



TOWN OF MANSFIELD, MASSACHUSETTS
Six Park Row, Mansfield, MA 02048

Regulations for Body Art Establishments

ARTICLE 1

Rationale and Authority

The purpose of the Regulation of Body Art Establishments is to promote the knowledge and practice of sanitation, personal hygiene, sterilization, universal precautions and aftercare requirements regarding body art for the purpose of preventing injury to the client and transmission of disease.

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law chapter 111, section 31.

ARTICLE 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.

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 or its agent that has jurisdiction in the community in which a body art establishment is located including the Board or officer having like powers and duties in towns where there is no Board of Health.

Body Art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, micropigmentation, 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 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 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.

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

Client means 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.

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

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

Disinfection means the destruction of disease-causing microorganisms 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 pre-sterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

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.

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

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

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

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

Jewelry means any 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.

Micropigmentation means a form of permanent makeup in which minute, metabolically inert pigment granules are implanted below the epidermis.

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

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

Piercing gun means a device designed to pierce earlobes by driving a pointed starter earring through the lobe. Piercing guns may be reusable or disposable.

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 model regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within community or political subdivision comprising the Board's jurisdiction.

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.

Person in Charge means either the permit holder or practitioner or practitioners charged with the permanent or temporary oversight of operating the establishment.

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

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

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

Sanitize means the application of a U.S. 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 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 means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

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

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

Sterilization Unit means an autoclave.

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.

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

Ultrasonic Cleaning Unit means a unit approved by the Board, 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 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 mv, 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.

ARTICLE 3

Exemptions

Section 1. Physicians licensed in accordance with M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations.

Section 2. Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

ARTICLE 4

Restrictions

Section 1. No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.

Section 2. 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. The adult accompanying the minor must show a State-approved ID, a certified birth certificate of the minor and proof of parenthood or guardianship.

Section 3. No Client under 14 years of age shall be pierced with the sole exception of ear piercing.

ARTICLE 5

Operation of Body Art Establishments

Unless approved by the Board, each body art establishment shall be permanently located in a structure; constructed, operated and maintained to meet the following minimum requirements:

Section 1. Physical Plant

- A. Walls, floors, ceilings, and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- B. 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 surfaces.
- C. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
- D. 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 dividers or partition at a minimum.
- E. The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- F. A separate, readily accessible hand sink with hot and cold running water under pressure, equipped with self-closing 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.
- G. 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 and paper towels stored in a fixed dispenser.
- H. 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, leak-proof, rodent-resistant containers and shall be removed from the

premises at least weekly.

- I. 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.
- J. 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.
- K. The establishment shall have a sterilization 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.
- L. The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
- M. 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.
- N. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

Section 2. Requirements for Single Use Items Including Inks, Dyes and Pigments

- A. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480-.000.
- B. 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.
- C. Hollow bore needles or needles with a cannula shall not be reused.
- D. 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.
- E. 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.

Section 3. Requirements for Piercing Jewelry

- A. Only appropriate jewelry should be used in piercing. Appropriate jewelry is made of implant grade, high quality surgical stainless steel (316 E series), solid 14K or 18K gold, niobium, titanium, or platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces which might endanger the tissues.
- B. Ear studs or other jewelry design for earlobe piercing are not appropriate jewelry for other body parts and must not be used by piercers.

Section 4. Sanitation and Sterilization Measures and Procedures

- A. 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 operated in accordance with manufacturer's instructions.
- B. 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. 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.
- C. 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 workstations or areas frequented by the public.
- D. 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 made available to the Board upon request.
- E. 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.
- F. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.
- G. If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- H. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use universal precautions to ensure that the instruments and gloves are not contaminated.
- I. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

Section 5. Infection Prevention and Control/ Exposure Control Plan

Each Body Art Establishment shall develop a written Infection Prevention and Control/ Exposure Control Plan. This plan should be reviewed at least annually and updated as necessary. A copy shall be kept in a convenient location on the establishment premises and a copy shall be submitted to the Mansfield Board of Health.

- A. Each licensed practitioner operating at the Establishment will comply with the Plan.
- B. The Plan will be submitted to the Department for review so as to meet all of the requirements of OSHA regulations, to include, but not limited to 29 Code of Federal Regulation 1910.1030, as amended from time to time.

Section 6. Posting Requirements

The following shall be prominently displayed:

- A. A Disclosure Statement, a model of which shall be available from the Department. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- B. The name, address and phone number of the local Board of Health that has jurisdiction and the procedure for filing a complaint.
- C. An Emergency Plan, including:
 - 1. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - 2. A telephone in good working order shall be 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 as issued by the local building official.
- E. A current establishment permit.
- F. Each practitioner's permit.

Section 7. Establishment Record keeping

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

- A. Establishment information, which shall include:
 - 1. establishment name;
 - 2. hours of operation;

3. owner's name and address;
4. a complete description of all body art procedures performed;
5. an inventory of all instruments 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);
6. a Material Safety Data Sheet for each ink and dye used by the establishment; and
7. a copy of these regulations.

B. Employee information, which shall include:

1. full names and exact duties;
2. date of birth;
3. home address;
4. home /work phone numbers; and

C. Client Information, which shall include:

1. name;
2. date of birth;
3. address of the client;
4. date of the procedure;
5. name of the practitioner who performed the procedure(s);
6. description of procedure(s) performed and the location on the body;
7. a signed consent form as specified by Article 6(D); and,
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.

Section 8. Client information shall be kept confidential at all times.

Section 9. The establishment shall require in writing that all body art practitioners and apprentices have either completed, or were offered and declined, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

ARTICLE 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. A practitioner who uses 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. 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 diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - d. history of allergies or adverse reactions to pigments, dyes, or 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; and
 - 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(L).
- E. For body piercing, the practitioner must provide a pre-procedural consultation to discuss body piercing, its risks and potential complications with each client. Client and practitioner should have appropriate size and quality jewelry chosen before the procedure begins.
- F. 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 their 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.
- G. 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. Gloves shall be discarded if the practitioner leaves the work area for any reason. 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 (F) 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.
- H. 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 that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- I. A practitioner shall examine the area of the body where a body art procedure is to be performed and all parts of the body which are visible for signs of intravenous drug use, open sores, lesions, oozing wounds and skin diseases. If such are found, or suspected, the practitioner shall not perform a procedure.

- J. 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.
- K. 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 body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. Single-use disposable razors or safety razors with single-service blades shall 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 C11R 480.000.
- K. 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.
- L. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. A model set of aftercare instructions shall be made available by the Department. 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; and
 3. Of the address, and phone number of the establishment.
- M. Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster, State Sanitary Code, Chapter VITI.
- N. Body piercers who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA guidelines on the reporting and follow up on needle stick injuries. OSHA guidelines for needle stick follow up shall be posted in the employee area. (Code of Federal Regulations 29 CFR 1910.1030 (f)).

Failure to comply with any of the above regulations may result in immediate revocation of registration.

ARTICLE 7

Prohibited Activities

Section 1. Piercing Gun

The use of a Piercing Gun is prohibited at all times.

Section 2. Particular Body Piercings - Prohibition/Restriction

The following Body Piercings are hereby prohibited.

- A. Piercing of the uvula.
- B. Piercing of the tracheal area.
- C. Piercing of the neck.
- D. Piercing of the ankle.
- E. Piercing between the ribs or vertebrae.
- F. Piercing of the web area of the hand or foot.
- G. Piercing of the lingual frenum (tongue web).
- H. Piercing of the clitoris.
- I. Any form of chest or deep muscle piercings - excluding piercing the nipple.
- J. Piercing of the anus.
- K. Piercing of an eyelid, whether the top or bottom.
- L. The form of Body Piercing known as “pocketing”, where the bar of the jewelry is exposed instead of the ends of the jewelry which are under the skin in “pockets”.
- M. Piercing of the gums.
- N. Piercing or skewering of a testicle.
- O. 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.
- P. So-called “deep” piercing of the scrotum - meaning piercing through the scrotum, or “trans-scrotal” piercing.
- Q. So-called “deep” piercing of the vagina - to include, but not limited to - so-called “triangles.”

Section 3. Tongue Splitting

The cutting, splitting or other bifurcation of the tongue is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

Section 4. Braiding

The Braiding of the skin is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

Section 5. Three Dimensional / Implantation

Three Dimensional Body Art, including "beading," and implantation is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

Section 6. Tooth Filing / Fracturing / Removal

The filing or shaping or the intentional fracturing or extraction of a tooth is hereby prohibited unless performed by a dentist licensed by the Commonwealth of Massachusetts.

Section 7. Cartilage Modification

The cutting, notching, sculpting or other modification of cartilage is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

Section 8. Amputation

The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

Section 9. Genital Modification

Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female nullification or other surgical means is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

Section 10. Introduction of Saline or Other Liquids

The introduction of saline solution or other liquid or semi-liquid substance into the body of another for the purpose of causing a modification of the body is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

ARTICLE 8

Injury Reports

A written report of any injury, 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 Board which issued the permit, with a copy to the injured client within five working days of its occurrence or

knowledge thereof. The report shall include:

- A. The name of the affected client;
- B. The name and location of the body art establishment involved;
- C. The nature of the injury, infection complication or disease;
- D. The name and address of the affected client's health care provider, if any;
- E. Any other information considered relevant to the situation.

ARTICLE 9

Complaints

Section 1. The Board shall investigate complaints received about an establishment or practitioner's practices or acts which may violate any provision of the Board's regulations.

Section 2. If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, the Board shall notify the complainant of this finding and the reasons on which it is based.

Section 3. If the Board finds that an investigation is required because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate. If a finding is made that the act or practice is in violation of the Board's regulations, the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

ARTICLE 10

Inspections

Section 1. The Board of Health shall inspect a body art establishment at least once every six months or upon written request or written complaint.

Section 2. The inspection and all violations shall be recorded in writing on an inspection report form.

ARTICLE 11

Access

Section 1. When the Board of Health provides notice of and intent to conduct an inspection, the operator shall allow access for an inspection and provide information and records required by this regulation to determine whether the body art establishment is in compliance with this regulation.

Section 2. If the person in charge denies access to the Board, the Board shall:

- A. Inform the person in charge that access is required in this regulation;
- B. Access is a condition of the acceptance and retention of a body art establishment permit to operate as specified under this regulation, and
- C. If access is denied, it may be grounds for immediate suspension of the establishment permit.

ARTICLE 12

Correction Orders

If an inspection as provided for in Article 9, reveals that an establishment does not comply with the provisions of this regulation the Board shall:

- A. Order violations of Article 5, sections 1, 5, 6 and 7 corrected within 12 hours of inspection.
- B. Order immediate suspension of the establishment permit for violations of Article 5, sections 2, 3, and 4, and Article 6 without providing notification of the hearing specified in Article 20.

ARTICLE 13
Service of Orders

Section 1. All orders issued under Article 12 shall be served on the persons responsible for the violation.

Section 2. All orders and/or notices shall be served:

- A. Personally by a person authorized to serve civil process; or
- B. By leaving a copy at his/her last or usual place of abode; or
- C. By sending him a copy by registered or certified mail, return receipt requested if (s)he is within the Commonwealth; or
- D. If his/her last and usual place of abode is unknown or outside the Commonwealth, by posting a copy in a conspicuous place on or about the establishment affected.

ARTICLE 14
Application for Body Art Establishment Permit

Section 1. No person may operate a body art establishment except with a valid permit from the Board.

Section 2. 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.

Section 3. An establishment permit shall be valid from the date of issuance and shall expire on the last day of the year from the date of issuance unless revoked sooner by the Board.

Section 4. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:

- 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 the Board's body art regulations;
- D. A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process; and
- E. A Body Art Establishment Infection Prevent and Control/ Exposure Control Plan as defined in Article 5, Section 5.
- F. Such additional information as the Board may reasonably require.

Section 5. The Board may set a reasonable fee for such permit.

Section 6. A permit for a body art establishment shall not be transferable from one place or person to another.

ARTICLE 15

Application for Body Art Practitioner Permit

Section 1. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The Board shall set a reasonable fee for such permits.

Section 2. A practitioner shall be a minimum of 18 years of age.

Section 3. A practitioner permit shall be valid from the date of issuance and shall expire on the last day of the year of the date of issuance unless revoked sooner by the Board.

Section 4. Application for a practitioner permit shall include:

- A. Name;
- B. Date of birth;
- C. Residence address;
- D. Recent identification photograph of the applicant, head and shoulders, front view, approximately 2x3 inches in size;
- E. Mailing address;
- F. Phone number;
- G. Place(s) of employment as a practitioner;
- H. Training and/or experience as set out in Section 5 below; and
- I. Type of practitioner permit: tattoo, piercing or both.

Section 5. Practitioner Training and Experience

- A. In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired that regulate body art. This can include:
 - 1. Evidence satisfactory to the Department 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 License to perform, whether such experience was obtained within or outside of the Commonwealth, or

2. Evidence of a completed apprenticeship program as approved by the Board of Health, with instruction in the kind of Body Art for which the applicant seeks a Body Art Practitioner License to perform.
- B. Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:
1. Bloodborne 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; and
 2. Current 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). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
- D. The applicant for a body piercing practitioner permit shall provide documentation acceptable to the Board that s/he has completed a course in Anatomy and Physiology (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges or comparable accrediting entity, has completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board. This course work must include instruction on the systems of the integumentary system (skin).
- E. The applicant for a tattoo practitioner permit shall provide documentation acceptable to the Board that s/he completed a course on skin diseases, disorders and conditions including diabetes, or completed an examination on skin diseases, disorders and conditions including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.
- F. Re-certification and training in bloodborne pathogens (which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques) and skin diseases, disorders and conditions including diabetes shall be required every five (5) years. First aid and cardiopulmonary resuscitation training shall be current.

Section 6. Applicants seeking a permit as a body art practitioner shall be required to demonstrate to the Board of Health successful compliance with all training, disclosure, consent and educational requirements of the Body Art Regulation relative to the form of Body Art activities for which such applicant seeks a Body Art Practitioner permit prior to the issuance or renewal of a Body Art Practitioner Permit by the Board.

Applicants who have not satisfactorily met the application requirements herein relating to the demonstration described above will be given two (2) additional opportunities to meet the requirements. Failure to meet all requirements will result in denial of the permit. Applicants wishing to reapply for a permit may do so after a six (6) month waiting period.

Section 7. A practitioner who allows the permit to lapse for two (2) or more years shall be required to meet the conditions above in Section 6.

Section 8. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these regulations.

Article 16

Application for Body Art Apprentice Practitioner Permit

Section 1. A person may apply for a body art practitioner apprenticeship permit in order to complete training required to obtain a body art practitioner permit.

Section 2. An apprentice practitioner shall be a minimum of 18 years of age.

Section 3. An apprentice practitioner permit shall be valid from the date of issuance and shall expire no later than one year from the date of issuance unless revoked sooner by the Board.

Section 4. Application for an apprentice practitioner permit shall include:

- A. Name;
- B. Date of birth;
- C. Residence address;
- D. Recent identification photograph of the applicant, head and shoulders, front view, approximately 2x3 inches in size;
- E. Mailing address;
- F. Phone number;
- G. Evidence of logged hours from prior permitted apprenticeship -actual experience in performing body art procedures;
- H. Place(s) of apprenticeship; and
- I. Training and/or experience as set out in Section 5 below.

Section 5. Practitioner Apprentice Training and Experience

- A. Training for all practitioner apprentice shall be approved by the Board and, at a minimum, shall include the following:
 1. Bloodborne 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; and
 2. Current first aid and cardiopulmonary resuscitation (CPR).
- B. Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
- C. The applicant for a body art apprentice permit shall provide documentation, acceptable to the Board, that s/he completed a course on skin diseases, disorders and conditions including diabetes, or completed an examination on skin diseases, disorders and conditions including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.

Section 6. The apprentice must be sponsored by a licensed practitioner throughout his/her entire training.

- A. A valid permit for an establishment and/or licensed practitioner must be maintained for 1 year in the Town of Mansfield prior to a licensed practitioner at the establishment serving as a supervisor to an apprentice. The establishment and the practitioners must have no violations or validated complaints for one (1) year in the Town of Mansfield prior to submittal of an apprentice license application from an establishment.
- B. Each licensed body art practitioner may supervise only one apprentice at a time.
- C. Each Establishment may have a maximum of two apprentice practitioners.
- D. The sponsoring practitioner shall be responsible to oversee the Apprentice to assure that the apprentice performs procedures in accordance with these regulations and the Mansfield Body Art Practitioner Apprentice Task Procedures (Appendix 1)
- E. The apprenticeship period shall be a minimum of 1 year, full-time, under immediate and direct supervision. There is no maximum amount of time for the apprenticeship. The apprentices' approved sponsor/ trainer will be responsible for determining that proficiency of practice is demonstrated to the sponsor/ trainer.
- F. During the apprenticeship training period, the sponsor's permit shall be held responsible for any complaints lodged against the apprentice for any procedure for which active supervision is required.

Section 7. An applicant for a Body Art Apprentice Practitioner Permit shall present the signed and notarized agreement of a permitted Body Art Practitioner to oversee the Apprentice applicant in the manner established in the Body Art Apprenticeship Required Procedures. (Appendix 1).

- A. The sponsoring licensed Practitioner shall be responsible to assure the apprentice has mastered each level before attempting more advanced procedures.
- B. The sponsoring licensed Practitioner shall be responsible to document that the apprentice has completed the skill levels satisfactorily before allowing an apprentice to undertake subsequent skill level procedures.

Section 8. Once an apprentice practitioner permit has been obtained but prior to applying for a body art practitioner permit, the apprentice practitioner must complete the apprentices' requirements. The sponsoring practitioner must document this.

Section 9. Before a person acting under a Body Art Apprentice Practitioner Permit conducts any form of Body Art activity upon a client:

- A. That client shall be advised that the person to conduct the body art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice Permit; and
- B. Such person must obtain the client's written consent. This written consent shall be physically affixed to the application and Client Informed Consent form for Body Art activity.

Section 10. A Body Art Apprentice Practitioner Permit shall be conditioned upon continued compliance with all applicable provisions of these rules and regulations.

Section 11. The owner of an establishment must obtain liability insurance that would give inclusive of all apprentices working at the establishment at any given point.

Section 12. All regulations, grounds for suspension, denial, revocation, refusal to renew permit and fines within this Body Art Regulation apply to the apprentice practitioner.

ARTICLE 17

Change of Ownership, Operation, Location

Section 1. Within thirty (30) days prior to an establishment changing ownership, operation, location or discontinuation of business, the operator shall notify the Board of Health of the proposed action.

Section 2. When there is a change in ownership or in the operation or control of an establishment, the body art establishment permit shall immediately become void and returned to the Board of Health.

ARTICLE 18

Grounds for Denial of Permit, Revocation of Permit, or Refusal to Renew Permit

Section 1. The Board may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:

- A. Any actions which would indicate that the health or safety of the public would be at risk;
- B. Fraud, deceit or misrepresentation in obtaining a permit or its renewal;
- C. Criminal conduct in relation to the practice of body art to which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- D. Significant or repeated, present or past violations of the Board's regulations governing the practice of body art;
- E. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
- F. Continuing to practice while his/her permit is lapsed, suspended, or revoked;
- G. Failure to allow access for inspection; and
- H. Other just and sufficient cause, related to the practice of body art, which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.

Section 2. The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.

Section 3. Applicants denied a permit may reapply at any time after denial.

ARTICLE 19
Grounds for Suspension of Permit

The Board may immediately 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 an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

ARTICLE 20
Right to a Hearing

Unless otherwise specified in this regulation, the following persons may request a hearing before the Board by filing a written petition:

- A. Any person or persons upon whom an order had been served pursuant to this regulation provided that such petition must be filed with seven days after the day the order was served;
- B. Any person aggrieved by the failure of an inspector of the Board.

ARTICLE 21
Hearing Notice

Upon receipt of a petition, the Board shall inform the petitioner and other affected parties in writing of the date, time and place of the hearing and of their right to inspect and copy the board's file concerning the matter to be heard.

ARTICLE 22
Time for Hearing

The hearing shall be commenced not later than 30 days after the date the order was served. In the case of a suspension of a permit, a hearing shall be scheduled no later than 7 days from the date of the suspension.

ARTICLE 23
Hearing Procedure

At the hearing the petitioner and other affected parties shall be given an opportunity to be heard, to present witnesses or documentary evidence and to show why and order should be modified or withdrawn. Failure to hold a hearing within the time period specified shall not affect the validity of any order.

ARTICLE 24
Procedure for Hearings

Section 1. Suspension of a Permit

- A. After a Board suspension of a permit, a hearing shall be initiated no later than twenty-one (21) calendar days after the effective date of the suspension.
- B. Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.
- C. In cases of suspension of a permit, the Board shall determine by a preponderance of the evidence whether there existed immediately prior to or at the time of the suspension, an immediate and serious threat to the public health, safety or welfare. The Board shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

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

- A. If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing.
- B. Following the hearing, the Board shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

ARTICLE 25
Penalties and Enforcement

Section 1. Any corporation, management, proprietor, practitioner or other person in charge of a place covered by this regulation or who fails to comply with these regulations shall be subject to a fine. Each day on which any violation exists shall be deemed a separate offense. Violators may receive a written warning for the first offense. Offenses shall be subject up to \$500 for each day of violation.

Section 2: Holders of a Permit for a Body Art Establishment or Permit for Body Art Practitioner may be subject to suspension of permit. Suspension of the permit shall be 3 days for the first suspension, 7 days for the second suspension and 14 days for the third and subsequent suspensions. In the event of suspension or revocation of such permit, holders shall also be subject to fines.

Section 3. In addition to the remedies provided by Sections 1 and 2, the Board of Health or any person aggrieved by the failure of a permit holder or other person in charge of a place covered by these regulations to comply with any provision of this subsection may apply for injunctive relief to enforce the provisions of this subsection in any court of competent jurisdiction.

Section 4. Violations of this regulation and penalties listed in Sections 1 and 2 may be subject to non-criminal disposition, M.G.L., Chapter 40, Section 21D, by the Health Agent.

ARTICLE 26
Variance

The Board of Health may vary the application of any provision of these regulations with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest injustice.

Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof. A fee for a variance request shall be determined by the Board of Health. Notice of a variance request must be published in a local newspaper at least two weeks before the scheduled date of the public hearing.

Any variance granted must be in writing with a copy available to the public at all reasonable hours in the offices of the Town Clerk and the Board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

ARTICLE 27
Severability

Each article and section of this regulation shall be construed as separate to the end that if any section or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that section shall continue in full force.

ARTICLE 28
Effective Date

This regulation shall take effect on May 4th, 2018.

Michael D. McClean _____

Michael W. Healey _____

Nancy H. Wall Nancy Wall _____

John Chartier John Chartier _____

Kasia Frenette Kasia Frenette _____
Frenette

Date Approved: May 8th, 2018

A TRUE COPY
Marianne Staples
ATTEST:
MARIANNE E. STAPLES
NOTARY

Appendix 1:
Apprentice Task Sheets

Mansfield Health Department
Body Art Practitioner Apprentice Task Sheet

| | |
|--|-------|
| <u>Establishment/Apprentice Information</u> | |
| Name of Establishment: | _____ |
| Address of Establishment: | _____ |
| | _____ |
| | _____ |
| Apprentice Name: | _____ |
| Apprentice Address: | _____ |
| Apprentice Permit #: | _____ |
| Apprenticeship start date: | _____ |
| Sponsoring Licensed Practitioner: | _____ |

Directions for Sponsoring Licensed Body Art Practitioner:

This form is to be completed as the apprentice demonstrates knowledge of each new task. These tasks are to be demonstrated while practicing as a body art practitioner. As each new task is mastered the Sponsoring Licensed Body Art Practitioner should date, initial and provide any comments in the table. Upon completion of the apprenticeship program, this form and all documentation of experience should be submitted to the Mansfield Health Department for review. It is recommended that for each procedure the apprentice completes, a description of the procedure, skill level, and number of hours it took to complete are recorded on a copy of the customer consent form and submitted as evidence of experience.

TASKS TO BE MASTERED BY THE APPRENTICE

| Demonstrates Knowledge Of: | Supervisor Comments | Date | Initials |
|--|---------------------|------|----------|
| Bloodborne Pathogen Standards | | | |
| Infection Control Standards of: Workstation/premises Instruments Machines | | | |
| Infection Prevention Practices: Handwashing Personal Protection Equip. Asepsis | | | |
| Proper Cleaning Techniques of: Instruments Equipment Environment Ultrasonic Cleaner Workstation | | | |
| Proper Sterilization Technique: Pre-cleaning Packaging/Loading Autoclave Storage of Instruments | | | |
| Proper Waste Disposal of: Sharps Contaminated Regular | | | |
| Can explain the content of Consent Forms and the complications that could result from body art | | | |

Demonstrates Knowledge Of:

Supervisor Comments

Date

Initials

| | | | |
|--|--|--|--|
| Can properly evaluate Health History Forms | | | |
| Understands and can explain proper aftercare instructions to a client | | | |
| Can explain proper steps to take in the event of an exposure incident | | | |
| Can explain proper emergency procedure for: Excessive Bleeding Fainting Exposure Incident | | | |
| Proper Preparation of Workstation | | | |
| Proper skin surface preparation | | | |

I certify that the apprentice has mastered all protocols and procedures listed on the Mansfield Apprentice Task Sheet, has displayed the techniques and knowledge of a professional body art practitioner and has successfully completed the Apprenticeship Program as designed by the Mansfield Health Department.

Supervisor Signature _____

Date: _____

Apprentice Signature _____

Date: _____