Board of Health
Town of Ashland, Massachusetts
Regulations for Body Art Establishments and Practitioners
Revision 1.6
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Table of Contents

1.0 Purpose

Whereas body art is becoming prevalent and popular throughout the Commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization, aftercare requirements on the part of the practitioner should be demonstrated to prevent the transmission of disease or injury to the client and/or practitioner, and whereas body art facility construction requirements have been established, now, therefore the Board of Health of the Town of Ashland passes these rules and regulations for the practice of body art within the Town of Ashland, and for the operation of a facility in which body art is performed within the Town of Ashland as part of our mission to protect the safety, health, and welfare of the public.

2.0 Authority

These regulations are promulgated under the authority granted to the Ashland Board of Health under MGL (Massachusetts General Law) Chapter 111, section 31.

3.0 Definitions

3.1 Acceptable – satisfactorily or adequately fulfilling the needs or requirements of a specific regulation.

3.2 Aftercare - 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.

3.3 Antiseptic – an agent that kills disease causing microorganisms on human skin or mucosa.

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

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

3.6 Autoclaving - the process in which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave at a temperature of 270° F (Fahrenheit) at 20 psi (pounds per square inch) of pressure for a minimum uninterrupted time of 30 minutes.

3.7 Bloodborne Pathogens Standard -is defined in OSHA (Occupational Safety and Health Administration) Guidelines included in 29 CFR (Code of Federal Regulations) 1910.1030, entitled, "Occupational Exposure to Bloodborne Pathogens." Said Standard shall be readily available in the establishment to all operators and practitioners and shall be fully understood.

3.8 Board of Health or Board - the Board of Health of the Town of Ashland, Massachusetts and its agents.

3.9 Body Art –the practice of physical body adornment by practitioners. The practice includes, but is not limited to: body piercing, tattooing, cosmetic tattooing, micro pigmentation, 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. This definition does not differentiate between procedures that shall be permitted or procedures that shall be prohibited by these regulations.

3.10 Body Art Establishment or Establishment-a location, place, or business, public or private, where the practices of body art are performed and includes all areas used by practitioners and clients, including but not limited to treatment areas, cleaning areas and waiting/reception areas, regardless of whether for profit or not for profit. The establishment shall be issued a license by the Board of Health and said establishment license shall be valid and kept in good standing.

3.11 Body Art Facility or Facility – a location or place, public or private where the practices of body art are performed and includes all areas used by practitioners and clients, including but not limited to treatment areas, cleaning areas, and waiting/reception areas, regardless of whether for profit or not for profit. The Facility can be located within a business, but shall be physically separated as required in these regulations. A Body Art Establishment Permit is required to operate a body art facility.

3.12 Body Art Practitioner or Practitioner – a specifically identified individual, who performs body art in an establishment, as previously defined. The practitioner shall be issued a license by the Board of Health and said practitioners license shall be valid and kept in good standing.

3.13 Body Piercing - puncturing or penetrating the skin of a client with sterilized single-use needle(s) and the insertion of sterilized jewelry or other sterilized adornment into the opening. This definition excludes piercing of the earlobe with a sterilized single-use stud-and-clasp-system manufactured exclusively for ear piercing.

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

3.15 Branding - inducing a pattern of scar tissue performed by use of heat, direct or indirect, or heated material (usually metal) to the skin, making a serious burn which eventually becomes a scar.

3.16 CDC – United States Centers for Disease Control and Prevention.

3.17 CFR – Code of Federal Regulations.

3.18 Chain of Custody Protocol – A method of sequentially verifying each step of the transfer of material from the sender including all people and facilities to the destination. Documentation shall record date, time, and signature of each person as they receive and transfer the material.

3.19 Client -a member of the public who requests a body art procedure at a licensed body art establishment.

3.20 Cleaning Area – the dedicated area(s) in a body art establishment used for the sterilization, sanitation, or other cleaning of instruments or other equipment used for the practice of body art. An ultrasonic cleaning unit and an autoclave or other approved sterilization unit shall be permanently located in the cleaning area, and shall not be removed except when necessary for repairs. A minimum of 36 inches of distance between the ultrasonic cleaning unit and the autoclave or other approved sterilization unit shall be maintained in this area.

3.21 CMR – Code of Massachusetts Regulations.

3.22 Contaminated Waste – waste as defined in 105 CMR (Code of Massachusetts Regulations) 480.000 entitled, "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste," State Sanitary Code Chapter VII and/or 29 CFR 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid if compressed; items on which there is dried blood or other potentially infectious materials. Said regulations shall be made readily available within the establishment to all operators and practitioners.

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

3.24 Disinfectant – a product registered as a disinfectant by the United States Environmental Protection Agency (USEPA).

3.25 Disinfection – the destruction of disease causing microorganisms on inanimate objects or surfaces thereby rendering these objects safe for use or handling.

3.26 Ear Piercing – puncturing the lobe of the ear with a sterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

3.27 Emergency Response Plan – a detailed written procedure explaining the proper response to various emergencies. The plan shall include, but not be limited to: fire procedures and emergency exits, flood procedures, procedures to be followed in the event of electrical power or water loss, and exposure incidents. This plan does not supersede but is in addition to any requirements of any other body whether governmental or private.

3.28 Equipment – includes, but is not limited to: all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sink, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

3.29 Equipment Logbook – a book with a hard binding (not spiral or lose leaf) in which all pages are pre-numbered and permanently bound to prevent their removal, used solely for the recording of cleaning, operation, maintenance, etc. of a piece of equipment.

3.30 Exposure – an event whereby an eye, mouth or other mucous membrane, non-intact skin, or parenteral contact with the blood or body fluids of another person or infectious matter occurs, or contact of an eye, mouth or other mucous membrane, non-intact skin, or parenteral contact with other potentially infectious matter occurs.

3.31 Hand Sink – a fixture equipped with hot and cold running water under pressure, which is operated by foot, wrist, or automation, used solely for washing hands, arms, or other portions of the body.

3.32 Hot Water – running water, under pressure, that attains and maintains a temperature between 110° - 130°F for not less than (30) thirty-minutes.

3.33 Identification – the only form of identification, accepted in compliance with these regulations, is an original, valid Massachusetts Drivers License or other original, valid, photographic identification issued by the Massachusetts Registry of Motor Vehicles, an original valid passport issued by the United States Department of State, or an original valid United States military identification. Photographic copies are not valid forms of identification. No exceptions or deviations shall be made regarding the requirement or the form of proper identification, as defined in these regulations.

3.34 Instruments – equipment (as defined in this section).

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

3.36 Janitorial Sink – A sink used solely for the purpose of cleaning the establishment, the apparatus used for cleaning the establishment, the cleaning of non-contaminated waste containers, and the disposal of non-contaminated liquid waste.

3.37 Jewelry – any ornament inserted into the newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, platinum; or a dense, low porosity plastic. All of which shall be free of nicks, scratches, or irregular surfaces, and shall be properly sterilized prior to use.

3.38 Legal Guardian – an individual who, by legal appointment, or by the effect of a written law, has been given custody of a minor or adult.

3.39 Light Colored – a light reflective value of 70 percent or greater.

3.40 Materials Logbook- a book with a hard binding (not spiral or lose leaf) in which all pages are pre-numbered and permanently bound to prevent their removal, dedicated to the recording of the name of a particular material or substance, manufacturer's name (and distributor's name, if applicable) manufacturer's original lot number and expiration date, the amount of material in the original full container before it is opened, the date the container is opened (A container is considered opened when the cover is removed for the first time, and if so equipped, the manufacturer's seal is broken.) each date, volume, and use of material removed from the container, and the date of final disposal.

3.41 MGL – Massachusetts General Law.

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

3.43 MSDS – Material Safety Data Sheet.

3.44 N.I.S.T. – National Institute of Standards and Technology.

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

3.46 OSHA – Occupational Safety and Health Administration.

3.47 Permit – also referred to as a license, Board approval in writing on a prescribed form to either (1) operate a body art establishment or (2) operate as a body art practitioner within a licensed body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is separate from other licensing or permitting requirements that may exist within the Board's jurisdiction.

3.48 Person – one or more individuals, legal representatives, any form of business, or social organization, or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associates, trusts, or unincorporated organizations.

3.49 Physician – an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to MGL c.112 § 2.

3.50 Procedures Surface – any surface of an inanimate object that contacts the client's clothed or unclothed body part during a body art procedure, skin preparation of the area adjacent to and including the area of the body art procedure, or any associated work area.

3.51 Sanitary – clean and free of agents of infection or disease.

3.52 Sanitize – the application of a USEPA registered sanitizer on a cleaned surface that shall be in accordance with the label instructions.

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

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

3.55 Sharps Container –a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and shall be labeled with the International Biological Hazard Symbol.

3.56 Single Use Items – products, instruments, or items that are intended for one-time, one-person use and are properly disposed of immediately after use on one 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.

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

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

3.59 Technician – A person trained and competent in the task(s) being performed other than body art. The technician is not a practitioner.

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

3.61 Temporary Body Art Establishment – also known as Mobile Body Art Establishment, usually operated with the intention of offering body art at an event, or for a very limited time and then closing and moving to another location. Body Art Establishments that do not comply with the Physical Plant requirements of these regulations.

3.62 Three Dimensional "3D" Body Art or Beading or Implantation – placing, injecting or inserting an object or device made of steel, titanium, rubber, latex, plastic, glass, or any other materials beneath the surface of the skin of a person. Body piercing is excluded from this definition.

3.63 Ultrasonic Cleaning Unit – equipment approved by the Board, which shall be large enough for all instruments to be cleaned, to be completely submerged in cleaning solution. All foreign matter is removed from the instruments by means of high frequency oscillations transmitted from the unit and through the liquid. Said unit shall be sold for cleaning purposes under approval of the United States Food and Drug Administration (USFDA) and shall be operated in accordance with manufacturer's instructions.

3.64 Universal Precautions – a set of guidelines and controls, published by the Center for Disease control and Prevention (CDC), entitled, "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 also "Recommendation for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures," in MMWR, July12, 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 fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood fluid-contaminated products. These guidelines shall be made readily available, in the establishment, to all operators and practitioners and that the publication is fully understood and reviewed from time to time.

3.65 USEPA or EPA – United States Environmental Protection Agency.

3.66 USFDA or FDA – United Stated Food and Drug Administration.

4.0 Exemptions

4.1 Physicians licensed in accordance with MGL c.112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations.

4.2 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.

5.0 Restrictions

5.1 A practitioner may not engage in the practice of body art while under the influence of alcohol or mind altering drugs.

5.2 Minors are prohibited from the practice of body art.

5.3 A practitioner who knowingly has an infectious disease in a communicable stage is prohibited from practicing body art. Infectious diseases include, but are not limited to: rashes, skin lesions, boils, and bloodborne diseases such as viral hepatitis B and human immunodeficiency virus infection.

5.4 No tattooing, piercing, branding, or scarification, or any form of body art shall be performed on a person under the age of eighteen (18).

5.5 All forms of body art are prohibited from being performed on any animal.

5.6 Performing the following body art, or acts is strictly prohibited within the Town of Ashland:

5.6.1 Piercing of the uvula.
5.6.2 Piercing of the tracheal area.
5.6.3 Piercing of the neck.
5.6.4 Piercing of the ankle.
5.6.5 Piercing between the ribs or vertebrae.
5.6.6 Piercing of the web area of the hand or foot.
5.6.7 Piercing of the lingual frenulum (tongue web).

5.6.8 Piercing of the clitoris
5.6.9 Any form of chest or deep muscle piercing, excluding the nipple.
5.6.10 Piercing of the anus.
5.6.11 Piercing of an eyelid, whether top or bottom.
5.6.12 Piercing of the gums.
5.6.13 Piercing or skewering of the testicle.
5.6.14 So called “deep” piercing of the penis - meaning through the shaft of the penis, or “trans-Penis” piercing in any area from the corona glandis to the pubic bone.
5.6.15 So called “deep” piercing of the scrotum – meaning piercing through the scrotum, or transcrotal piercing.
5.6.16 So called “deep” piercing of the vagina.
5.6.17 Scarification.
5.6.18 Braiding.
5.6.19 Branding
5.6.20 Three Dimensional, “3D” Body Art or Beading or Implantation.
5.6.21 Implantation of any object or substance under the skin.
5.6.22 Piercing between the eyes. Also known as vertical bridge.
5.6.23 Tongue splitting.
5.6.24 Implementation tooth filing, fracturing, removal, or tattooing.
5.6.25 Cartilage modification.
5.6.26 Amputation.
5.6.27 Genital modification.
5.6.28 Introduction of saline or other liquids including Novocain.
5.6.29 Body art for the purpose of camouflage of a medical disorder or disfigurement.

6.0 Minimum Requirements for the Operation of Body Art Establishments

6.1 Physical Plant

6.1.1 Each establishment shall have a dedicated customer waiting area, exclusive and physically separated from any workstation, storage area, cleaning area, or any other area in the body art establishment.

6.1.2 Each operation conducted within the body art establishment shall have an area or room dedicated solely to each operation. Examples include: waiting area, cleaning area. Each area shall be physically separated by a wall or partition as approved by the Board of Health.

6.1.3 All facilities that reprocess reusable instruments shall have a dedicated equipment cleaning room that is physically separated from workstations, waiting area, storage area or any other area in the establishment. Facilities that use all single use disposable equipment shall be exempt from this requirement.

6.1.3.1 Design shall allow for receiving, cleaning, decontaminating, preparing and packaging.
6.1.3.2 Work flow and traffic patterns shall be designed to flow from soiled to clean areas.
6.1.3.3 Suitable signs to designate soiled and clean work spaces shall be used to prevent cross-contamination into clean work areas.
6.1.3.4 Hand washing facilities shall be operable and conveniently located in the equipment cleaning room.
6.1.3.5 Manual cleaning of instruments shall be conducted in a sink of sufficient size to process soiled instruments.
6.1.3.6 An emergency eye wash device, in working order shall be provided and shall be unobstructed and easily accessible in the equipment cleaning room.

6.1.4 All rooms used for body art procedures (including waiting rooms) shall be dedicated solely for body art activities and shall be completely separated from any room used for human

habitation, food service, or any activity not directly associated with the practice of body art. Walls extending from floor to ceiling shall separate the body art facility space from any other room, hallway or other activity performed on the premises.

6.1.5 Display cases and retail sales shall be physically separated from workstations.

6.1.6 The minimum area of floor space required for each workspace is forty-five (45.00) square feet. Unless separated by walls extending from floor to ceiling, a divider or partition, at a minimum height of six feet, shall separate each body art workspace; however, each station shall maintain a minimum of forty-five (45.00) square feet of floor space for each practitioner while the divider or partition is in place. Partitions shall be easily cleanable and kept in good repair.

6.1.7 Not less than one readily accessible hand sink with hot and cold running water under pressure equipped with wrist or foot operated controls and supplied with liquid soap and disposable single use paper towels shall be available for every two work stations in the work area.

6.1.8 All work tables and other work surfaces shall be constructed of smooth, nonabsorbent and nonporous and easily cleaned material. All work tables and work surfaces shall be cleaned and sanitized between each use.

6.2 Environment

6.2.1 All walls, floors, and ceilings shall be made of durable, smooth, nonabsorbent and nonporous material that is easily cleanable and free of cracks and holes. Walls, floors, and ceilings shall be maintained in clean condition at all times.

6.2.1.1 Concrete blocks or other masonry used in wall construction shall be made smooth and sealed for a washable surface or covered with a smooth, sealed, washable surface.

6.2.1.2 Walls and ceilings shall be light colored.

6.2.1.3 Use of carpet in the work areas and cleaning room is prohibited.

6.2.2 The establishment shall be well ventilated. Ventilation in the work areas shall be sufficient to prevent odors.

6.2.3 Not less than 20-foot candles of artificial light shall be provided at a distance of three feet above the floor throughout the establishment. Not less than 100 foot candles shall be provided at areas where body art is being performed, where instruments and sharps are assembled and at all cleaning areas.

6.2.4 All electrical outlets in practitioner areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.

6.2.5 Each practitioner area and each cleaning area shall be equipped with a sharps container (as defined).

6.2.6 The water supply entering the establishment and all plumbing, dispensing, or other distribution system shall be in conformance with all federal, state, and local standards and regulations.

6.2.7 The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow prevention system installed in accordance with 142 CMR 248, as amended from time to time.

6.2.8 All waste water shall be disposed of in one of the following methods.

6.2.8.1 Sanitary sewer:
Waste water discharged into a public sanitary sewer shall be in compliance with all federal, state, and local standards and regulations.

6.2.8.2 Subsurface sewer disposal system:
The location, construction, operation and maintenance, including materials discharged, shall be in compliance with all federal, state and local standards and regulations.

6.3 Sanitary Facilities

6.3.1 The establishment shall have not less than one public restroom available in operable condition for client use during all business hours.

6.3.2 The following fixtures shall be provided and shall be in compliance with applicable standards and regulations:

6.3.2.1 Toilet tissue and single use paper towel dispenser, supplied with toilet tissue and single use paper towels in each restroom.
6.3.2.2 Suitable receptacles for disposal of paper towels and waste materials.
6.3.2.3 Liquid soap dispenser shall allow for single hand use. The dispenser shall be entirely of plastic or metal. Glass shall not be permitted in the dispenser.
6.3.2.4 Common or multiple use towels are prohibited.

6.4 Waste Management

6.4.1 Waste Receptacles and Storage.

6.4.1.1 Indoor Solid Waste Receptacle:
Not less than one waste receptacle shall be provided per each work station. All waste receptacles shall be:

- foot operated for opening and closing.
- contain a liner that is leak proof and of sufficient construction to prevent puncture.
- emptied at the end of each workday or more often as needed to prevent overflow.
- kept clean and washed as necessary.

6.4.1.2 Outdoor Solid Waste Receptacle:
Outdoor containers shall be kept covered and comply with all applicable regulations.

6.4.1.3 Sharps/Biohazard Waste Receptacle:
Containers shall be rigid, leak proof, puncture proof and clearly display the Universal Biological Hazard Symbol for the storage and/or disposal of single use products such as (but not limited to) sharps, gauze, cotton swabs and other contaminated waste as defined in 105 CMR (Code of Massachusetts Regulations) 480.000 entitled, "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste," State Sanitary Code Chapter VII and/or 29 CFR 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid if compressed; items on which there is dried blood or other potentially infectious materials.

6.4.2 Collection, Transportation and Disposal

6.4.2.1 General:
All waste shall be removed from the establishment in compliance with this regulation. All waste shall be collected frequently as to prevent overflow or other adverse health conditions.

6.4.2.2 Solid Waste:

- A contract shall be maintained with a qualified, acceptable hauler of solid waste for the collection, removal and proper disposal of all solid waste. All applicable standards and regulations shall be met throughout the entire process of storage, collection, transfer, and disposal of solid waste. It is the responsibility of the establishment operator to ensure compliance with the entire waste process.

- Collection shall occur at not less than seven day intervals or sooner if it is determined by the Board of Health that an adverse health condition exists.
- Contaminated waste is prohibited for disposal as or with solid waste.

6.4.2.3 Contaminated Waste:

- A contract shall be maintained with a licensed hauler for the collection, removal, transfer, and proper disposal of all contaminated waste. All applicable laws, regulations and guidelines, such as, but not limited to 105 CMR (Code of Massachusetts Regulations) 480.000 entitled, "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste," State Sanitary Code Chapter VII and/or 29 CFR 1910.1030 shall be met throughout the entire process of collecting, transporting and disposal. It is the responsibility of the establishment operator to ensure full compliance with the entire contaminated waste process.
- A receipt of collection, signed by the person collecting contaminated waste shall be obtained at the time of collection. Said receipt shall be printed clearly with the legal name, address, telephone number of the collection company, the signature of the person collecting the waste and the date of collection. This receipt is a record to be kept in a safe place permanently and shall be made available for inspection by the Board of Health.

Pest Control and Animal Control

6.4.3.1 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).

6.4.3.2 The establishment shall take all steps necessary to prevent the presence or breeding of insects, vermin and rodents within the establishment. Pest control records shall be available for inspection by the Board of Health upon request.

7.0 Application Procedure for a Permit to Operate a Body Art Establishment within the Town of Ashland

7.1 The Ashland Board of Health shall license each body art establishment, subject to full compliance with these and all other applicable laws and regulations. No person shall operate a body art establishment, public or private, for profit or not for profit within the town of Ashland except with a valid Body Art Establishment Permit, in good standing, issued by the Board of Health.

7.2 An application for a body art establishment permit shall be made only on form(s) prescribed by and available from the Board of Health. An applicant shall submit all information as required by the form(s) and accompanying instructions. If requested information is not provided or any area is left blank, the application shall not be processed. The term "application" as used herein shall include the original first issue application and any original renewal application.

7.3 The information required by the Board of Health for a permit to operate a body art establishment includes, but is not limited to:

7.3.1 The legal name, address, and telephone number of the applicant.

7.3.2 The full name, address, post office address and telephone number of the business.

7.3.3 The application shall indicate whether the applicant is an individual, partnership, firm or corporation. If the applicant is an individual, the legal name, home addresses, and home telephone number of the individual shall be included on the application. If the applicant is a partnership, the legal names, home addresses and home telephone numbers of each partner shall be included on the application. If the applicant is a corporation, the legal names, addresses and home telephones of all corporate officers shall be included on the application.

7.3.4 The legal name(s), home address, and home telephone number(s) of (all) operator(s) of the establishment. Photographic identification (as defined) of the operator(s) of the establishment.

A photocopy of each document provided will be kept on file at the Board of Health office.

7.3.5 The legal name, home address, home telephone number and permit number, included on Body Art Practitioner Permit issued by the Ashland Board of Health, of all practitioners practicing body art at said establishment. It shall be the responsibility of the operator(s) of the establishment to keep this information current with the Board of Health.

7.3.6 The manufacturer, model number, model year, serial number, and a copy of the manufacturer's specifications and instructions for use, cleaning, and maintenance of the autoclave that will be used in the applicant's establishment shall be delivered to the Board of Health for review prior to the first spore destruction test, and prior to issuance of the Body Art Establishment Permit. If the establishment uses only single use instruments it is exempt from this requirement.

7.3.7 A signed and dated acknowledgement that the applicant has received a copy of the latest revision of Rules and Regulations for body Art Establishments and Practitioners as approved by the Board of Health.

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

7.3.9 Exposure Prevention Plan shall be included with the application for the Board's review.

7.3.10 Emergency Plans e.g., emergency contacts and exposure incident.

7.3.11 Proof of a valid contract and schedule of collection with a qualified acceptable waste hauler.

7.3.12 Proof of contract with a licensed qualified acceptable hauler for contaminated waste in compliance with 105 CMR 480.000 and 29 CFR 19.10.1030.

7.3.13 A minimum passing grade of 70% correct answers on a written examination of these regulations.

7.3.14 Such additional information as the Board may reasonably request.

7.4 A body art establishment permit, which has been issued by the Board of Health, shall be valid from the date of issue and for a period of time not more than one (1) year, unless suspended or revoked sooner by the Board of Health.

7.5 All information submitted to the Board of Health is subject to verification. Any information or document that cannot be verified for authenticity, validity, or accuracy shall not be considered in the decision of issuance of a permit. An applicant who submits a certificate or any other document that has been fabricated, altered, forged or is not authentic is subject to potential charges of purgery, fraud and/or forgery under Massachusetts General Laws.

7.6 Submission of application fee is required at the time of application.

8.0 Mobile or Temporary Body Art Establishments are Prohibited within the Town of Ashland.

9.0 Posting Requirements of Documents that shall be Prominently Displayed

9.1 A Disclosure Statement approved by the Board of Health shall be prominently displayed and shall be given to each client, advising him/her of the risks and possible consequences of body art procedures. The following shall be posted in plain sight or in a location specified below:

9.2 The name, address, and phone number of the Ashland Board of Health.

9.3 Not less than one telephone in good working order shall be available and easily accessible to all employees and clients.

9.4 A sign at or adjacent to each telephone indicating the correct emergency telephone numbers (e.g. police, fire, ambulance, Board of Health).

9.5 An occupancy and use permit issued by the building official of the Town of Ashland, Massachusetts.

9.6 A valid Body Art Establishment Permit issued by the Ashland Board of Health.

9.7 Each valid Body Art Practitioners Permit issued by the Ashland Board of Health.

10.0 Body Art Establishment Record Keeping Requirements

10.1 Body Art Establishment records shall be maintained in a secure place for a minimum of three (3) years, unless otherwise specified. Said records shall be kept current, with any changes recorded in not more than five (5) working days. Such records shall be made available for inspection to the Board of Health upon request. Establishment information shall include, but is not limited to:

10.1.1 Establishment name.

10.1.2 Hours of operation.

10.1.3 Owner's name (or owners' names), home address(es) and home telephone number(s).

10.1.4 A complete detailed description of all body art procedures performed at said establishment.

10.1.5 An inventory of:

- All instruments
- All sharps
- All ink used for any and all body art procedures, including name of manufacturers, serial or lot numbers, and expiration dates. Invoices and packing lists may satisfy as back up information for this requirement.
- All body jewelry.

10.1.6 Original waste haulers manifests.

10.1.7 Original complete documentation of commercial biological monitoring tests.

10.1.8 Original Pest Control records

10.1.9 All logbooks shall be kept permanently.

10.1.10 Exposure Incident Reports shall be kept permanently.

10.1.11 Emergency Plan shall be kept on file permanently.

10.1.12 A copy of these regulations

10.1.13 MSDS, in a complete file, shall include all materials in the body art establishment and be readily accessible for any practitioner or operator at all times. Partial MSDS files are prohibited. However, more than one complete MSDS file is permitted.

10.2 Employee records shall be maintained in a secure place for a minimum of three (3) years. Said records shall be kept current, with any changes recorded in not more than five (5) working days. The establishment shall require, in writing, which all body art practitioners have either completed or were offered and declined the Hepatitis B vaccination series. Such records shall be made available for inspection to the Board of Health upon request. Employee information shall include at a minimum:

10.2.1 Full legal names. (No nicknames)

10.2.2 Copy of identification, as defined.

10.2.3 Exact duties.

10.2.4 Date of Birth.

10.2.5 Home Address.

10.2.6 Home and work telephone numbers.

10.2.7 Identification photograph

10.2.8 Dates of employment.

10.2.9 Hepatitis B Vaccination status or declination notification.

10.2.10 Training records.

10.3 Client records shall be maintained in a secure place for a minimum of three (3) years, and such records shall be made available for inspection to the Board of Health upon request. Client information shall be kept confidential at all times. Client records shall not be altered in any way. An investigation in which altered records are discovered could result in charges including, but not limited to forgery and/or fraud. Client information shall include at a minimum:

10.3.1 Client's full legal name.
10.3.2 Client's date of birth.
10.3.3 Copy of valid photo identification, as defined.
10.3.4 Name and address of where the procedure was performed.
10.3.5 Date the procedure was performed.
10.3.6 Full legal name of the practitioner who performed procedure(s)
10.3.7 Complete, detailed description of the procedure(s) performed and the location(s) on the client's body.
10.3.8 A signed consent form as specified in these regulations.

11.0 Requirements for Equipment and Materials Used in Body Art Operations and Documentation

11.1 Single Use Items.

11.1.1 Single use items shall not be used on more than one client for any reason. After use, single use sharps shall be immediately disposed of in an approved sharps container pursuant to 105 CMR 480.000.

11.1.2 All materials applied to the skin, such as, but not limited to: body art stencils, applicators, gauze, and razors shall be single use and shall be properly disposed of immediately after use.

11.1.3 The use of hollow bore needles or needles with cannula shall be considered single use and shall be disposed of immediately after use.

11.2 The ultrasonic cleaning unit used shall meet or exceed the most recent standards as promulgated by the United States Food and Drug Administration (USFDA). Said ultrasonic cleaning unit shall be operated in accordance with the manufacturer's instructions. The manufacturer's instructions and proof of compliance with appropriate USFDA regulations shall be made available for inspection by the Board of Health upon request. A copy of the original manufacturer's specifications and operating instructions of the ultrasonic cleaning unit shall be kept on file at the Board of Health office. Original manufacturer's documentation of said cleaning solution(s) used in ultrasonic cleaning, including the ingredients, and effective cleaning ability of the product, shall be made available for inspection by the Board of Health upon request. If any ultrasonic cleaning equipment is to be removed or added to the establishment, the Board of Health shall be notified, in writing, five (5) working days before any new equipment shall be used. The Board shall require performance verification before the equipment shall be used.

11.3 Parts of instruments that cannot be sterilized shall be cleaned and sanitized and covered with an impermeable single use barrier immediately prior to use for each client.

11.4 If any equipment is to be removed or added to the establishment, the Board of Health shall be notified, in writing, not less than five (5) working days before any new equipment shall be operated. Performance verification testing may be required before the equipment shall be used.

11.5 Autoclave

A damaged or improperly operated autoclave is extremely dangerous and can cause severe injury or death!

11.5.1 If the body art establishment uses only single-use, disposable instruments and pre-sterile single use supplies exclusively, an autoclave is not required.

11.5.2 Approval for use shall be obtained from the Board of Health before the autoclave shall be used for the sterilization of body art instruments.

11.5.3 All personnel who will operate the autoclave shall be trained in autoclave safety, operation, maintenance and storage, the proper use of proper personal protective equipment, and the required documentation and labeling.

11.5.4 Verification of the Performance of the Autoclave for the Purpose of Sterilization .

11.5.4.1 Each holder of a permit to operate a body art establishment shall verify that the autoclave is manufactured for medical sterilization purposes as approved by the most recent regulations of the USFDA. To verify performance, the autoclave shall be capable of attaining sterilization by a spore destruction test before the autoclave shall be used for sterilization of body art instruments. Any variation from the instructions of the spore destruction will void the test. The spore destruction test shall be conducted in time intervals not less than every six months. The establishment shall notify the Board of Health, in writing no less than five (5) working days before the spore destruction test will be performed.

A board member or its agent may be present to witness the test procedure in its entirety.

11.5.4.2 The spore destruction test shall be performed in accordance with the following instructions:

11.5.4.3 The maximum quantity of instruments, as defined by the manufacturer, shall be loaded into the autoclave.

11.5.4.4 The spore test device shall be placed in the center of the autoclave. The distance between the spore test device and all opposing sides of the autoclave shall be of equal distance.

11.5.4.5 Upon completion of sterilization, the spore test device shall be securely packaged and sent to a qualified, independent, laboratory for analysis in accordance with chain of custody protocol.

11.5.4.6 Lab results of the spore destruction test shall be submitted to the Board of Health.

11.5.4.7 If the spore destruction test is successful, the verification and/or calibration of the temperature indicator and the pressure indicator on the autoclave shall then be performed. The accuracy of the temperature indicator and the pressure indicator shall not vary more than $\pm$ 0.5% of the standard. All standards used in the calibration process shall be N.I.S.T. traceable.

11.5.4.8 If the spore test is unsuccessful, corrective action shall be taken. After completion of corrective action the autoclave shall be required to complete two (2) consecutive successful spore destruction tests. If the two tests are successful, the verification and/or calibration of the temperature indicator and the pressure indicator shall then be performed.

11.5.4.9 If failure of the spore destruction test is due to a defect in the autoclave or fault of the manufacturer and the autoclave is returned and a different autoclave is sent as a replacement, only one (1) successful spore destruction test shall be required. If the autoclave is returned to the manufacturer and the same unit is sent back repaired, two (2) consecutive successful spore destruction tests shall be required before the temperature indicator and pressure indicator shall be calibrated.

11.5.5 Failure to follow these test instructions exactly could result in a false test result. Failure to test the autoclave as required is a serious violation of these regulations, and could result in immediate, emergency closure, suspension of the establishment permit, criminal or non-criminal proceedings and/or implementation of fines.

11.5.6 All personnel who will operate the autoclave shall be trained and competent in autoclave safety, operation, maintenance and storage, the use of proper personal protective equipment, and the required documentation and labeling. Training records shall be kept current and completed at the end of the training session. A separate training record shall be completed for each training session. The original copies of all training records shall be stored permanently in a safe place. The trainee shall be given a copy of the training record for his/her own file. All training records shall be made available to the Board of Health for inspection upon request.

11.5.7 All training records shall include at a minimum:

11.5.7.1 Safety, including the use of appropriate personal protective equipment.
11.5.7.2 Inspection of the autoclave for any damage or irregularity.

A damaged or improperly operated autoclave is extremely dangerous and can cause severe injury or death!

11.5.7.3 Safe and effective operation of the autoclave according to manufacturer's instructions.
11.5.7.4 The ability to verify sterilization of instruments at the completion of the sterilization process.
11.5.7.5 The ability to recognize sterilization packs that are not sterile and the procedure for rejection of packs in which the attached sterilization indicator is indicative that sterilization has not occurred.

11.5.7.6 The required cleaning and maintenance of the autoclave shall be performed in accordance with the manufacturer's instructions.

11.5.7.7 Enter the required data in the equipment logbook.

11.5.7.8 Obtain the initials of a witness for verification in real time.

11.5.7.9 Any other topics included in the manufacturer's instructions or relevant USFDA, USDA, or other applicable regulations.

11.5.8 Each time the autoclave is used for sterilization, cleaning, maintenance, repairs or any other activity, a record of the use or activity shall be documented in the autoclave equipment logbook. Entries shall be recorded and witnessed in real time. The operator of (or technician) cleaning or servicing the autoclave shall sign his/her initials after each entry. The witness shall sign his/her initials immediately following the operator's initials. The log book(s) shall be available for inspection by the Board of Health upon request.

11.5.9 A separate logbook is required for each autoclave within the facility.

11.5.10 All documentation shall include, at a minimum:

11.5.10.1 The date and starting time of the procedure being performed using the autoclave.

11.5.10.2 A detailed description of the operation being performed (e.g. cleaning, sterilizing).

11.5.10.3 When used for sterilization, also include:

- The starting time and date of the procedure.
- The contents of the autoclave.
- The time, temperature and pressure of the autoclave when sterilization conditions start.
- Record the temperature and pressure at not more than (5) five-minute intervals during the sterilization cycle. Recording the cool down time is not required.

- The time, temperature and pressure at the completion of the sterilization cycle (do not include the cooling time).
- Calculate and record the total uninterrupted elapsed time the instruments were under sterilization conditions, as defined in these regulations. The uninterrupted time shall not be less than (30) thirty-minutes.
- Any unusual observations.

11.5.10.4 The status of the autoclave, e.g. clean, dirty, out of service.

11.5.10.5 The time and date of the completion of the procedure.

11.5.11 A status label shall be affixed to the autoclave. The label shall display the status (e.g. clean, dirty, out of service), the initials of the person responsible for the label and the date. Not more than one label shall be affixed to the autoclave at any one time. At no time shall a label be placed over another label.

11.5.12 The autoclave shall be used, cleaned and maintained according to the manufacturer's instructions. The original manufacturer's instructions and specifications shall be made available to the Board of Health upon request. Autoclaves shall be used and stored only in the cleaning area and shall not be removed from the cleaning area except when necessary for repair. A copy of the manufacturer's specifications and instructions shall be kept on file at the Board of Health office.

11.6 All inks, dyes, pigments, solid core needles, and any equipment used in performing body art procedures by the licensed practitioner, whether supplied by the body art establishment or obtained by the practitioner, shall be manufactured specifically for performing body art procedures and shall be used in accordance with the manufacturer's instructions. The original manufacturer's instructions and the original documentation of the manufacturer's specifications shall be sufficient proof that said inks, dyes, pigments, solid core needles, diluents or any other equipment in the establishment is specifically manufactured for the purpose of body art procedures, and said documents shall be made available for inspection to

the Board of Health upon request. Copies of these documents shall be kept on file in the Board of Health office. The practitioner shall keep a hardbound materials logbook with pre-numbered pages. Said logbook shall be dedicated solely to record each individual material used in performing tattooing. A separate materials log book shall be used for each material. The usage of all inks, dyes, and pigments diluents (including bottled water) used shall be recorded. The records in the logbook shall be sufficient to permit the Board of Health to trace particular lots of materials to particular clients, if needed. The logbooks shall be made available for inspection to the Board of Health upon request. The logbook is a legal document and all information shall be properly and clearly recorded. The practitioner shall record the following information in the following manner:

11.6.1 The material type (ink, dye, pigment, etc.) including manufacturer's part number.

11.6.2 The name of the manufacturer and distributor (if purchased through a distributor).

11.6.3 The manufacturer's lot number and other control numbers on the container.

11.6.4 The expiration date on the container.

11.6.5 The quantity of material in the full, unopened container (record as weight or volume as documented on the label) before use.

11.6.6 Document the date the container was opened for the first time and the approximate volume withdrawn from the container.

11.6.7 Document the date and quantity withdrawn from the container each time that container is used.

11.6.8 Document the date when the contents of the container have been entirely used and the container is empty or the container and contents are being disposed.

11.6.9 The practitioner shall initial and date the end of each entry into the materials logbook.

11.6.10 Blank areas shall be marked with one diagonal line over the entire blank area initialed and dated by the practitioner.

11.7 General Documentation

11.7.1 The recording of this information in real time shall be mandatory for all practitioners.

11.7.2 Removing any page from any logbook is a serious violation of these regulations and could result in, among other charges, a charge of fraud.

11.7.3 If an error occurs while making an entry into the logbook, cross out the error with not more than one line through the error, so it can still be read, initial and date the cross out as close to the error as possible, otherwise initial and date in the margin on the same line. Any other means of correction is a violation of these regulations and shall be enforced.

11.7.4 Dilution of inks, dyes, pigments or mixtures requiring dilution shall be performed using a water source approved by the Board of Health. Immediately before the tattoo is applied, the desired quantity of inks, dyes, pigments, or mixtures shall be transferred from the original manufacturer's container to a single use disposable container (e.g. paper or plastic cup) clearly labeled and properly disposed of immediately after use.

11.7.5 All materials inducing but not limited to; inks, dyes, and pigments shall be stored in the original manufacturer's container in which it was received. Said products shall not be transferred to any other container. This shall be strictly enforced. The label of the container will no longer be accurate as to the contents of the container. Transfer shall occur solely into a disposable container immediately before use, or for permanent proper disposal of unwanted content.

12.0 Cleaning, Sanitizing Sterilization, and Preparation of Body Art Instruments

12.1 If the body art establishment uses only single-use, disposable instruments and sterile supplies exclusively, an autoclave is not required.

12.2 Verification of the successful performance of a new or repaired autoclave and approval of the Board of Health shall be conducted before the autoclave can be used for cleaning instruments.

12.3 Instruments used for body art that are non-disposable, including, but not limited to: 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. The manufacturer's documentation including the specifications and effective cleaning ability of said soap or disinfectant solution shall be made available for inspection to the Board of Health upon request.

12.4 After residual blood and tissue residue have been removed by the appropriate scrubbing, the instruments shall be placed in an ultrasonic cleaning unit so that all instruments shall be fully submerged in the cleaning solution

12.5 After the completion of ultrasonic cleaning, the instruments are prepared for sterilization.

12.6 Instruments shall be wrapped and sealed in sterilization packs. A sterilization indicator shall be attached to each pack so that separation of pack and indicator will not occur during the sterilization, handling and storage processes.

12.7 Verification of the sterilization process requires the participation of a technician and a witness. The technician performs the procedure(s) according to the applicable instructions, standards and/or specifications. The witness shall be a person who is trained and qualified in the use of the autoclave who is verifying that the operation is completed and meets all applicable specifications and/or standards.

12.8 Load and prepare the autoclave according to manufacturer's instructions.

12.9 Sterilize the instruments according to the manufacturer's instructions. The duration of the sterilization cycle (temperature, pressure and time) shall be not less than thirty (30) continuous minutes. Interruptions of the sterilization conditions should be avoided, if at all possible. If an interruption of the sterilization cycle does occur, when sterilization conditions are again attained the timing of the cycle is restarted at zero (0) minutes.

12.10 After sterilization is complete, the instruments shall be stored in their sterilization packs inside a dedicated, clean, dry, tightly covered, labeled, container dedicated solely for the storage of sterilized body art instruments. These containers shall be stored in a clean, dry, cabinet dedicated solely for this purpose. The floor of said cabinet shall be not less than six (6) inches above the establishment floor. Instruments shall not be removed from their sterilization packs until just prior to the performance of a body art procedure.

12.11 Body art instruments shall not be used if the sterilization pack has been breached or compromised in any manner, the sterilization indicator attached to the pack does not verify complete sterilization, or after the expiration date, 30 days from sterilization, displayed on the sterilization pack.

12.12 When assembling instruments used for body art procedures the practitioner shall wear individually packaged, sterile, disposable, gloves and use medically recognized sterile techniques to protect the instruments and gloves from contamination

12.13 Reusable cloth items shall be mechanically washed with detergent and chlorine disinfectant at a temperature not less than 160°F after each use, in accordance with standards applicable to hospitals and medical care facilities. After washing, the reusable cloth items shall be mechanically dried. The cloth items shall be stored in a clean, dry, enclosed environment until used, to protect them from becoming soiled (e.g. cabinet in which the cabinet floor is not less than six (6) inches above the establishment floor).

13.0 Standards of Practice

13.1 Every practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the CDC.

13.2 A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.

13.3 Practitioners who use ear-piercing systems shall conform to the manufacturer's instructions for use and to most recent applicable USFDA regulations. A practitioner shall not use an ear-piercing system on any part of the client's body other than the lobe of the ear.

13.4 Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:

13.4.1 Inform the client, verbally and in writing that the following health conditions may further increase health risks associated with receiving a body art procedure which include, but are not limited to:

13.4.1.1 History of diabetes.
13.4.1.2 History of hemophilia (bleeding).
13.4.1.3 History of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants, etc.
13.4.1.4 History of allergies or adverse reactions to latex, pigment, dyes, inks, or other sensitivities.
13.4.1.5 History of epilepsy, seizures, fainting, or narcolepsy.
13.4.1.6 Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.
13.4.1.7 Any other conditions such as hepatitis or HIV.

13.4.2 Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given aftercare instructions as required by these regulations.

13.5 A practitioner shall maintain the highest degree of personal cleanliness, conform to the best standard hygienic practices, and wear clean clothes when performing body art procedures. The practitioner must thoroughly wash his/her hands in hot running water and liquid soap, then rinse his/her hands and dry them with disposable paper towels. At a minimum this shall be done between clients and as often as necessary to remove contaminants.

13.6 In performing body art procedures, a practitioner shall wear individually packaged, sterile, disposable, single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects, or by contact with a third person. The gloves shall be properly disposed of, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed, in accordance with these regulations, before the next set of gloves is worn. Under no circumstances shall a single pair of gloves be used on more than one person. The use of sterile, single-use disposable gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

13.7 The skin of the practitioner shall be free of any rash or infection. Any practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall not work in any area of a body art establishment in any capacity in which there is a possibility that the affected practitioner could contaminate clients, body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

13.8 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 sterilized instrument before the procedure resumes.

13.9 Preparation and care of a client's skin area shall comply with the following:

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

13.9.2 Before a body art procedure is performed, the immediate skin area and the areas of the skin surrounding the location of the body art procedure shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-use blades shall be used. Blades shall be properly disposed of immediately after use. Reusable holders shall be cleaned and autoclaved in compliance with these regulations. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be properly disposed of after a single use. The original manufacturer's documents of the soap or the surgical skin preparation including the ingredients and ability to clean effectively shall be available to the Board of Health upon request.

13.9.3 In the event of bleeding, all items used to stop the bleeding or to absorb blood shall be single-use, and properly disposed of immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.

13.9.4 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 content. The applicator or gauze shall be used once and then be immediately disposed of properly. If the application of additional product is required a new sterile applicator shall be used to prevent contamination of the container and the content. The additional sterile applicator shall be used once and then be immediately disposed of properly.

13.9.5 The practitioner shall provide each client with verbal and written instructions, approved by the Board, for the aftercare of the body art site. The written instructions, at a minimum, shall advise the client:

13.9.5.1 Proper cleansing of the area that received the body art.

13.9.5.2 To consult a health care provider for:

- •Unexpected redness, tenderness, or swelling at the site of the body art procedure.
- •Any rash.
- •Any unexpected drainage at or from the site of the body art procedure.
- •A fever within 24 hours of the body art procedure

13.9.5.3 The address and telephone number of the establishment.

13.10 The operator of the body art establishment shall be responsible for providing the body art establishment with the most recent revision of the body art regulations. The operator of the establishment shall also remove obsolete regulations from circulation within the establishment and either archive them or dispose of them.

14.0 Exposure Control

14.1 Each body art establishment shall create, update, and comply with an exposure control plan. The plan shall meet all requirements of OSHA regulations including, but not limited to 29 CFR 1910.1030 entitled, "OSHA Bloodborne Pathogens Standards" et seq, as amended from time to time. The plan and all subsequent revisions shall be submitted to the Board of Health for review. A copy of the plan shall be maintained at the body art establishment and shall be made readily available at all times. The plan should be reviewed annually and revised (if necessary) by the operators and practitioners. If after the plan has received its annual review and no changes are required, the date(s) of review and notation that no changes are required shall be recorded in the Exposure Plan Book. A copy of the plan, located within the body art establishment, shall be made available for inspection to the Board of Health upon request. A final copy of the plan and all subsequent changes shall be submitted to and kept on file at the Board of Health office.

14.2 An Exposure Incident Report shall be completed by the practioner who was involved in the exposure incident, or possible incident. The Exposure Incident Report shall be completed the same day of the incident, but in no case shall it be completed later than the next calendar day after the incident(s). A separate Exposure Incident Report is required for each exposure, or possible exposure.

14.3 The Exposure Incident Report shall include, but is not limited to:

14.3.1 The date and time and location of the exposure incident.
14.3.2 The application and consent form for body art procedure(s) completed and signed by the client who was involved in the exposure incident.
14.3.3 A complete detailed description of the exposure incident including, but not limited to:

14.3.3.1 The body art procedure being performed.
14.3.3.2 The location on the body where the body art was being performed.
14.3.3.3 Exactly when during the procedure the exposure incident occurred.

14.3.3.4 Substance(s) the client or practitioner were exposed to and the approximate volume.

14.3.3.5 Cause (or suspected cause) of the exposure.

14.3.3.6 Location(s) on the body where the exposure occurred.

14.3.3.7 How the exposure was treated. Include all persons' names, materials used, and actions taken that were involved in the treatment. Indicate if emergency medical services were required.

14.3.3.8 Describe any instruments implicated or involved.

14.3.4 The form describing any medical history of the client released to the body art establishment or body art practitioner.

14.3.5 Information regarding any recommendation of referral to consult a physician or a waiver by the client to consult a physician.

14.3.6 A complete, detailed corrective action plan. Details include any: engineering, materials, additional training, proposed changes in procedure(s), disciplinary action, and the expected date of implementation of the corrective action plan.

14.3.7 The completed Exposure Incident Report, including all supporting documentation shall be delivered to the Board of Health office no later than one day after exposure, or if the office is closed delivered the next day the office is open.

15.0 Injury and/or Complication

15.1 Any occurrence of an injury, infection, complication, disease, or complaint of injury, infection, complication, or disease that is the potential result of any body art procedure shall be reported to the Ashland Board of Health. A written report by the practitioner shall be received by the client involved and by the Ashland board of Health within three (3) working days of initial notification to the establishment.

15.2 The written report filed by the practitioner shall include, but is not limited to:

15.2.1 The name, address and telephone number of the affected client.
15.2.2 The name, address, and telephone number of the involved body art establishment.
15.2.3 A complete, detailed description of the injury, infection, complication or disease.
15.2.4 A complete description of the body art performed.
15.2.5 The name, address, and telephone of the affected client's health care provider.
15.2.6 The name of the body art practitioner who performed the body art on the affected client.
15.2.7 A copy of the signed consent form.
15.2.8 Any other information considered being relevant to this report.

16.0 Complaints

16.1 The Ashland Board of Health shall investigate complaints received concerning a body art establishment, or acts and practices by a practioner or any other person that may violate any provision of these regulations.

16.2 If after the Board investigates the complaint and finds that the complaint is clearly not in violation of these regulations, the complainant shall be notified of this finding and the reasons on which it was based.

16.3 However, after the Board investigates an alleged act, practice, or complaint, and a finding is made that the act or practice is in violation of these regulations, the Board of Health will apply whatever enforcement action is appropriate, including, but not limited to, immediate, emergency closure of the establishment, and suspension or revocation of permit(s). The complainant shall be notified of any finding and any action taken.

17.0 Minimum Requirements for Licensure of a Body Art Practitioner

17.1 The applicant for a Body Art Practitioner Permit shall have satisfactorily completed the minimum training requirements of these regulations prior to the issuance of a Body Art Practitioner Permit.

17.2 The applicant shall be certified and maintain certification by the American Academy of Micropigmentation.

17.3 The applicant shall be trained in and understand the Bloodborne Pathogen Standard included in 29 CFR 1910.1030, entitled, “Occupational Exposure to Bloodborne Pathogens.”

18.0 Minimum Training Requirements for applicants of a Body Art Practitioner's Permit

18.1 Training received by all practitioners shall be approved and verified by the Board of Health as a condition for the issuance of a practitioner's permit. Presenting any certificates or other documents with the application for a body art practitioner's permit that cannot be verified for authenticity, validity, or accuracy will not be considered in the decision of issuance of a permit. An applicant who submits a certificate or any other document that has been fabricated, altered, forged or is not authentic is subject to potential charges of fraud and/or forgery under Massachusetts General Laws. Transcripts, of any kind, shall be original copies bearing the seal of the educational institution and shall be sent to the Ashland Board of Health directly from said educational institution. Delivery shall be by the U.S. Postal Service, UPS, FedEx, or any other delivery service at the discretion of the Board of Health. Transcripts presented by the applicant or by any other means shall not be accepted.

18.2 The minimum training that shall be required by an applicant for a body art practitioner's permit includes competency in all of the following:

18.2.1 Boodborne pathogen control, OSHA Guidelines 29 CFR 1910.1030, which includes infectious disease control.
18.2.2 Proper waste disposal for sharps, contaminated material, non-contaminated material, and any other items associated with performing body art.
18.2.3 Proper hand washing technique.
18.2.4 Sterilization.
18.2.5 Disinfection.
18.2.6 Sterilization method and technique.
18.2.7 Cardiopulmonary resuscitation (CPR) and possession of a current, valid certification.
18.2.8 The applicant shall have completed a training program approved by the Society of Permanent Cosmetic Professionals or the International Micropigmentation Association.

18.3 A practitioner's permit, after issuance, shall be conditioned upon continued compliance with all applicable provisions of these Body Art Rules and Regulations as amended.

19.0 Application Procedure for a Practitioner's Permit to Practice Body Art within the Town of Ashland

19.1 The Ashland Board of Health shall license each body art practitioner, subject to full compliance with these regulations. No person shall perform any body art procedure, whether in public or private, including, but not limited to: all public and private events, structures, buildings, motor vehicles, or the outdoors, within the borders of the Town of Ashland without first obtaining a body art practitioner's permit from the Ashland Board of Health.

19.2 A body art practitioner shall be a minimum of eighteen (18) years of age. The applicant shall provide proof of identity and age. The only accepted form of identification shall be a valid Massachusetts Driver's License or other photographic identification issued by the Massachusetts Registry of Motor Vehicles, valid passport issued by the United Stated Department of State or a valid United States Military Identification Certificate. An original certified copy of a birth certificate of the applicant shall be required in addition to the aforementioned identification if requested by the Board.

19.3 Application for a body art practitioner's permit shall be made only on forms prescribed by and available from the Board of Health. An applicant shall submit all information requested on by the form and accompanying instructions in their entirety. If all requested information is not included on the application or areas are left blank, the application shall not be processed. The term "application" as used herein shall include the original first issue application and any original renewal application.

19.4 An application for a Body Art Practitioner's Permit shall include, but is not limited to:

19.4.1 Full legal name of the applicant. No nicknames.
19.4.2 Date of birth.
19.4.3 Home address. The board of Health shall be notified within five (5) working days of a change of address during the period of time for which this permit is valid.
19.4.4 Mailing address

19.4.5 Home telephone number. The board of Health shall be notified within five (5) working days of a change of telephone number during the period of time for which this permit is valid.

19.4.6 Photographic identification. The only accepted form of identification shall be a valid Massachusetts Driver's License or other photographic identification issued by the Massachusetts Registry of Motor Vehicles or valid passport issued by the United Stated Department of State.

19.4.7 Name(s) and addresses of employment as a body art practitioner, (past or present).

19.4.8 Verifiable proof of the successful completion all training required in these regulations, including previous experience as a body art practitioner

19.4.9 A minimum passing grade of 70% correct answers on a written examination of these regulations.

19.5 All information submitted to the Board of Health is subject to verification. Any information or document that cannot be verified for authenticity, validity, or accuracy shall not be considered in the decision of issuance of a permit. An applicant who submits a certificate or any other document that has been fabricated, altered, forged or is not authentic is subject to potential charges of fraud and/or forgery under Massachusetts General Laws.

20.0 Grounds for Suspension, Denial, Revocation, or Refusal to Renew a Permit

20.1 The Board of Health may summarily suspend a permit pending a final hearing on the merits of the question and revocation if, based on the evidence before if, the Board determines that an establishment and/or practitioner is an immediate and serious threat to the public safety, health, or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

20.2 The Ashland Board of Health may suspend a permit, deny a permit, revoke a permit, or refuse renewal of a permit on the following grounds; each, of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation, or refusal to renew.

20.2.1 Any actions, which would indicate that the safety or health of the public is, were, or could be at risk.

20.2.2 Fraud, deceit, forgery or any misrepresentation in obtaining a permit, or its renewal.

20.2.3 Fraud, deceit, forgery or any misrepresentation in any records or documents required by these regulations.

20.2.4 Criminal conduct 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 a plea of no lo contend ere, or admission of sufficient facts.

20.2.5 Any past or present violation(s) of regulations governing the practice of body art.

20.2.6 Practicing body art while the ability to practice is impaired by alcohol, drugs (legal or illegal), physical disability, or mental instability.

20.2.7 Performing body art procedures while being under the influence of alcohol or any mind altering drug(s).

20.2.8 Being present on the establishment premises while under the influence of alcohol or any mind altering drug(s).

20.2.9 Being habitually drunk, or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar mind altering effects.

20.2.10 Knowingly permitting, aiding, or abetting an unauthorized person to perform activities requiring a permit.

20.2.11 Continuing to practice while his/her permit has expired, been suspended or revoked.

20.2.12 Having been disciplined in another jurisdiction in any way by the proper permitting authority or the police for reasons substantially the same as those set forth in these body art regulations.

20.2.13 Other just and sufficient causes for which the Board of Health may determine would render the establishment, practitioner, or applicant unfit to practice body art.

20.3 The Board shall notify an applicant, establishment, or practitioner in writing of any violation of these body art regulations, for which the Board intends to suspend, 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 these regulations. The Board may suspend, deny, revoke or refuse to renew a permit if compliance has occurred on or after the seventh (7) day.

21.0 Emergency Closure

The practitioner's, operator's and/or establishment permit shall be suspended immediately upon notice to the permit holder (without a hearing) when the Board of Health or its agents has reason to believe that an imminent safety or health hazard exists.

22.0 Procedure for Hearings

The owner of the establishment, operator, or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested, or by a constable. The notice shall include the date, time, and location of the hearing, and the right of the owner of the establishment or practitioner to be heard. The Board shall hold the hearing no later than twenty-one (21) days from the date the written notice was received.

23.0 Professional Liability Insurance

23.1 A valid Professional Liability Insurance Policy shall be mandatory for each establishment and each practitioner. The dollar amount of coverage each policy shall be not less than ($1,000,000) one million dollars per incident.

23.2 If the Professional Liability Insurance Policy is allowed to lapse, or is canceled, or is not in full force for any reason at any time, all permits that were insured by this policy become invalid immediately upon the termination of the Professional Liability Insurance Policy and shall be surrendered immediately to the Board of Health. Termination of Professional Liability Insurance of an establishment shall result in immediate closure of the establishment or facility.

24.0 Severability

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

25.0 Disposition of Violation

25.1 In all instances of violation of the provisions of this administrative regulation, the Ashland Board of Health shall serve the registrant (permit holder) a written notice specifying the violation(s).

25.2 Each violation of these regulations is a separate offense.

25.3 Each client affected by a violation of these regulations shall be deemed to be a separate offense.

25.4 Each day that a violation continues shall be deemed to be a separate offense.

25.5 Whoever violates any provisions of these Rules or Regulations is subject to criminal prosecution.

25.6 In accordance with MGL chapter 40, section 21D and the (local enabling legislation), whoever violates any provisions of these Rules or Regulations may be penalized by non-criminal disposition at the discretion of the Board or its Agent.

26.0 Effective Date

26.1 These Rules and Regulations shall be effective as of May 2, 2005.

26.2 Upon adoption of the Body Art Rules and Regulations of the Town of Ashland, Massachusetts, herein, by the Board of Health in a vote of a simple majority at a public meeting of the Board of Health, and subsequent signing of this document by not less than two members of the Board of Health shall cause immediate rescission of previous regulations, and shall immediately cause the Body Art Rules and Regulations of the Town of Ashland, Massachusetts, herein, to be in full effect and entirely enforceable as of the effective date.

Board of Health
of the
Town of Ashland, Massachusetts

_____
Arthur Shapiro, Chair

_____
Nanette Vitali, Vice Chair

_____
Reginald A. S. Mimms, Clerk