

Town of Ashland

Board of Health



RULES and REGULATIONS
Relative to Tattoo and Body Art
Within the Town of Ashland
February 21, 2023

Town of Ashland, Massachusetts

Board of Health

Rules and Regulations Relative to Tattoo and Body Art Within the Town of Ashland

Purpose:

The Town of Ashland is promulgating rules and Regulations in the form of this Body Art Regulation which provide minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment wherein Body Art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment wherein Body Art activities are to be performed and Sterilization of Instruments to be used in the conduct of Body Art. By enacting this Body Art Regulation, the Town of Ashland, has determined that these rules and Regulations are necessary to protect the public's health by preventing diseases, including, but not limited to, the transmission of hepatitis B and/or human immunodeficiency virus (HIV/AIDS).

In addition, this Body Art Regulation establishes a requirement for registration and a procedure for the registration with the Ashland Board of Health of all persons performing such Body Art activities, a requirement for minimal training standards for such practitioners including requirements for the prevention of disease transmission and for knowledge of anatomy and physiology. Provisions for the regular inspection of establishments wherein Body Art activities are to be performed and for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this Body Art Regulation, or for other means of enforcement of the provisions of this Body Art Regulation.

This Body Art Regulation provides for an annual fee to be paid by a person and establishment registered under this Body Art Regulation. This fee is intended to help defray the cost to the Town of Ashland of the administration of these requirements of this Body Art Regulation.

Authority:

These Regulations are promulgated under the authority granted to the Ashland Board of Health (Board) pursuant to Massachusetts General Law 111 Section 31, which states "Boards of health may make reasonable health Regulations".

Definitions:

The following terms used in this Regulation, unless context otherwise requires, shall have the following meaning:

1. **AFTERCARE INSTRUCTIONS** – shall mean written instructions, approved by the Board, given to a person upon whom one or more Body Art activities have been performed, specific to the Body

Art procedure(s) rendered or performed, concerning the proper care to be given to the area of the body upon which the Body Art has been performed and concerning the surrounding area of the body.

2. **ANTISEPTIC** – shall mean an agent that destroys disease-causing microorganisms on human skin or mucosa.
3. **AUTOCLAVE** – shall mean an apparatus for sterilization utilizing steam pressure at specific temperature over a designated period of time.
4. **AUTOCLAVING** – shall mean the process which results in the destruction of all forms of microbial life – including highly resistant bacterial spores – by the use of an autoclave for a minimum of thirty (30) minutes at 17 pounds of pressure (PSI) at a temperature of 250 degrees Fahrenheit (F).
5. **BOARD** – shall mean the Ashland Board of Health or its designated agents
6. **BODY ART** – shall mean the practice of physical body adornment, alteration, or modification by means including but not limited to piercing, tattooing, branding, braiding/implantation, or scarring.
7. **BODY ART ESTABLISHMENT** – shall mean any facility that has been inspected and approved by the Board (or one of its designated agents) for use in conducting Body Art activities and for which a current permit is issued by the Board in accordance with this Body Art Regulation.
8. **BODY ART REGULATION** – shall mean this set of Regulations, as amended from time to time by the Ashland Board of Health.
9. **BODY ART PRACTITIONER** – shall mean a person who has received a license to perform Body Art activities by the Board pursuant to this Body Art Regulation.
10. **BODY ART PRACTITIONER LICENSE** – shall mean a license issued by the Board to a person qualified to engage in the practice of Body Art in accordance with this Body Art Regulation.
11. **BODY PIERCING** – shall refer to the form of Body Art requiring or consisting of the puncturing or penetration of the skin or of a membrane of a person for the purpose of the temporary or permanent placement or insertion of jewelry or other adornment or device therein.
12. **BRAIDING** – shall refer to the form of Body Art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.
13. **BRANDING** – shall refer to the form of Body Art consisting of or requiring the inducement of a burn and/or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.
14. **CLEANING AREA** – shall mean the area in a Body Art establishment used in the sterilization, sanitation, or other cleaning of instruments or other equipment used for the practice of Body Art.
15. **CONTAMINATED or CONTAMINATION** – shall refer to the presence of or a reasonable possibility of the presence of blood, bodily fluids, infectious, or potentially infectious matter on an inanimate object.
16. **CONTAMINATED WASTE** – shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release 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 wastes containing blood or potentially infectious materials, as defined in 29 Code of federal Regulation part 1910.0130, as defined in 105 Code of Massachusetts Regulation 480.00 et seq., or in this Body Art Regulation.

17. **COSMETIC TATTOOING** – also known as permanent cosmetics, micro pigment implantation, or dermal pigmentation, shall refer to the form of Body Art requiring the implantation of permanent pigment around the eyes, lips, and cheeks of the face and hair imitation.
18. **CUSTOMER or CLIENT** – shall mean a person upon whom one or more Body Art activities is/are to be performed, and shall include a Minor Client.
19. **CUSTOMER WAITING AREA** – shall mean the area in a Body Art establishment for use and occupation by persons and clients prior to and after the conduct of Body Art.
20. **DISINFECT** – shall mean the destruction of pathogenic microorganisms using a Liquid Chemical Germicide.
21. **DISINFECTANT** – shall mean the same as Liquid Chemical Germicide
22. **DERMIS** – shall mean the deeper, thicker portion of the skin lying beneath the epidermis, to include the subcutaneous layer.
23. **EAR PIERCING** – shall mean the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer’s instructions.
24. **EPIDERMIS** – shall mean the outer layer of skin, which is composed of four recognizable layers of cells usually, a total of about 0.1mm thick.
25. **EQUIPMENT** – shall mean machinery, fixtures, containers, vessels, tools, devices, implements, furniture, display case, storage units, sinks, and all other apparatus and appurtenances used in connection with the operation of a Body Art establishment.
26. **EXPOSURE** – shall mean 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 skin or parenteral contact with other potentially infectious matter.
27. **EXPOSURE CONTROL PLAN** – shall mean a plan drafted by an Operator pursuant to the requirements of the U.S. Occupational Safety and Health Administration to eliminate or minimize potential for an Exposure.
28. **EXPOSURE INCIDENT REPORT** – shall mean a written report detailing the circumstances of an Exposure
29. **GERMICIDE or GERMICIDAL SOLUTION** – shall mean the same as Liquid Chemical Germicide
30. **HAND SINK** – shall mean a sink supplied with hot and cold potable water under pressure, which is used solely for washing hands, arms, or other portions of the body.
31. **HOT WATER** – shall mean water, which is heated to attain and maintain temperature between 110° F and 130° F.
32. **INFECTIOUS WASTE** – shall mean the same as Contaminated Waste.
33. **INSTRUMENT STORAGE AREA** – shall mean the area in a Body Art establishment used for the storage of linens, equipment, and instruments used for Body Art.
34. **INSTRUMENT or INSTRUMENT USED FOR BODY ART** – shall mean those hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or possible exposure to bodily fluids during Body Art procedures.

35. **INVASIVE** – shall describe a procedure causing entry into the body either by incision or by the insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
36. **JEWELRY** – shall mean any device or adornment inserted into a pierced or incised area or portion of the body.
37. **LICENSE** – shall mean a document issued by the Board pursuant to this Body Art Regulation authorizing a person to conduct allowed Body Art procedures in the Town of Ashland.
38. **LIQUID CHEMICAL GERMICIDE** – shall mean a substance registered with the United States Environmental Protection Agency for use in the destruction of pathogenic microorganisms or an approximate 1:100 dilution of household chlorine bleach in clean water mixed fresh daily.
39. **MINOR or MINOR CLIENT** – shall mean a person of less than 18 years of age as of that person's last birth date.
40. **MOBILE BODY ART ESTABLISHMENT** – shall mean any trailer, truck, car, van, camper, or other motorized or non-motorized vehicle, a shed tent, movable structure, bar, home or other facility wherein, or concert, fair, party, or other event whereat one desires to actually conduct Body Art procedures, excepting only a Licensed Body Art Establishment.
41. **OPERATOR** – shall mean any person alone or jointly with other persons who owns, controls, operates or manages a Body Art Establishment.
42. **PARENTERAL** – shall mean the invasion of the skin barrier or mucous membranes
43. **PERMIT** - shall mean a document issued by the Board pursuant to this Body Art Regulation authorizing the use of a facility for the conducting of Body Art activities.
44. **PHYSICIAN** - shall mean a person licensed by the Commonwealth of Massachusetts in accordance with Massachusetts general Law chapter 112 section 2.
45. **PROCEDURE SURFACE** – shall mean any surface of an inanimate object that contact an unclothed part of a person upon whom Body Art is to be performed.
46. **PROHIBITED FORMS OF BODY ART** – shall refer to those forms of Body Art prohibited under this Body Art Regulation
47. **SANITIZE** – shall mean the process of reducing the number of microorganisms on a surface to a safe level using a Liquid Chemical Germicide.
48. **SANITIZER** – shall mean the same as Liquid Chemical Germicide.
49. **SCARIFICATION** – shall refer to a form of Body Art that requires the use of an instrument to cut a design into the skin to produce a scar.
50. **SHARPS** – shall mean any object (sterile or not) that may purposefully or accidentally cut or penetrate the skin or mucosa of a person, including but not limited to, needles, scalpel blades, razor blades, and lancets.
51. **SHARPS CONTAINER** – shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, or disposal and is labeled with the International Biohazard Symbol.
52. **SINGLE USE** - shall mean products or items that are intended for one-time, one-person use and are to be disposed of after such use 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.

53. **STERILIZATION UNIT** -shall mean a unit designed to and which is effective at killing all microorganisms, including bacterial spores and which is approved by the Board for use for Sterilization in a Body Art Establishment.
54. **STERILIZE** – shall mean to effectively kill all microorganisms, including bacterial spores.
55. **TATTOO** – shall refer to the form of Body Art consisting of the injection of ink, dye, or other medium to form or create an indelible mark, figure or decorative design in the subcutaneous portion of the skin.
56. **TATTOOING** – shall mean the act or process of creating a tattoo.
57. **TATTOO GUN** – shall mean an electric, vertically vibrating tool used for tattooing.
58. **TATTOO INKS/PIGMENTS/DYES** – shall mean the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.
59. **TEMPORARY BODY ART ESTABLISHMENT** – shall mean the same as Mobile Body Art Establishment.
60. **THREE DIMENSIONAL “3D” BODY ART or BEADING or IMPLANTATION** – shall refer to the form of Body Art consisting of or requiring the placement of 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.
61. **ULTRASONIC CLEANING UNIT** – shall mean a unit approved by the Board and physically large enough to fully submerge Instruments in liquid, which unit removes all foreign matter from the Instruments by means of high frequency oscillations transmitted through the contained liquid.
62. **UNIVERSAL PRECAUTIONS or STANDARD PRECAUTIONS** – shall mean the set of guidelines and controls, published by the Center for Disease Control as “guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers” in Morbidity and Mortality Weekly Report by the center for Disease Control (CDC) June 23,1989, Vol.38,NO.5-6, and as “recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures” in Morbidity and Mortality Weekly Report July 12, 1991, Vol.40, No. RR-8, each as amended or updated. This method of infection control requires the employer and the employee to assume that all human blood and specified human bodily fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include, but are not limited to, hand washing, donning of gloves, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and bodily fluid contaminated products.
63. **WORKSTATION** – shall mean an area within a Body Art Establishment designated for use in the conducting of Body Art activities.

Severability:

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

The Practice of Body Art – Body Art Practitioner License Required:

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner License issued by the Board pursuant to this Body Art Regulation.

Body Art Facility – Body Art Establishment Permit Required:

No person shall establish a facility for the conduct of a business consisting of or including performance of one or more Body Art activities upon the person of another without a valid Permit to operate such facility as a venue within which to conduct Body Art activities issued by the Board in accordance with this Body Art Regulation.

Exemptions:

- (a) Physicians who practice Body Art activities as part of a patient treatment are exempt from provisions of the Body Art Regulation so long as such Body Art activities are performed in a medically acceptable manner.
- (b) Individuals, who pierce only the lobe of the ear with a pre-sterilized single-use stud and clasp ear-piercing system without the use of a so-called piercing gun, are exempt from the provisions of this Body Art Regulation.

Town Clerk – Registration:

The requirements of this Body Art Regulation to obtain a Body Art Practitioner License and a Body Art Facility Permit are separate from and in addition to the requirements of Massachusetts General Law Chapter 110, Sect 5.

Commonwealth of Massachusetts -Registration or Licensing:

The requirements of this Body Art Regulation to obtain a Body Art Practitioner License and/or a Body Art Facility Permit are separate from and in addition to any similar requirements that may be mandated by the Commonwealth of Massachusetts.

1. Body Art Practitioner

- 1.1 Application – Registration – Body Art Practitioner License**
- 1.2 Body Art Practitioner License – Compliance with Minimal Training Requirements**
- 1.3 Hepatitis B Vaccination Status – Disclosure**
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- 1.11 Body Art Practitioner License – Impairment by Drugs or Alcohol**
- 1.12 Restriction of Certain Body Art Activities**
- 1.13 Sterile Conditions**
- 1.14 Rash, Lesion, or Visible Sign of Infection**
- 1.15 Use of Licensed Facility**
- 1.16 Body Art Practitioner – Use of Mobile or Temporary Establishment – Prohibited**

1.1 Application – registration – Body Art Practitioner License

Any person seeking registration under this Body Art Regulation so as to obtain a Body Art Practitioner License shall submit a completed application provided by the Board and shall pay the Town of Ashland a fee per the fee schedule approved by the Board of Health. A Body Art Practitioner License shall be valid for no more than one year. The Board may renew a Body Art Practitioner License under this Body Art Regulation and each applicant for such renewal shall pay to the Town of Ashland a renewal fee per the fee schedule.

All Body Art Practitioner Licenses shall expire on December 31 of the year of issuance. Applications for renewal under this Body Art Regulation shall be submitted to the Board at least thirty (30) days in advance of the expiration date.

1.2 Application – Body Art Practitioner License – Compliance with Body Art Regulation Requirements

An applicant for a Body Art Practitioner License shall demonstrate to the Board his/her successful compliance with all training, disclosure, consent, and educational requirements of this Body Art Regulation relative to the form of Body Art activities for which such applicant seeks a Body Art Practitioner License prior to the issuance or renewal of a Body Art Practitioner License by the Board.

1.3 Hepatitis B Vaccination Status – Disclosure

- (a) A Hepatitis B Vaccination is highly recommended.
- (b) An applicant for a Body Art Practitioner License shall provide to the Board, and shall provide to the owner of any Body Art Establishment in which the applicant intends to perform or in which the applicant does perform Body Art activity, valid documentation of his/her Hepatitis B Virus (HBV) vaccination status stating:
 - a. Certification of completed vaccination
 - b. Laboratory evidence of immunity (titer)
 - c. Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed licensed healthcare professional’s statement specifying the name of the Body Art Practitioner License applicant and that the vaccine cannot be given; or
 - d. Certificate of vaccination declination of HBV, i.e. for medical or religious reasons as provided in Massachusetts General Law chapter 76 section 15.

1.4 Hygiene

Every Body Art Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting Body Art activity. If the clothes of a Body Art Practitioner are or become contaminated, clean clothing shall be donned prior to commencement of any further Body Art activity.

1.5 Minimal Training Requirements

Every applicant for a Body Art Practitioner License or a renewal of a Body Art Practitioner License, in order to be qualified for such a License, shall provide to the Board evidence of satisfaction of the following minimal training requirements:

- a. For a Body Art Practitioner License enabling one to perform Body Piercing, the completion of a complete 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. This course work must include instruction on the systems of the integumentary system (skin).
- b. For a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing, the completion of a complete 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. This course work must include instruction on the systems of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing.
- c. For all Body Art Practitioners, the successful completion of a course on Prevention of Disease transmission and Bloodborne pathogens taught by an instructor trained and sufficiently knowledgeable to teach this OSHA course. Such knowledge shall include the requirements of 29 CFR 19010.1030.
- d. Current certification in American red Cross First Aid, or its equivalent, Cardio-Pulmonary Resuscitation (including use of an Automated External Defibrillator).
- e. Body Art Practitioner work experience:
 - i. 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 License to perform, whether such experience was obtained within or outside the Commonwealth, or
 - ii. Evidence of a completed apprenticeship program as approved by the Commonwealth of Massachusetts or the Board, with instruction in the kind of Body Art for which the applicant seeks a Body Art Practitioner License to perform.

1.6 Blood Borne Pathogen Training Course – Content

Any course taken by an applicant to fulfill the requirements set forth in this Body Art Regulation concerning the exposure control and Blood borne pathogen training shall meet the requirements of 29 United States Code 1910.1030 *et seq.*, as amended from time to time, and, at a minimum, shall provide instruction in the following subject matter:

- a. (1) A general explanation of the epidemiology and symptoms of Blood borne diseases and all communicable diseases potentially transmitted through Body Art activity;
 - (2) An explanation of the modes of transmission of Blood borne pathogens and other communicable diseases potentially transmitted through Body Art activity;
 - (3) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for the Body Art practitioner and/or the client/recipient;
 - (4) An explanation of the use and limitations of methods that will prevent or reduce exposure to the Body Art Practitioner and/or client/recipient of Blood borne pathogens and other communicable diseases;
 - (5) Information on different types, proper use, and removal of gloves and proper handwashing technique;
 - (6) Information on the proper selection and use of disinfectants and antiseptics;
 - (7) Information on the HBV vaccine, including information on its efficacy, safety, method of administration, and the benefits of vaccination against HBV;
 - (8) An explanation of what constitutes an exposure incident, the risk of disease transmission following an exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs involving Blood borne pathogens; and,
 - (9) An opportunity for interactive questions and answers with the instructor of the training session.
- b. Upon conclusion of a course as described above, an examination based on the information covered in the course shall be administered to each attendee of the course by the entity administering the course, with documentation of the results for each attendee provided to him or her. The Body Art Practitioner License applicant shall provide the results of such examination to the Board.

1.7 Body Art Practitioner License – Consent to Comply with Body Art Regulation

An applicant for a Body Art Practitioner License shall sign a statement provided by the Board consenting to and agreeing to abide by all of the provisions of this Body Art Regulation.

1.8 Body Art Practitioner License – Board Authorized to Issue

- a. If an applicant for a Body Art Practitioner License demonstrates compliance with section 1.5(a) and all other provisions of this Body Art Regulation, excepting only section 1.5(b), then the Board is hereby authorized to issue a Body Art Practitioner License pursuant to the provisions of this Body Art Regulation which authorizes the applicant to conduct Body Art activities permitted under this Body Art Regulation.
- b. If an applicant for a Body Art Practitioner License does not demonstrate compliance with section 1.5(a) of this Body Art Regulation, but does demonstrate compliance with section 1.5(b) and with all other provisions of this Body Art Regulation, then the Board is hereby authorized to issue a Body Art Practitioner License that authorizes the applicant to conduct Body Art activities permitted by this Body Art Regulation, excepting Body Piercing.

1.9 Body Art Practitioner License – Acting Within Scope of License

A Body Art Practitioner shall only perform those forms of Body Art for which he/she holds a Body Art Practitioner License issued by the Board.

1.10 Body Art Practitioner License – Posting Requirement

A Body Art Practitioner and/or Operator shall post in an area of the Body Art Establishment accessible to the Board and to the Clients the original of the current Body Art Practitioner License of the Body Art Practitioner.

1.11 Body Art Practitioner – Impairment by Drugs or Alcohol

No Body Art Practitioner shall conduct any Body Art activity while under the influence of alcohol or drugs.

1.12 Restriction of Certain Body Art Activities

No Body Art Practitioner shall:

- a. Tattoo a Minor Client;
- b. Brand a Minor Client;
- c. Scar or perform scarification on a Minor Client;
- d. Pierce the genitalia of a Minor Client;
- e. Pierce a client under 14 years of age – with the sole exception of Ear Piercing; or
- f. Perform or engage in any of the activities prohibited under section 7 of this Body Art Regulation.

1.13 Sterile Conditions

A Body Art Practitioner shall only conduct Body Art activities under sterile conditions.

1.14 Rash, Lesion or Visible Sign of Infection

The skin of a Body Art Practitioner shall be free from rash, any lesion or visible sign of infection. A body Art Practitioner shall not conduct any form of Body Art activity upon any area of a Client that evidences the presence of any rash, lesion or visible sign of infection.

1.15 Use of Licensed Facility

A Body Art Practitioner shall only conduct Body Art activities within a facility with a current Body Art Establishment Permit, and which Establishment is in compliance with all provisions of this Body Art Regulation.

1.16 Body Art Practitioner – Use of Mobile or Temporary Body Art Establishment – Prohibited

No Body Art Practitioner shall conduct any form of Body Art activity in a Mobile or Temporary Body Art Establishment.

2. Apprenticeship Program

2.1 Apprenticeship Program – Board Authorized to Establish

2.2 Compliance with this Body Art Regulation

2.3 Definitions

2.4 Apprenticeship Program – Minimum Requirements

2.5 Apprenticeship License – Board Authorized to Issue

2.6 Clients – Notice and Consent

2.1 Apprenticeship Program – Board Authorized to Establish

The Board pursuant to and in accordance with the authority to promulgate rules and Regulations for the protection of public health granted in Massachusetts General Law chapter 111 section 31, and pursuant to the authority granted hereunder, is hereby empowered and authorized to establish a Body Art Practitioner License Apprenticeship Program.

2.2 Compliance with this Body Art Regulation

Any Body Art Practitioner License Apprenticeship Program established under the authority of section 2.1 of this Body Art Regulation shall require that all participants in such

program adhere to and abide by all relevant provisions of this Body Art Regulation excepting only sections 1.5 and 1.6.

2.3 Definitions

For the purposes of section 2.2 of this Body Art Regulation and, where the context so requires, for purposes of the Body Art Practitioner License Apprenticeship Program established by the Board pursuant to section 2.1 of this Body Art Regulation, the term “Body Art Practitioner” shall mean “Body Art Practitioner Apprentice,” and the term “Body Art Practitioner License” shall mean “Body Art Practitioner Apprenticeship License.”

2.4 Apprenticeship Program – Minimum requirements

As a minimum requirement of the Body Art Practitioner License Apprenticeship Program established by the Board, the Board shall require that each participant in such program shall be required to complete the requirements of section 1.5 (a) through (d) inclusive and 1.6 of this Body Art Regulation prior to a participant in such program conducting any form of Body Art activity upon a Client or the person of another.

2.5 Apprenticeship License – Board Authorized to Issue

The Board is hereby authorized to issue a Body Art Practitioner Apprenticeship License to participants in the Body Art Practitioner License Apprenticeship Program established pursuant to section 2.1 of this Body Art Regulation provided such participant qualifies for the same pursuant to the provisions of this Body Art Regulation and the Body Art Practitioner License Apprenticeship Program.

2.6 Clients – Notice and Consent

- a. Before a person acting under a Body Art Practitioner Apprentice license conducts any form of Body Art activity upon a Client, that Client shall be advised that the person to conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.
- b. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, such person must obtain the Client’s written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity required pursuant to section 3.2 of this Body Art Regulation and such written consent shall be maintained therewith.

3. Customers / Clients

3.1 Application and Consent Form for Body Art Activity – Requirement

- 3.2 Application and Consent Form for Body Art Activity – Content**
- 3.3 Disclosure of Certain Health Related Information**
- 3.4 Impairment by Drugs or Alcohol**
- 3.5 Aftercare Instructions – Requirement**
- 3.6 Aftercare Instructions – Minimum Content**
- 3.7 Age Requirements for Certain Body Art Activities**
- 3.8 Rash, Lesion or Visible Sign of Infection**

3.1 Application and Consent Form for Body Art Activity – Requirement

Every Client shall complete an application and consent form approved by the Board prior to having any Body Art activity performed upon or to their body.

3.2 Application and Consent Form for Body Art Activity – Content

Every application and consent form, required by section 3.1 of this Body Art Regulation, shall contain a minimum of the following:

- a. General information regarding Body Art, including, at a minimum, the following statements:
 - 1. Tattoos should be considered permanent; and
 - 2. The removal of Tattoos would require surgery or other medical procedure(s) that may result in scarring of the skin.
- b. Information as to the side effects of Body Art, including, but not limited to, hypertrophic scarring, possible adverse reactions to ink/dye pigment, possible change in color of ink/dye pigment over time, a decreased ability of physician to locate skin melanoma in regions concealed by Tattoos or other forms of Body Art, possible nerve damage, febrile illness, tetanus, systemic infection, and keloid formation;
- c. Client Information, including:
 - 1. Name;
 - 2. Age and valid identification;
 - 3. In the case of a Minor Client, the Parent or Legal Guardian’s name, proof of parentage or legal guardianship through a copy of birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent or legal guardian’s relationship to the Minor Client, and the consent to conduct of the contemplated Body Art activity upon the Minor Client;
 - 4. The type of the Body Art activity to be performed.
- d. Instructions requiring the Client to adhere to the Exposure Control Plan as such Plan relates to the Client’s conduct in the Body Art Establishment;
- e. The address and phone number of the Board and instructions for the Client, or in the case of a Minor Client – the Minor Client and his/her Parent or Legal Guardian,

to contact the Board with any questions or concerns regarding safety, Sanitation or Sterilization procedures;

- f. The name of the Body Art Practitioner who is to conduct the Body Art upon the Client or Minor Client;
- g. The manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any Dye/Ink or pigment to be used in the Body Art activity;
- h. Signature of Client;
- i. In the case of a Minor Client, the signature of the Client's parent or legal guardian. The parent or legal guardian shall sign the consent form in the presence of the Body Art Practitioner;
- j. The signature of the Body Art Practitioner;
- k. The date(s) of all signature(s); and,
- l. The date(s) of the Body Art procedure, including a daily estimate of progress for the conduct of Body Art requiring multiple days to complete.

3.3 Disclosure of Certain Health Related Information

- a. A Client shall inform the Body Art Practitioner of any known chronic medical or communicable conditions, including, but not limited to the following:
 - 1. Diabetes;
 - 2. History of hemophilia (bleeding);
 - 3. History of skin disease, skin lesions or skin sensitivities to soap, Disinfectants, etc.;
 - 4. History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
 - 5. History of epilepsy, seizures, fainting or narcolepsy;
 - 6. The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting.
 - 7. History of or suspicion of adverse reactions to latex or latex-containing products.
- b. A Client shall inform the Body Art Practitioner of a known pregnancy or possibility of pregnancy.
- c. The Body Art Practitioner shall require the Client to sign a release form confirming that the above information was obtained or attempted to be obtained and the Client refused to disclose the same.

3.4 Impairment by Drugs or Alcohol

No person shall receive any form of Body Art activity who is under the influence of drugs or alcohol.

3.5 Aftercare Instructions – Requirement

All Clients shall obtain and read and follow the Board approved Aftercare Instructions appropriate for the form of Body Art conducted upon such person.

3.6 Aftercare Instructions – Minimum Content

Aftercare Instructions shall be approved by the Board and shall include, at a minimum, the following:

3.7 Age Requirements for Certain Body Art Activities

- (1) No Minor Client shall receive a Tattoo.
- (2) No Minor Client shall be Branded.
- (3) No Minor Client shall be Scarred.
- (4) No Minor Client shall have his or her genitalia pierced.
- (5) No Client under 14 years of age shall be pierced with the sole exception of Ear Piercing.

3.8 Rash, Lesion or Visible Sign of Infection

The skin area or mucosa of a Client to receive any form of Body Art activity shall be free of rash, any lesion, or from any visible sign of infection.

4. Body Art Establishments

- 4.1 Application – Registration – Body Art Establishment Permit**
- 4.2 Zoning Restriction**
- 4.3 Plans**
- 4.4 Workstation**
- 4.5 Separate Areas**
- 4.6 Walls – Floors – Ceilings**
- 4.7 Electrical Wiring**
- 4.8 Lighting and Ventilation**
- 4.9 Plumbing**
- 4.10 Toilet Rooms**
- 4.11 Hand Washing Sinks**
- 4.12 Janitorial Sinks**
- 4.13 Instrument Sinks**
- 4.14 Exposure Control Plan – requirement**
- 4.15 Exposure Control Plan – Submission**
- 4.16 telephone Access – Emergency Communication**
- 4.17 Body Art Establishment – Other Activities – Restrictions**
- 4.18 Body Art Establishment – Permit – Board Authorized to Issue**
- 4.19 Body Art Establishment – Permit – Posting requirement**
- 4.20 Mobile or Temporary Body Art Establishment – Prohibited**

4.21 Health of Body Art establishment Employees

4.1 Application – registration – Body Art Establishment Permit

A person seeking registration under this Body Art Regulation so as to obtain a Body Art Establishment Permit shall submit a completed application provided by the Board and shall pay the Town of Ashland a fee per the fee schedule. A Body Art Establishment Permit shall be valid for no more than one year. The Board may renew a Body Art Establishment Permit under this Body Art Regulation and each applicant for such renewal shall pay the Town of Ashland a renewal fee per the fee schedule. All Body Art Establishment Permits shall expire on December 31st of the year of issuance.

4.2 Zoning Restriction

No Body Art facility or Body Art Establishment shall be located in a Residential Zoning District unless approval for variance is granted by the Zoning Board of Appeals for commercial use.

4.3 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.

4.4 Workstation

- (a) Every Workstation constructed prior to January 1, 2001 shall have a minimum of 60 square feet. Every Workstation constructed after January 1, 2001 shall have a minimum of 80 square feet.
- (b) Each Body Art Establishment shall have at least one Workstation.
- (c) The area within each Workstation shall be completely screened from view from any person outside such Workstation.
- (d) A Workstation shall be used for no other purpose.
- (e) Each Workstation shall be separated from any other area of the Body Art Facility, including other Workstations within such Body Art Facility, by a wall or other solid barrier extending from the floor to a minimum height of eight (8) feet.
- (f) A Workstation shall be maintained in a clean and sterile condition.

4.5 Separate Areas

- (a) Every Body Art Establishment shall have therein a Cleaning Area. Every Cleaning Area shall have an area for the placement and use of an Autoclave or other

Sterilization Unit located or positioned so as to be a minimum of thirty-six (36) inches from a required Ultrasonic Cleaning Unit.

- (b) Every Body Art Establishment shall have therein an Instrument Storage Area exclusive of the Cleaning Area. The Instrument Storage Area shall be equipped with cabinets for the storage of Instruments and Equipment. The required cabinets shall be located a sufficient distance from the Cleaning Area so as to prevent Contamination of the Instruments and Equipment stored therein.
- (c) Every Body Art Establishment shall have therein a Customer Waiting Area exclusive of and separate from any Workstation, Instrument storage Area, or Cleaning Area.

4.6 Walls – Floors – Ceilings

- (a) Every Workstation, Instrument Storage Area, Toilet Room, and Cleaning Area shall be constructed and maintained as follows so as to provide a durable, smooth, nonabsorbent and washable surface;
 - (1) Floors – constructed of commercially rated continuous sheet vinyl, smooth sealed cement, ceramic tile with sealed grout, or other similar materials approved by the Board and shall be maintained in good repair free of any holes or cracks;
 - (2) Walls – covered with a semi-gloss or gloss enamel paint, or constructed of fiberglass reinforced panel, ceramic tile with sealed grout or other similar materials approved by the Board and shall be maintained in good repair free of any holes or cracks;
 - (3) Ceiling – covered with semi-gloss or gloss enamel paint, or approved commercially rated panels or tiles and maintained in good repair free of any holes, cracks, or falling matter.
- (b) All such floors, walls, and ceilings shall be light-colored. For purposes of this Body Art Regulation, “light-colored” shall mean a light reflectance value of seventy (70) percent or greater.

4.7 Electrical Wiring

- (a) All electrical wiring shall be installed and maintained in accordance with the state and local wiring codes.
- (b) All electrical outlets in all Workstations and Cleaning Areas shall be equipped with approved Ground Fault (GFCI) protected receptacles.

4.8 Lighting and Ventilation

- (a) Every Workstation shall be well ventilated and have a minimum light service maintained at all times during the conducting of Body Art Activities at an equivalent of not less than 20 foot candles as measured 36 inches above the

floor, except that a minimum of 100 foot candles shall be provided on the area of the Client's body subject to the conduct of Body Art, in any area where instruments or Sharps are assembled, and all Cleaning Areas.

- (b) Every Workstation, Cleaning Area, and every area in a Body Art Establishment where linens, Instruments, Sharps, or other Equipment is exposed, Sanitized, or Sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses, or globes of shatterproof material.

4.9 Plumbing

- (a) All plumbing and plumbing fixtures shall be installed in compliance with local plumbing codes.
- (b) To the extent permitted by applicable federal, state, and local laws and Regulations, all liquid wastes shall be discharged through the plumbing system into the public sewerage system or into a Board-approved private sewage disposal system.
- (c) An adequate pressurized potable water supply shall be provided to every Body Art Establishment.
- (d) The public water supply entering a Body Art Establishment shall be protected by a testable, reduced pressure back flow preventer installed in accordance with 142 Code of Massachusetts Regulation 24B, as amended from time to time.

4.10 Toilet Rooms

- (a) Every Body Art Establishment shall provide toilet rooms with adequate lighting and ventilation to the outside for use by employees and Clients, which shall be available to Clients during business hours.
- (b) The number and construction of toilet rooms shall be in accordance with local building and plumbing codes.
- (c) Every water closet or toilet stall shall be enclosed and have a well-fitting, self-closing door.
- (d) An adequate supply of toilet tissue shall be provided in a permanently installed dispenser in each water closet or toilet stall.
- (e) Toilet rooms shall not be used for storage of Instruments or other supplies used for Body Art activity.
- (f) 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 within such Body Art Establishment if Board-approved toilet 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 Body Art Practitioner.

4.11 Handwashing Sinks

- (a) A Handwashing Sink shall be provided within or adjacent to any toilet room and in each Workstation.
- (b) Every Hand Washing Sink shall be equipped with an adequate supply of hot and cold water under pressure with fixtures to allow for washing of hands, liquid hand cleanser, single-use sanitary towels in devices for dispensing, and a waste container of washable construction.
- (c) A Hand Washing Sink shall not be used as a Janitorial Sink.

4.12 Janitorial Sink

At least one janitorial sink shall be provided in every Body Art Establishment for use in cleaning the Body Art Establishment and proper disposal of liquid wastes in accordance with all applicable Federal, state and local laws. For purposes of this Body Art Regulation, a janitorial sink means a sink of adequate size equipped with hot and cold water under pressure so as to permit the cleaning of the Body Art establishment and any equipment used for cleaning.

4.13 Instrument Sink

- (a) Every Cleaning Area shall have a sink used exclusively for the cleaning of Instruments.
- (b) Every instrument sink shall be of adequate size and equipped with hot and cold water under pressure so as to permit the cleaning of Instruments.

4.14 Exposure Control Plan - Requirement

Each Operator shall create, update as needed, and comply with an Exposure Control Plan.

4.15 Exposure Control Plan – Submission

- (a) The Exposure Control Plan for a Body Art Establishment shall be submitted by the Operator to the Board for review as to meet all of the requirements of OSHA Regulations, to include, but not limited to 29 Code of Federal Regulation 1910.1030 *et seq.*, as amended from time to time.
- (b) A copy of the Body Art Establishment's Exposure Control Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

4.16 Telephone Access – Emergency Communication

A Body Art Establishment shall be required to have a telephone in good working order and easily accessible to all employees and Clients during all hours of operation for the purpose of contacting police, fire or emergency medical assistance or ambulance services in the event of an emergency or perceived emergency. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency telephone numbers and the number for the Board.

4.17 Body Art Establishment – Other Activities - Restrictions

No Operator shall permit the use of a Body Art Establishment:

- (a) For the sale of food and/or beverages, whether to be consumed at the Body Art Establishment or off-site;
- (b) As a barbershop or hair salon;
- (c) As a nail salon;
- (d) As a bar, with or without a license for the sale of alcoholic beverages;
- (e) As a bowling alley;
- (f) For human habitation;
- (g) As a tanning salon;
- (h) As a massage parlor, or
- (i) For any other use, which, in the opinion of the Board, may cause the contamination of instruments, Equipment, A Procedure Surface, or Workstation.

4.18 Body Art Establishment – Permit – Board Authorized to Issue

If an applicant for a Body Art Establishment permit demonstrates to the Board compliance with section 4 *et seq.* of this Body Art Regulation, the Board is hereby authorized to issue a Body Art Establishment Permit pursuant to the provisions of this Body Art Regulation.

4.19 Body Art Establishment – Permit – Posting Requirement

The Operator of a Body Art Establishment shall post in an area of the Body Art Establishment accessible to the Board and Clients the original of the Current Body Art Establishment Permit issued by the Board.

4.20 Mobile or Temporary Body Art Establishment

No person shall establish or operate a Mobile or Temporary Body Art Establishment within the town of Ashland.

4.21 Health of Body Art Establishment Employees

No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall work in any area of, or in any capacity in, a Body Art Establishment which would create a likelihood that such a person could Contaminate Equipment, Instruments, supplies, Procedure Surfaces, Workstations, or otherwise compromise or could be reasonably be expected to compromise the Sterility of the Body Art Establishment with body substances or pathogenic organisms.

5. Instruments and Equipment

5.1 Equipment and Furnishings

- 5.2 Sanitizing and Sterilization Units**
- 5.3 Waste Receptacles**
- 5.4 Linens**
- 5.5 Rotary Pens**
- 5.6 Ink – Dye – Pigment**
- 5.7 Inserted Objects – Jewelry**
- 5.8 Single Use Equipment and Instruments**
- 5.9 Prohibited Instruments and Materials**

5.1 Equipment and Furnishings

The Procedure Surface and the surface of all furniture and counter tops located in a Workstation, Instrument Storage Area, and Cleaning Areas shall be made of materials that are, or shall be treated so as to be, smooth, non-absorbent, non-porous, easily cleanable, and able to withstand repeated cleaning and Disinfecting. Such surfaces shall be maintained in a good condition free from holes and cracks.

5.2 Sanitizing and Sterilization Units

- (a) Every Body Art Establishment shall have, at a minimum, the following:
 - (1) One or more Ultrasonic Cleaning Units sold for cleaning purposes under approval of the U. S. Food and Drug Administration. Every Ultrasonic Cleaning Unit shall be clearly labeled “Biohazardous” and shall be installed or placed in the Cleaning Area at a minimum distance of 36 inches from the required Autoclave or other Sterilization Unit.
 - (2) One or more Autoclaves or other Sterilization Unit sold for medical Sterilization purposes under approval of the U. S. Food and Drug Administration; and
- (b) Every Operator and Body Art Practitioner shall be knowledgeable in the required washing, cleaning, and Sterilization procedures including the proper operation of the Ultrasonic Cleaning Unit and Autoclave or other Sterilization Unit.

5.3 Waste Receptacles

- (a) Every Workstation shall have a foot-operated, covered, cleanable, waste receptacle for disposal of trash and other debris.
- (b) Every Workstation shall have an approved Sharps Container exclusively used for the disposal of Contaminated Waste in accordance with applicable state and local Regulations.

5.4 Linens

Every Body Art Establishment or Body Art Practitioner shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in conducting Body Art activities.

5.5 Rotary Pens

If used in Body Art activity, rotary pens, also known as cosmetic machines, shall have detachable, disposable, sterile combo couplers and shall have detachable, disposable casings, or casings designed and manufactured to be easily cleaned and sterilized.

5.6 Ink – Dye – Pigment

- (a) All Inks, Dyes, and Pigments used to alter the color of skin in the conduct of Body Art shall be specifically manufactured for such purpose, approved, properly labeled as to its ingredients, manufacturer and lot number in accordance with applicable United States Food and Drug Administration (“FDA”) requirements, and shall not be contaminated or adulterated. The mixing of such Inks, Dyes, or Pigments or the dilution of the same with potable sterile water is acceptable, unless prohibited or not recommended by the manufacturer.
- (b) Inks, Dye, and Pigments prepared by or at the direction of a Body Art Practitioner for use in Body Art activity shall be made exclusively of non-toxic and non-contaminated ingredients approved by the Board or the FDA.

5.7 Inserted Objects – Jewelry

- (a) Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs, or irregular surface conditions.
- (b) Jewelry of 16-Gage girth or thicker shall not have raised external threads or threading.
- (c) Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client.
- (d) The use of previously worn Jewelry or Jewelry brought into the Body Art Establishment by the Client is prohibited.
- (e) Only Jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, American Society for Testing and Material Standards F-136-98, platinum or other materials are considered by the Board to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

5.8 Single Use Equipment and Instruments

Equipment, Instruments, and supplies intended for single-use shall not be used more than one time.

5.9 Prohibited Instruments and Materials

No Operator, Body Art Practitioner, or other person shall utilize or have available in a Body Art Establishment any:

- (1) Instruments or materials, such as styptic pencils or devices, alum, or any similar material, used to check the flow of blood;
- (2) Liquid sterilants for the attempted sterilization of any re-usable Instrument or component;
- (3) Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for the purpose of prohibiting the backflow of pigment and body fluid into the machine;
- (4) Multiple-use Instruments or components that are designed in such a manner that restrict or prevent proper washing, cleaning, or Sterilization;
- (5) Drugs, chemicals or agents that require a licensed medical practitioner's authorization for use, application, or dispensation;
- (6) Suturing kits or other suturing devices, scalpels, cauterizing tools or devices, or other tools, devices or instruments used for or in conjunction with any Prohibited Body Art Activity, and not otherwise properly used for any allowed Body Art activity;
- (7) Piercing needles or piercing tapers for the sale or use by one not a Body Art practitioner; or
- (8) Needles used in the practice of "play piercing," so-called.

6. General Requirements

6.1 Animals

6.2 Smoking, Eating and Drinking - Prohibited

6.3 Disease Transmission

6.4 Exposure Incident Report

- 6.5 Record Maintenance**
- 6.6 Establishment Maintenance**
- 6.7 Toilet Room and Plumbing Maintenance**
- 6.8 Equipment and Instrument Maintenance**
- 6.9 Contaminated Instruments**
- 6.10 Instrument Storage**
- 6.11 Use of Chemicals and Cleaners**
- 6.12 Labeling**
- 6.13 Linen Storage and Cleaning**
- 6.14 Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units**
- 6.15 Waste Hauling**

6.1 Animals

- (a) No Body Art Practitioner shall conduct any form of Body Art upon an animal.
- (b) No animal, except one actually serving as any guide animal, signal animal, or service animal accompanied by a totally or partially blind person or deaf person or a person whose hearing is impaired or handicapped person, shall be allowed in a Body Art Establishment,

6.2 Smoking, Eating and Drinking – Prohibited

No person shall smoke, or otherwise use any form of tobacco, eat or drink at or in a Workstation, Instrument Storage Area or Cleaning Area. Only in the case of medical need may be fluids consumed by a Client.

6.3 Disease Transmission

Except as set forth in these Regulations, no Operator, Body Art Practitioner, or other person shall commit or permit any act that may expose any Client or person to disease or illness or otherwise contaminate any instrument or area in a Body Art Establishment.

6.4 Exposure Incident Report

- (a) An Exposure Incident Report shall be completed by the close of the business day during which an Exposure has or might have taken place by the involved or knowledgeable Body Art Practitioner for every Exposure incident occurring in the conduct of any Body Art activity.
- (b) Each Exposure Incident report shall contain:
 - (1) A copy of the Application and Consent Form for Body Art activity completed by any Client or Minor Client involved in the Exposure Incident;

- (2) A full description of the Exposure Incident, including the portion of the body involved therein;
- (3) Instruments or other Equipment implicated;
- (4) A copy of the Body Art Practitioner License of the involved Body Art Practitioner;
- (5) Date and time of Exposure;
- (6) A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and
- (7) Information regarding any recommendation to refer to a physician or waiver to consult a physician by person(s) involved.

6.5 Record Maintenance

(a) Every Operator shall have and retain at the Body Art Establishment for inspection by the Board the following information for the time period specified below; to be updated as needed to remain current:

- (1) Exposure Control Plan – one copy of the Exposure Control Plan for the Body Art Establishment submitted to the Board;
- (2) Employee records [three years] – indicating name, home address, home phone number, identification photograph, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of Body Art procedures conducted, dates of employment at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;
- (3) Body Art Practitioner independent operator (non-employee of the Body Art Establishment) records [three years] – indicating: name, home address, phone number, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of Body Art procedures conducted, dates operating at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;
- (4) Client records [two years] – copies of all Application and Consent forms for Body Art activity;

- (5) Waste hauler manifests for Contaminated Waste transport and disposal [three years];
- (6) Training records [three years]- documentation to verify training of Exposure Control Plan to all employees and Body Art Practitioner independent operator(s) conducting Body Art activity at such establishment;
- (7) Commercial biological monitoring [spore] system test results [three years]; and
- (8) Body Art Regulation – one copy of the most current version of the Body Art Regulation and any State Regulations concerning the practice of Body Art.

(b) Every Operator shall have and retain at the Body Art Establishment for inspection by the Board all Exposure Incident reports permanently. The disposal or destruction of these reports is prohibited.

6.6 Establishment Maintenance

Every area of a Body Art Establishment shall be kept in good repair, clean and free of all vermin and maintained so as to prevent Contamination of Clients and other persons.

6.7 Toilet Room and Plumbing Maintenance

Every toilet room, all plumbing, and all plumbing fixtures shall be kept clean, fully operative, and in good repair.

6.8 Equipment and Instrument Maintenance

(a) All Instruments, Equipment, and Procedure Surfaces used for Body Art activity, including, but not limited to, devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, and in good repair and free from Contamination.

(b) All Instruments manufactured for performing any specific Body Art activity shall be so designated, used and approved, and shall not be modified, adulterated, Contaminated, or improperly used. Instruments used for Body Piercing shall be constructed of stainless surgical-grade steel, and designed and manufactured for such use.

6.9 Contaminated Instruments

(a) Every Contaminated reusable Instrument or component thereof, including, but not limited to, needles, needle bars, needle tubes, needle caps, Body Piercing

tubes, rotary pens, and coil machines, shall be immersed in water or other approved liquid solution in the cleaning Area until cleaned and Sterilized.

- (b) Prior to Sterilization, every such Instrument shall be thoroughly washed by scrubbing with an appropriate Disinfectant and hot water in accordance with manufacturer's instructions so as to remove Contamination and foreign matter.
- (c) Upon completion of the washing process as set forth in subsection (b) above, every such Instrument shall be cleaned using an Ultrasonic Cleaning Unit in accordance with manufacturer's instructions.
- (d) Upon completion of the cleaning process as set forth in subsection (c) above, every such Instrument shall be packaged into procedure set-up packages with color change indicators designed to indicate complete Sterilization thereof, initials of the person responsible for Sterilizing the Instruments and date of such sterilization. Instruments may be packaged individually or with other Instruments to the extent permitted under the package manufacturer's instructions.
- (e) Upon completion of the packaging process as set forth in subsection (d) above, every such Instrument shall be properly Sterilized in an approved Autoclave or other Sterilization Unit according to manufacturer's instructions.
- (f) If a package becomes wet, is opened or is otherwise compromised so as to allow the possible Contamination of the contents of the package, any Instrument therein shall be deemed Contaminated and shall again be washed, cleaned, packaged, and Sterilized as indicated above prior to use.
- (g) Sterilized Instruments shall be stored in a dry, clean cabinet, or tightly covered container. Cabinets and containers designated for the storage of Sterilized Instruments shall be used for that purpose exclusively.
- (h) Every Sterilized package shall be deemed expired six (6) months after the date of Sterilization. Every Instrument therein shall be washed, cleaned, packaged and Sterilized consistent with the provisions of this section prior to use.
- (i) Liquid sterilants shall not be used for the Sterilization of any reusable instrument.

6.10 Instrument Storage

All Instruments must be stored in the Instrument Storage Area in a manner so as to prevent Contamination. Identical Instruments shall be exclusively stored together, unless intermingled storage with different Instruments does not represent a hazard as determined by the Board.

6.11 Use of Chemicals and Cleaners

All Germicides, Disinfectants, chemicals, and cleansers must be used according to the manufacturer's requirements, used only for the purpose approved and intended by the manufacturer and properly labeled and stored so as to prevent Contamination or hazard.

6.12 Labeling

All storage containers, cabinets, shelves, and other storage areas in the Instrument Storage Area shall be properly labeled as to their contents, including, but not limited to, identification of contaminated or soiled contents as appropriate.

6.13 Linen Storage and Cleaning

(a) clean linen shall be stored in a manner so as to prevent Contamination. Containers used for storage of such linen shall be clearly labeled as to the contents and used for no other purpose. Linens that have become soiled or contaminated shall be disposed of, or not be used, until properly laundered. Contaminated linen shall be labeled, stored, transported, and laundered or disposed of so as to prevent hazard in a manner approved of by the Board.

(b) Any other protective clothing, garment, or cloth items worn during or used during Body Art activity and intended for reuse shall be mechanically washed with detergent and dried after each use. The items shall be stored in a clean, dry manner and protected from Contamination 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 160 degrees F or a temperature of 120 degrees F with the use of chlorine Disinfectant.

6.14 Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units

(a) Every ultrasonic Cleaning Unit and Autoclave or Sterilization Unit shall be used and maintained according to manufacturer's specifications. Each Ultrasonic Cleaning Unit, Autoclave, or other Sterilization Unit shall be emptied and thoroughly cleaned and Disinfected at least once each day that the unit is used.

(b) Every Autoclave or Sterilization Unit shall be tested with a commercial biological monitoring (spore) system test in a manner and frequency consistent with the manufacturer's instructions, but no less than once every week, to monitor the efficacy of the eradication of all living organisms, including spores, by the Autoclave or other Sterilization Unit.

(c) Biological monitoring [spore] system testing of the Autoclave or other Sterilization Unit shall be performed by an independent commercial testing laboratory contracted by the Operator and/or Body Art Practitioner. A provision

shall be included in the contract between the Operator and/or body Art Practitioner with the commercial testing laboratory requiring the commercial testing facility to notify the Board of any failure of the Autoclave or other Sterilization Unit to eradicate all living organisms, including spores.

6.15 Waste Hauling

- (a) All waste shall be removed from the Body Art Establishment on a daily basis and placed in an Approved secured receptacle for pickup and removal.
- (b) All Contaminated Waste in solid form and Sharps shall be disposed of through the use of an approved waste hauler in accordance with all state and federal laws and Regulation. The frequency of disposal shall be determined by the Board, but shall be no less than every 30 days.

7 Conduct of Body Art

7.1 Workstation Sanitizing

7.2 Hand Washing and Use of Gloves

7.3 Instrument and Equipment Preparation

7.4 Use of Workstation

7.5 Use of Instruments, Supplies, and Sharps

7.6 Waste Disposal

7.7 Multiple Body Art Activities

7.1 Workstation Sanitizing

- (a) All surfaces in a Workstation which come in contact with a Client or which become Contaminated or which may reasonably have become Contaminated shall be cleaned with water and soap or other appropriate cleaning compound immediately following the conduct of Body Art upon a Client.
- (b) The Workstation, including, but not limited to, the Client's chair, table, tray, procedure Surface, and similar surfaces shall be thoroughly Sanitized with an approved Disinfectant immediately before and immediately after the conduct of Body Art upon a Client therein/thereon.

7.2 Hand Washing and Use of Gloves

- (a) A Body Art Practitioner shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry the same with single-use paper towels or like material prior to conducting any Body Art activity.
- (b) A Body Art Practitioner shall wear new, clean, single-use examination gloves while assembling all Instruments and other supplies intended for use in the conduct of

Body Art and during the conduct of body Art upon a Client. New, clean, single-use non-latex examination gloves shall be used during the preparation for and the conduct of and Body Art activity upon a Client with a known or suspected latex allergy.

- (c) If an examination glove is pierced, torn, or Contaminated through contact with any part of a Client not subject to the conduct of Body Art or such other surface so as to present the possibility of contamination, any person other than the Client, or otherwise exposed to unsanitary or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle. The Body Art Practitioner shall don new gloves before proceeding with the Body Art activity.
- (d) If the gloves of a Body Art Practitioner are removed at any time during assembly of instruments or supplies, or the conduct of Body Art, the Body Art Practitioner must clean his/her hands and don new gloves in accordance with this section.
- (e) The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

7.3 Instrument and Equipment Preparation

- (a) Every Body Art Practitioner shall use linens, properly cleaned in accordance with these Regulations, or new single-use drapes, ap cloths, and aprons for each element of Body Art conducted upon a Client.
- (b) Every substance used in the conduct of Body Art shall be dispensed from containers so as to prevent Contamination or the possibility of contaminations of the unused portion. Immediately before tattooing a Client, a sufficient quantity of the ink, dye, or pigment to be used therefor shall be transferred from its original bottle or container into sterile, single-use disposable cups, caps, or containers.
- (c) Upon Sanitization of the Workstation, the Instrument tray shall be covered with an uncontaminated single-use paper towel, tray cover, or similar material.
- (d) Every Instrument required for the conduct of Body Art upon a Client shall be placed and arranged on the Instrument Tray in a manner so as to prevent Contamination of Sterilized Instruments. All Sterilized Instruments shall remain in Sterile packages until opened in front of the Client.

- (e) Sharps containers shall be easily accessible to the Body Art Practitioner and located as close as is feasible to the immediate area where the Sharps will be used.

7.4 Use of Workstation

- (a) The conduct of Body Art shall occur only upon a Client or Minor Client in a Workstation under Sterile conditions.
- (b) Only the Client, the parent or legal guardian of a Minor Client, guide or service animal of a Client, the Body Art Practitioner conducting the Body Art activity, and an assistant or apprentice to the Body Art Practitioner – with the express permission of the Client, shall be permitted in the Workstation during the conduct of Body Art.

7.5 Use of Instruments, Supplies, and Sharps

- (a) All Instruments used in the conduct of Body Art shall be without Contamination, and shall be properly cleaned, sanitized, and Sterilized in accordance with this Body Art Regulation.
- (b) All Instruments and other Equipment or supplies used in the conduct of Body Art that are designed or intended for single-use shall be only used once.
- (c) All Sharps shall be properly disposed of immediately following use.
- (d) All product applied to the skin, including Body Art stencils, shall be single-use and shall be used only once.
- (e) Products used in the application of Body Art stencils shall be dispensed and applied to the area of the Client upon which the Body Art activity is to be performed with sterile gauze or other Sterile applicator so as to prevent contamination of the container and contents of the product in use. The gauze or other applicator shall be used only once.
- (f) Only single-use disposable razors shall be used in the conduct of Body Art activities and such single-use disposable razors shall not be used more than one time.

7.6 Waste Disposal

Disposable items such as gloves, wipes, cotton balls, Q-tips, water cups, rinse cups (used alone or in an ultrasonic cleaning unit), drapes, lap cloths, aprons, and other single-use items that have come in contact with any person, Client, Workstation, Instrument trays, counters, towels, or linens used for the conduct of Body Art, or have otherwise become

Contaminated shall be promptly discarded during or upon completion of the conduct of Body Art into an appropriate waste receptacle in accordance with this Body Art Regulation.

7.7 Multiple Body Art Activities

The following shall be deemed to be multiple Body Art activities upon a Client, each requiring proper washing, cleaning, Sanitization, and Sterilization of instruments, Workstations and other Equipment and areas set forth under these Regulations:

- (1) Creating two or more Tattoos on different areas of the body of a single Client
- (2) The use of more than one needle or scalpel during the conduct of Body Art upon a single Client; or
- (3) Creating one Tattoo and the use of one needle or scalpel on a single Client.

8 Prohibited Activities

- 8.1 Piercing Gun – Use**
- 8.2 Cosmetic Tattooing – Micro-pigmentation, etc.**
- 8.3 Particular Body Piercings – Prohibition/Restriction**
- 8.4 Tongue Splitting**
- 8.5 Braiding**
- 8.6 Three Dimensional / Implantation**
- 8.7 Tooth Filing**
- 8.8 Cartilage Notching**
- 8.9 Amputation**
- 8.10 Genital Modification**
- 8.11 Introduction of Saline or Other Liquids**

8.1 Piercing Gun – Use

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

8.2 Cosmetic Tattooing – Micro-pigmentation, etc.

Cosmetic Tattooing, also known as, permanent cosmetics, micro pigment implantation or dermal pigmentation, is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts or other such person that receives a license, permit or registration by the Commonwealth of Massachusetts specifically to perform such activities.

If a person obtains such a license, permit, or registration from the Commonwealth, such person may conduct such Body Art activity provided all requirements of this Body Art Regulation are complied with, excepting only

“The Practice of Body Art – Body Art Practitioner License Required:

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner License issued by the Board pursuant to this Body Art Regulation.”

8.3 Particular Body Piercings – Prohibition/Restriction

The following Body Piercings are hereby prohibited:

- (1) Piercing of the Uvula
- (2) Piercing of the tracheal area
- (3) Piercing of the neck
- (4) Piercing of the ankle
- (5) Piercing between the ribs or vertebrae
- (6) Piercing of the web area of the hand or foot
- (7) Piercing of the lingual frenum (tongue web)
- (8) Piercing of the clitoris
- (9) Any form of chest or deep muscle piercings – excluding piercing of the nipple
- (10) Piercing of the anus
- (11) Piercing of the eyelid, whether top or bottom
- (12) The form of piercing known as “pocketing”
- (13) Piercing of the gums
- (14) Piercing or skewering of a testicle
- (15) 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.
- (16) So-called “deep” piercing of the scrotum – meaning piercing through the scrotum, or “trans-scrotal” piercing
- (17) So-called “deep” piercing of the vagina – to include, but not limited to – so-called “triangles”

8.4 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.

- 8.5 Braiding**
The Braiding of the skin is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- 8.6 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.
- 8.7 Tooth Filing**
The filing or shaping or the intentional fracturing or extrication of a tooth is hereby prohibited unless performed by a dentist licensed by the Commonwealth of Massachusetts.
- 8.8 Cartilage Notching**
The cutting, notching, sculpting, or other modification of cartilage is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- 8.9 Amputation**
The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor licensed in the Commonwealth of Massachusetts.
- 8.10 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 medical doctor licensed in the Commonwealth of Massachusetts.
- 8.11 Introduction of Saline or Other Liquids**
The introduction of saline solution or other liquid or semi-liquid 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.

9 Enforcement of Body Art Regulation

- 9.1 Variance Provision**
- 9.2 Variance Request - Procedure**
- 9.3 Variance – Qualification, Expiration, Revocation, Modification, Suspension**
- 9.4 Violation by a Body art Practitioner**
- 9.5 Violation by an Operator or a Body Art Establishment**
- 9.6 Failure to Comply with Orders of Board**
- 9.7 Fine for Violation – Separate Offense**
- 9.8 Non-Criminal Disposition**

9.1 Variance Provision

Variance may be granted from a particular section or provision of this Body Art Regulation by the Board with respect to a particular case only when, in the sole opinion of the Board:

- (a) The enforcement of the subject section or provision would do manifest injustice, and
- (b) The applicant for a Body Art Practitioner License or Body Art Establishment Permit, as the case may be, has proved to the satisfaction of the Board that the same degree of protection required under this Body Art Regulation can be achieved without the strict application or enforcement of the subject section or provision therein.

9.2 Variance Request – Procedure

- (a) Every request for a variance pursuant to section 9.1 of this Body Art Regulation shall be made in writing to the Board and shall state the specific section or provision therein from which a variance is sought.
- (b) Every variance granted by the Board shall be in writing.
- (c) The original of the variance document shall be posted, in the case of a variance relating to a Body Art Practitioner License, with the posting of the Body Art Practitioner License as required by section 1.10 of this Body Art Regulation, and in the case of a variance relating to a Body Art Establishment Permit, with the posting of the Body Art Establishment Permit as required by section 4.19 of this Body Art Regulation.
- (d) A copy or duplicate original of all variance documents issued by the Board shall be held on file in the Ashland Health Department (Offices of the Board).
- (e) A variance document issued by the Board shall contain information so as to reasonably inform the public of the nature of the variance, the need therefore, the specific section or provision therein of this Body Art Regulation from which variance was granted and the name of the subject Body Art Practitioner or Body Art Establishment.
- (f) Information advising as to whether the subject variance is unlimited in time or duration or has a fixed expiration date shall be detailed in all variance documents issued by the Board.

9.3 Variance – Qualification, Expiration, Revocation, Modification, Suspension

Any variance granted by the Board pursuant to section 9.1 of this Body Art Regulation may be subject to such qualification, expiration, revocation, modification, or suspension as the Board shall deem appropriate.

9.4 Violation by a Body Art Practitioner

- (a) A Body Art Practitioner License shall be suspended by the Board immediately upon written notice of such suspension to the subject Body Art Practitioner when, in the sole discretion of the board, the Board has reason to believe that, due to a condition or practice of the subject Body Art Practitioner, an imminent threat to the public health and/or welfare exists.
- (b) When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Board, the Board may terminate the suspension of the Body Art Practitioner License of the subject Body Art Practitioner and the Body Art Practitioner License of such Body Art Practitioner shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation, or modification by the Board.
- (c) In all other instances of a violation of this Body Art Regulation by a Body Art Practitioner, the Board shall serve upon the subject Body Art Practitioner written order of notice detailing the condition, event or practice determined by the Board to be in violation of this Body Art Regulation and such written order of notice shall instruct the Body Art Practitioner that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Board or its designated agent(s).
- (d) Should a Body Art Practitioner, subject to an order of notice pursuant to section 9.4(c) fail to so abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Board may suspend, terminate, revoke, or modify the License held by such Body Art Practitioner.

9.5 Violation by an Operator or a Body Art Establishment

- (a) A Body Art Establishment Permit shall be suspended by the Board immediately upon written notice of such suspension to the Operator when, in the sole discretion of the board, the Board has reason to believe that, due to a condition or practice of the subject Body Art Establishment, an imminent threat to the public health and/or welfare exists.
- (b) When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Board, the Board may terminate the suspension of the Body Art Establishment Permit of the subject Operator and the Body Art Establishment Permit of such Operator shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation, or modification by the Board.

- (c) In all other instances of a violation of this Body Art Regulation by an Operator, or in a Body Art Establishment, the Board shall serve upon the subject Operator written order of notice detailing the condition, event or practice determined by the Board to be in violation of this Body Art Regulation and such written order of notice shall instruct the Operator that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Board or its designated agent(s).
- (d) Should an Operator, subject to an order of notice pursuant to section 9.5(c) fail to so abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Board may suspend, terminate, revoke, or modify the Body Art Establishment Permit held by such Operator.

9.6 Failure to Comply with Orders of Board

Whenever a Body Art Practitioner or Operator has failed, to the satisfaction of the Board, to comply with an order of notice issued by the Board pursuant to the provisions of this Body Art Regulation, the Board may suspend the Body Art Practitioner License of the subject Body Art Practitioner or the Body Art Establishment Permit of the subject Operator until such time as the subject Body Art Practitioner or Operator has complied with the order of notice to the satisfaction of the Board.

9.7 Fine for Violation – Separate Offense

The fine for a violation of any provision of this Body Art Regulation shall be no less than \$100 per offense. Each day that a violation continues shall be deemed to be a separate offense.

9.8 Non-Criminal Disposition

In accordance with Massachusetts General Law chapter 40, section 21D, and Section 29-4 (F) of the Town of Ashland General By-Laws, as amended from time to time, at the discretion of the Board, whoever violates any provision of this Body Art Regulation, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws chapter 40 section 21D.

9.9 Effective Date

This Regulation shall become effective on: February ____, 2023.

Date Approved: February 21, 2023.

Board of Health Members:

Ronald Etskovitz, Chair

Edward Burman, Vice Chair

Barbra Sekesogundu Simon, Clerk

John Byrnes, Member

Bernadette Lunkuse, Member