 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 means providing a valid government issued photo ID of the adult and an original or copy of a valid birth certificate of the minor.
- C. Body art shall not be performed on animals.
- D. The following body piercings are hereby prohibited: 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 area, excluding the nipple, piercing of the anus, piercing of the eyelid, whether top or bottom, piercing of the gums, piercing or skewing of the testicle, so called “deep” piercing of the penis – meaning piercing through the shaft of the penis or “trans-penis”, piercing in any area from the corona glandis to the pubic bone, so called “deep” piercing of the scrotum – meaning piercing through the scrotum or “transcrotal” piercing, so called “deep” piercing of the vagina, piercing of the genitalia.
- E. The following practices are hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting, braiding, three dimensional/beading/implementation, tooth filing/fracturing/removal/tattooing, cartilage modification, amputation, genital modification, and introduction of saline or other liquids.

## **5. Operation of Body Art Establishments**

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements.

### **A. Zoning:**

Body Art facility or Body Art Establishments shall be located in a location which conforms to the Zoning requirements of the Town of Plymouth.

### **B. Plans:**

Every operator or applicant for a Body Art Establishment permit shall submit to the Board scaled plans and specifications of the proposed facility wherein any Body Art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Regulation. The Board may require an on-sight inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Body Art Regulation prior to the issuance by the Board of a Body Art Establishment Permit pursuant to this Body Art Regulation.

### **C. Physical Plant:**

- 1) Walls, floors, ceilings and procedure surfaces shall be smooth, durable, and free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and

ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.

- 2) Solid partitions or walls extending from floor to ceiling shall separate the 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 surface.
- 3) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the establishment.
- 4) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a divider or partition at a minimum.
- 5) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where instruments and sharps are assembled and in all cleaning areas.
- 6) All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
- 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 stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
- 8) There shall be a sharps container in each operator area and cleaning area.
- 9) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap, paper towels stored in a fixed dispenser. A body art establishment permanently 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 separate toilet room if facilities are located in the retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
- 10) The public water supply entering a body art establishment shall be protected by a testable, reduced pressure backflow preventer installed in accordance with 142 Code of the Massachusetts Regulation 248 as amended from time to time.
- 11) At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator 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.

- 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 permit the cleaning of the establishment and any equipment used for cleaning.
- 13) All instruments and supplies shall be stored in clean, dry and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- 14) The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
- 15) The establishment shall have a customer waiting area, exclusive and separate from any work station, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
- 16) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
- 17) Smoking, eating or drinking 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.

D. Requirements for Single Use Items, Including Inks, Dyes and Pigments:

- 1) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in an approved sharps container pursuant to 105 CMR 480.000.
- 2) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
- 3) Hollow bore needles or needles with cannula shall not be reused.
- 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.
- 5) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. 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 caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.



E. Sanitation and Sterilization Measures and Procedures:

- 1) All 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, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
- 2) After being cleaned, 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 sterilization 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 dated with an expiration date not to exceed six (6) months.
- 3) The autoclave shall be used, cleaned and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from work stations or areas frequented by the public.
- 4) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave 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 documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and forwarded monthly to the Board of Health.
- 5) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.
- 7) If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- 8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
- 9) Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals

and medical care facilities, at a temperature of 120F with the use of chlorine disinfectant.

F. Posting Requirements:

The following shall be prominently displayed:

- 1) A Disclosure Statement, a model of which shall be available from the Board. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- 2) The name, address and phone number of the Board of Health.
- 3) An Emergency Plan, including:
  - a) plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency.
  - b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation.
  - c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- 4) An occupancy and use permit as issued by the local building official.
- 5) A current establishment permit.
- 6) Each practitioner's permit.

G. Establishment Recordkeeping: The establishment shall maintain the following records in a secure place on the premise for a minimum of three (3) years and such records shall be made available to the Board upon request:

- 1) Establishment information, which shall include:
  - a) establishment name
  - b) hours of operation
  - c) owner's name and address
  - d) a complete description of all body art procedures performed
  - e) an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
  - f) a Safety Data Sheet, when available, for each ink and dye used by the establishment;
  - g) copies of waste hauler manifests within the current year;
  - h) copies of commercial biological monitoring tests within the current year;
  - i) Exposure incident reports (kept permanently) within the current year; and
  - j) A copy of these regulations (most recently updated version).
- 2) Employee information, which shall include:
  - a) full legal names and exact duties
  - b) date of birth
  - c) home address
  - d) home/work phone numbers
  - e) identification photograph

- f) dates of employment
  - g) Hepatitis B vaccination status or provider declination notification
  - h) training records
- 3) Client Information, which shall include:
- a) name;
  - b) age and valid government issued photo ID;
  - c) address of the client;
  - d) date of the procedure;
  - e) name of the practitioner who performed the procedure(s);
  - f) description of procedure(s) performed and the location on the body;
  - g) a signed consent form as specified by 6(D)(2); and
  - h) 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
- 4) Client information shall be kept confidential at all times.
- 5) Exposure Control Plan:

Each establishment shall create, update and comply with an Exposure Control Plan. The plan shall be submitted to the Board for review so as to meet all the requirements of OSHA regulations, to include, but not limited to 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards as et.seq, as amended from time to time. A copy of the plan shall be made available to the Board upon request.

- 6) No person shall establish or operate a Mobile or Temporary Body Art Establishment.

## **6. Standards of Practice**

Practitioners are required to comply with the following minimum health standards:

- A. A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- B. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- C. Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear-piercing system on any part of the client's body other than the lobe of the ear.
- D. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:

- 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 disease, skin lesions or skin sensitivities to soaps, disinfectants, etc.
    - d) history of allergies or adverse reactions to pigments, dyes other sensitivities
    - e) history of epilepsy, seizures, fainting or narcolepsy
    - f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting
    - g) any other conditions such as hepatitis or HIV
  - 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 them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 6(K).
- E. 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. Before performing body art procedures, the practitioner must thoroughly wash his or her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- F. In performing body art procedures, a practitioner shall wear disposable single use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Section E 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. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- G. 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 likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- H. 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.
- I. Preparation and care of a client's skin area must comply with the following:
- 1) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

- 2) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving razors with single-service blades are to be used, blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
  - 3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- J. 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.
- K. 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 which 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) any rash;
    - c) unexpected drainage at or from the site of the body art procedure; or
    - d) a fever within 24 hours of the body art procedure.
- L. Contaminated waste shall be stored, treated and disposed of in accordance with 105 CMR 480.000; Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

## **7. Injury and Exposure Incident Reporting:**

- A. An Exposure Incident Report shall be completed by the close of the business day during which an exposure has, or might have been taken place, by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.
- 1) Each Exposure Incident Report shall contain:
    - a) A copy of the application and consent form for the body art activity completed by a client or minor client involved in the exposure incident.
    - b) A full description of the exposure incident, including the portion of the body involved therein;
    - c) instrument(s) or other equipment implicated;
    - d) a copy of the body art practitioner license of the involved body art practitioner;
    - e) date and time of exposure;

- f) a copy of any medical history released to the body art establishment or body art practitioner; and
  - g) information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.
- B. A written report of any injury to include infection, complication or disease as a result of a body art procedure, or complaint of injury, infection, complication or disease, shall be forwarded by the operator to the Public Health Department which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof.
- 2) The injury 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.

## **8. Complaints:**

- A. The Board shall investigate written complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations. Anonymous complaints will not be accepted.
- B. If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulation, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- C. If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulation, the Board shall investigate. If a finding is made that the act or practice is in violation of the Board's regulation, then the Board shall apply whatever enforcement action is appropriate to remedy the situation, pursuant to Section 12 of this regulation, and shall notify the complainant of its action in this manner.

## **9. Application for Body Art Establishment Permit**

- A. No person may operate a body art establishment except with a valid permit from the Board.
- B. No person shall allow another to practice body art or perform body art on premises owned and/or controlled by them unless the practitioner holds a permit issued in accordance with these regulations.
- C. The Operator of a body art establishment shall be responsible for ensuring that body art is not practiced or performed therein except in accordance with these regulations.

- D. Applications for a permit shall be made on forms 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 herein shall include the original and renewal applications.
- E. An establishment permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Board.
- F. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
  - 1) Name, address, and telephone number of:
    - a) the body art establishment
    - b) the operator of the establishment; and
    - c) the body art practitioner(s) working at the establishment
  - 2) The manufacturer, model number, model year, and serial number where applicable, of the autoclave used in the establishment.
  - 3) A signed and dated acknowledgement that the applicant has received read and understands the requirements of the Board’s Body Art Regulation.
  - 4) A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process; and
  - 5) Such additional information as the Board may require.
- G. There is an annual establishment registration and licensing fee of \$150.00 per Body Art Establishment.
- H. A permit for a body art establishment shall not be transferable from one place or person to another.
- I. A body art establishment permit shall be conditional upon continued compliance with all provisions of these regulations.
- J. The Board may condition the issuance of a body art establishment permit upon compliance with any such terms, conditions and restrictions that will promote public health and safety and the failure to comply with any such terms, conditions or restrictions shall be deemed a violation of these regulations and the permit.

### **Application for Body Art Practitioner Permit**

- A. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. There is a two (2) year registration and licensing fee of \$100.00 per Body Art Practitioner.
- B. No person shall practice body art or perform any body art procedure outside of a body art establishment with a valid permit issued in accordance with this regulation.
- C. A person may apply for a body piercing practitioner permit, a tattoo practitioner permit, or both.
- D. A practitioner shall be at minimum of 18 years of age.
- E. Application for a practitioner permit shall include:
  - 1) Name
  - 2) Date of birth
  - 3) Resident address
  - 4) Mailing address
  - 5) Phone number
  - 6) Place of employment as a practitioner; and
  - 7) Training and/or experience as set out in Section 10(F) below.
- F. Practitioner Training and Experience:
  - 1) In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
  - 2) Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:
    - a) blood borne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods and sanitization, disinfection and sterilization methods and techniques;
    - b) current certification in First Aid and Cardiopulmonary Resuscitation (CPR);
    - c) examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA).
    - d) Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
  - 3) The applicant for body piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board.



- 4) The applicant for a tattoo practitioner permit shall provide documentation, acceptable to the Board, that s/he 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. This course must include instruction on the integumentary system (skin).
- 5) The applicant for all practitioners shall submit evidence, satisfactory to the Board, of at least two years actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner permit to perform, whether such experience was obtained within or outside of the Commonwealth, one year of which may be in the position of an apprentice. Applicants that complete 2 consecutive years of satisfactory apprenticeship program experience in the Town may qualify for such a permit.
- 6) A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these regulations.

#### **10. Body Art Practitioner Apprenticeship Program**

A. Body art establishments may permit body art apprenticeships according to the following:

- 1) The apprentice must be at least eighteen (18) years of age.
- 2) The apprentice must submit a completed application for a body art apprentice Board of Health permit.
- 3) No person shall practice body art or perform any body art procedure without first obtaining the appropriate Board of Health Practitioner Permit.

B. Apprentice training must consist of the following:

- 1) The apprenticeship must be at least one (1) year but not last longer than two (2) years AND 1000 hours of supervised observation and work.
- 2) The apprentice must submit a completed Plymouth Public Health Department Apprentice Task Sheet upon apprenticeship completion.
- 3) An apprentice shall not perform any form of body art on a client or the person of another without first satisfying requirements within section 10.F.1-4.
- 4) An apprentice can only perform any form of body art on a client or another person when under direct supervision of a master practitioner.

C. Master Practitioner:

- 1) A master practitioner shall have a minimum of five (5) years of experience in the field of body art they plan on teaching.
- 2) A master practitioner shall have a permit to perform body art in the Town of Plymouth for at least two (2) years.
- 3) A master practitioner shall hold a current body art practitioner Board permit.

- 4) The master practitioner shall maintain adequate records of each apprenticeship, including but not limited to a copy of Plymouth Public Health Department Apprenticeship Task Sheet.
- 5) The master practitioner shall not have more than one (1) active apprentice.

D. Apprentices at body art establishments:

- 1) Body art establishments shall have no more than two (2) active apprentices.
- 2) An establishment shall maintain adequate records of each apprenticeship including but not limited to apprentice applicant information, apprentice work hours, and a copy of the Plymouth Public Health Department Apprenticeship Task Sheet.
- 3) An establishment shall have a Board permit to operate with at least two successive (2) years of operations in the Town.
- 4) An establishment shall hold a current body art Board permit.

E. Apprentices and clients:

- 1) A client shall receive advisement from an apprentice prior to performing any body art activity that states the apprentice is acting only under a body art practitioner apprenticeship permit.
- 2) Then the apprentice must obtain written consent from a client prior to performing any body art apprenticeship activities upon the client. This written consent shall be an attachment to a client's signed informed consent document. The body art establishment must retain this as documentation for an apprentice's apprenticeship record.

## **11. Guest Practitioner**

A. Guest Practitioners are allowed to operate in permitted Body Art Establishments only, provided the Guest Practitioner:

- 1) Submits a completed application for a Guest Practitioner Permit.
- 2) Pays the established registration and licensing fee of \$100.
- 3) Provides documentation showing at least two (2) years of experience as a permitted Body Art Practitioner in another location.
- 4) Provides through acceptable documentation that they meet the training requirements of *Section 11 D-F* (in their entirety) of these regulations.
- 5) Guest Practitioners Permits are good for fourteen (14) days from the date of issue.
- 6) Guest Practitioners shall adhere to and abide by all relevant provisions of this Body Art Regulation.

## **12. Enforcement**

- A. The Board may deny or refuse any body art establishment permit or body art practitioner permit if the application is incomplete, the applicant has failed to meet the qualifications set forth in these regulations or if the applicant fails to satisfy the Board that issuance of

the permit is consistent with the purpose of these Regulations which is to ensure public health and safety. Without limiting the generality of the foregoing, any of the reasons set forth in the following section which may justify suspension or revocation of a permit may also justify the Board's decision to refuse to issue or renew a permit.

B. The Board may suspend or revoke a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or suspension:

- 1) any actions which would indicate that the health or safety of the public would be at risk;
- 2) fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
- 3) criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicants unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- 4) any present or past violation of the Board's regulation governing the practice of body art;
- 5) practicing body art while the ability to practice is impaired by alcohol, drugs physical disability or mental instability;
- 6) being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
- 7) knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
- 8) continuing to practice while his/her permit is lapsed, suspended, or revoked;
- 9) having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations;
- 10) other just and sufficient cause, which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.

C. No permit will be denied, suspended or revoked until after the Board holds a hearing, notice of which shall be given to the applicant or permit holder at least seven days prior thereto. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application. After the hearing, the Board may deny, suspend, revoke, modify, or refuse to renew a permit, if the Board finds that the applicant, establishment, or practitioner has failed to comply with the Board's regulation and/or the terms and conditions of any permit issued under the Board's regulation. Applicants initially denied a permit can reapply for a permit at any time with the proper documentation. The Board may determine a reasonable time period for suspension and revocation based on the severity of the violation pending the hearing.

D. This regulation may be enforced by agents of the Town's Board of Health. The penalty for a violation of any provision of these Rules and Regulations shall be \$100.00 per offense as established by the Town of Plymouth By-laws, article 2, section 1.2. Each day that a violation continues shall be deemed to be a separate offense. In accordance with

MGL, Chapter 40, Section 21D and the Plymouth Board of Health, whoever violates any provision of these Rules and Regulations may be penalized by a non-criminal disposition.

- E. Whoever violates any provision of these regulations may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000) pursuant to G.L. c. 111, §31. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- F. The Board of Health may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board shall not preclude enforcement through any other lawful means.

### **13. Unauthorized Practice of Body Art**

The Board may refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incident of unauthorized practice of body art.

### **14. Severability**

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

These regulations are to be in force effective on/and after January 31, 2001. \*Amended on November 14, 2012. \*Amended on November 14, 2017. Adopted January 1, 2018.