

TOWN OF REHOBOTH BOARD OF HEALTH

RULES AND REGULATIONS FOR BODY ART/BODY PIERCING ESTABLISHMENTS AND PRACTITIONERS

January 16, 2018

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1. PURPOSE

Whereas body art and body piercing practices are becoming prevalent and popular throughout the Commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and 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; now, therefore the Board of Health of the Town of Rehoboth passes these rules and regulations for the practice of body art and body piercing in the Town of Rehoboth as part of our mission to protect the health, safety and welfare of the public.

2. AUTHORITY

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law III, Sections 6, 31 and 95.

3. DEFINITIONS

For purposes of this regulation the following words and terms shall have the following meanings:

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

Applicant – any person who applies to the Board of Health for either a body art/piercing establishment permit or a practitioner’s permit.

Apprentice Body Art Practitioner – a specifically identified individual who has been granted a permit by the Board to be trained in all aspects of tattooing in an establishment that has been granted a permit by the Board.

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

Autoclaving – a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard – OSHA Guidelines contained in 29 CFR 1910.1030, entitled “Occupational Exposure to Bloodborne Pathogens.”

Board of Health or Board – the Board of Health of the Town of North Attleboro, including its officers or agents.

Body Art – the practice of physical body adornment by permitted establishments and practitioners using the technique of tattooing. Practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, are procedures not included in this regulation and prohibited by those licensed by this regulation.

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

Body Art Practitioner – a specifically trained and identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

Body Piercing – the practice of puncturing or penetrating the skin with pre-sterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

Definitions continued:

Body Piercing Practitioner – a specifically trained and identified individual who has been granted a permit by the Board to perform body piercing in a establishment that has been granted a permit by the Board.

Braiding – the cutting of strips of skin of a person to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

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

Cleaning Area – the area in a body art/piercing establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used in the practice of body art/piercing.

Client – a person who requests a procedure at a body art/piercing establishment.

Contaminated Waste – waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and/or 29 Code of Federal Regulation part 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; 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 other potentially infectious materials.

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

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

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

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

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

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

Definitions continued:

Exposure – an event whereby there is an eye, mouth or other mucus 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.

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

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

Instruments – hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body in the conduct of body art or piercing or may be exposed to bodily fluids during any body art/piercing procedure.

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

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

Light Colored – a light reflectance value of 70% or greater.

Micro – Blading – A type of Tattooing which involves depositing pigment superficially in the upper region of the dermis, either by a hand held tool or by a machine. Often used to create permanent makeup; such as eyebrows.

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

Mobile Body Art/Piercing Establishment – 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 or actually does conduct body art/piercing procedures.

Operator – any person who individually, jointly, or severally with others, owns, or controls a body art/piercing establishment, who may or may not be a body art or body piercing practitioner.

Permit – Board approval in writing to either (1) operate a body art/piercing establishment or (2) operate as a body art or body piercing practitioner, or an apprentice body art practitioner within a body art/piercing establishment. Board approval shall be granted solely for the practice of body art or body piercing pursuant to these regulations. Said permits are exclusive of an establishment's compliance with other licensing or permitting requirements that may exist within the Board's jurisdiction.

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

Definitions continued:

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

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

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

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

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

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

Sharps Container – means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

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

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

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

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

Temporary Body Art Establishment – the same as Mobile Body Art Establishment.

Three Dimensional (3D) Body Art; or Beading; or Implantation - means the form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

Definitions continued:

Ultrasonic Cleaning Unit – a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

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

4. EXEMPTIONS

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

5. PRACTITIONER PROHIBITIONS

- A. No body art may be performed on a minor.
- B. No body piercing may be performed on a minor unless the minor has reached sixteen years of age and is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor.
- C. Body piercing of the genitalia is prohibited.
- D. No body art or body piercing shall be performed upon any animal.
- E. The following practices are hereby prohibited unless performed by a physician: tongue splitting; braiding; three dimensional body art/beading/implementation; branding; scarification; amputation; tooth filing/fracturing/removal/tattooing; cartilage modification; genital modification, and; introduction of saline or other liquids.

Practitioner Prohibitions continued:

- F. The following body piercings are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of a testicle; so-called “deep” piercing of the penis – meaning piercing through the shaft of the penis, or “transpenis” piercing in any area from the corona glandis of the pubic bone; so-called “deep” piercing of the scrotum – meaning piercing through the scrotum, or “transcrotal” piercing, and; so-called “deep” piercing of the vagina.

6. OPERATION OF BODY ART/PIERCING ESTABLISHMENTS

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

A. Physical Plant

1. Walls, floors, ceilings, and procedure surfaces shall be smooth, durable, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
2. Solid partitions or walls extending from floor to ceiling shall separate the establishment’s space from any other room used for: human habitation; any food establishment or room where food is prepared; any hair salon; any retail sales, or; any other such activity that may cause potential contamination of work surfaces.
3. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
4. The establishment shall provide areas with a minimum of 45 square feet of floor space for each body art/piercing station. Each establishment shall have at least one area that may be screened from public view for clients requesting privacy. Multiple body art/piercing stations shall at a minimum be separated by dividers or partitions.
5. The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art/piercing procedures are being performed, where instruments and sharps are assembled, and in all cleaning areas.

6. All electrical outlets in body art/piercing stations and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.

Operation of Body Art/Piercing Establishments continued:

7. Each body art/piercing station shall have a separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in a fixed dispenser. .
8. There shall be a minimum of one lavatory, excluding any service sinks, and one working toilet in a body art/piercing establishment.
9. The establishment shall contract for bio-medical waste disposal and provide approved sharps containers in each body art/piercing station and each cleaning area pursuant to 105 CMR 480.000.
10. Practitioners who use ear-piercing systems must conform to the manufacturers' directions for use and applicable U.S. Food and Drug Administration requirements.
11. The public water supply entering a body art/piercing establishment shall be protected by a testable, reduced pressure back flow preventor installed in accordance with 142 CMR 248.000, as amended from time to time.
12. The establishment shall provide at least one covered, foot operated waste receptacle in each body art/piercing station and each toilet room. Said receptacles in the body art/piercing stations shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.
13. The establishment shall provide at least one janitorial sink for use in cleaning the establishment and the proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure to permit the cleaning of the establishment and any equipment used for such cleaning.
14. The establishment shall store all instruments and supplies in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
15. The establishment shall have a separate area for cleaning body art/piercing instruments and equipment. Every such cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
16. The establishment shall have a client waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the establishment used for body art/piercing activity.

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

1. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
2. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art or body piercing procedures and shall be used according to manufacturer's instructions.

Operation of Body Art/Piercing Establishments continued:

3. Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of a tattoo, these single-use cups or caps and their contents shall be discarded.

C. Sanitation and Sterilization Measures and Procedures

1. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
2. After being cleaned, all non-disposable instruments used for body art/piercing shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
3. The establishment's autoclave(s) shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave(s) must be available for inspection by the Board. Autoclaves shall be located away from body art/piercing stations or areas frequented by the public.
4. Each holder of a permit to operate a body art/piercing establishment shall demonstrate that the autoclave(s) used is/are capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.
5. All instruments used for body art/piercing procedures shall remain stored in sterile packages until just prior to the performance of a body art/piercing procedure. After sterilization, the instruments used in body art/piercing procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
6. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.

7. If the establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

Operation of Body Art/Piercing Establishments continued:

8. When assembling instruments used for body art/piercing procedures, the operator shall wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
9. Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160° F or a temperature of 120° F when combined with the use of chlorine disinfectant.

D. Posting Requirements

The establishment shall prominently display the following:

1. The Disclosure Statement to be given to each client, advising him/her of the risks and possible consequences of body art/piercing procedures (a sample of which shall be available from the Board).
2. An Emergency Plan, including:
 - a. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - b. The location of a telephone in good working order which shall be easily available and accessible to all employees and clients during all hours of operation; and
 - c. A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
3. The occupancy and use permit issued by the North Attleboro Building Department.
4. The current establishment permit issued by the Board.
5. The permits issued by the Board for each practitioner and apprentice practitioner working in the establishment.

E. Establishment Recordkeeping

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

1. Establishment information, which shall include:
 - a. Establishment name;
 - b. Hours of operation;
 - c. Owner's name and address;

- d. A complete description of all body art/piercing procedures performed;
- e. Copies of waste hauler manifests;
- f. Copies of commercial biological monitoring tests;

Operation of Body Art/Piercing Establishments continued:

- g. An inventory of all instruments and body jewelry, all sharps, and all links used for any and all body art/piercing procedures, including names of manufacturers and serial or lot numbers, if applicable (invoices or packing slips shall satisfy this requirement);
 - h. Exposure Incident Reports (kept permanently), and;
 - i. A copy of this regulation.
2. Employee information, which shall include the following for each individual:
 - a. Full legal name and exact duties;
 - b. Date of birth;
 - c. Current address;
 - d. Current home/work/cell phone numbers;
 - f. Identification photograph;
 - f. Dates of employment;
 - g. Hepatitis B vaccination status or declination notification, and;
 - h. Training records.
 3. Client information, which shall be kept confidential at all times shall include the client's;
 - a. Name;
 - b. Age and valid photo identification;
 - c. Address;
 - d. Date(s) of the procedure(s), plus the;
 - e. Name of the practitioner who performed the procedure(s);
 - f. Description of procedure(s) performed and location on the body;
 - g. Signed consent form specified in section **8(D)(2)** of this regulation, and;
 - h. For all clients under the age of 18, proof of parental or guardian identification, presence at the time of the procedure(s), and consent, including a photographic copy of the parent or guardian's identification.
 4. An Exposure Control Plan which each establishment shall be required to create, maintain, update, and comply with. Said plan shall be submitted to the Board for review and meet all of the requirements of OSHA regulations, including but not limited to 29 CFR 1910.1030 OSHA Bloodborne Pathogens Standards et seq., as amended from time to time. A copy of said Plan shall be maintained at the body art/piercing establishment at all times and made available to the Board upon request.

7. ESTABLISHMENT PROHIBITIONS

stablishment Prohibitions continued:

- A. No animals of any kind shall be allowed in a body art/piercing establishment except service animals used by persons with disabilities (e.g. seeing-eye dogs) and fish aquariums, which shall be allowed in waiting rooms and nonprocedural areas only.
- B. Food or drink shall not be consumed in any area where cleaning and body art/piercing is performed. Each establishment shall provide a separate room for this purpose.
- C. Smoking is not allowed in any area of an establishment. Anyone who smokes must wash their hands prior to leaving the establishment and again upon returning.
- D. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
- E. Reuse of hollow bore needles, or needles with cannula, is prohibited.
- F. Mobile or Temporary Body Art/Piercing Establishments are prohibited in Rehoboth.

8. STANDARDS OF PRACTICE

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

- A. Practitioners shall perform all body art/piercing procedures in accordance with the standards for Universal Precautions established by the U.S. Centers for Disease Control and Prevention.
- B. Practitioners shall refuse service to any person who may be under the influence of alcohol or drugs.
- C. Practitioners who use ear-piercing systems must conform to the manufacturers' directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- D. Health History and Client Informed Consent. Prior to performing body art or body piercing procedures on a client, practitioners shall:
 - 1. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art or body piercing procedure:
 - a. History of diabetes;
 - b. History of hemophilia (bleeding);

Standards of Practice continued:

- c. History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
 - d. History of allergies or adverse reactions to pigments, dyes or other sensitivities;
 - e. History of epilepsy, seizures, fainting, or narcolepsy;
 - f. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting, and;
 - g. Any other medical conditions such as hepatitis or HIV.
 - 2. Require that the client sign a form confirming that the above information was provided to him/her, that the client does not have a condition that prevents them from receiving body art or body piercing, that the client consents to the performance of the body art/piercing procedure, and that the client has been given aftercare instructions as required by Section **8(K)** of this regulation.
 - 3. Nothing in this section shall be construed to require the practitioner to perform a body art/piercing procedure upon a client.
- E. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art or body piercing procedures. Before performing body art/piercing procedures, the practitioner must thoroughly wash his/her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- F. In performing body art/piercing procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. Said gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client and hands shall be washed in accordance with Section (E) above before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.
- G. The skin of the practitioner shall be free of rashes or infections. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art/piercing establishment in any capacity in which there is a likelihood that that person could contaminate body art/piercing equipment, supplies, or working surfaces with body substances or pathogenic organisms.

Standards of Practice continued:

- H. Any item or instrument used for body art/piercing that is contaminated, before, during or after a procedure, shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- I. Preparation and care of a client's skin area must comply with the following:
 - 1. Any skin or mucosa surface to receive a body art/piercing procedure shall be free of all rashes or visible infections.
 - 2. Before a body art or body piercing procedure is performed, the immediate skin area and the areas of skin surrounding where the procedure is to be placed 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-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - 3. In the event of bleeding, all products used to stop the bleeding and/or to absorb blood shall be single use products to be discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- J. Petroleum jellies, soaps, and other products used in the application of body art stencils shall be dispensed and applied on the area to receive a procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- K. Practitioners shall provide each body art or body piercing client with verbal and written instructions on the aftercare of the procedure site. Said written instructions (a sample set of which shall be made available by the Board) must advise the client:
 - 1. On the proper cleansing of the area which received the body art or piercing procedure;
 - 2. To consult a health care provider for:
 - a. Unexpected redness, tenderness or swelling at the site of the procedure.
 - b. Any rash;
 - c. Unexpected drainage at or from the site of the procedure; or
 - d. A fever within 24 hours of the procedure; and
 - 3. Of the address and phone number of the establishment.
- L. Contaminated waste shall be stored, treated and disposed of in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster, State Sanitary Code, Chapter VIII.

9. EXPOSURE INCIDENT REPORT

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 or body

piercing practitioner for every exposure incident occurring in the conduct of any body art/piercing activity. Each exposure incident report shall contain:

- A. A copy of the application and consent form for body art/piercing activity completed by any client or minor client involved in the exposure incident;
- B. a full description of the exposure incident, including the portion of the body involved therein;
- C. the instrument(s) or other equipment implicated;
- D. a copy of the practitioner's license of the body art or body piercing practitioner involved;
- E. the date and time of exposure;
- F. a copy of any medical history released to the body art/piercing establishment or practitioner, and;
- G. information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

10. INJURY AND/OR COMPLICATION REPORTS

A written report of any injury, infection complication or disease as a result of a body art or body piercing procedure, or complaint of injury, infection complication, or disease, shall be forwarded by the operator of the establishment to the Board, with a copy to the injured client within five working days of its occurrence or knowledge thereof. Such report shall include:

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

11. COMPLAINTS

- A. The Board shall investigate all complaints received about an establishment or a practitioner's practices or acts in the Town of Rehoboth which may violate any provision of this regulation.

- B. If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons upon which it is based.
- C. If the Board finds that an investigation is warranted because the alleged act or practice may be in violation of this regulation, the Board shall duly investigate. If a finding is subsequently made that an act or practice is or was in violation of the Board's regulations, the Board shall apply whatever enforcement action is appropriate and shall notify the complainant of its action in this manner.

12. APPLICATION FOR BODY ART/PIERCING ESTABLISHMENT PERMIT

- A. No person may operate a body art/piercing establishment except with a valid permit from the Board.
- B. Applications for a permit shall be made on forms proscribed and made available by the Board. An applicant shall submit all information required by the form and its accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- C. An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
- D. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
 - 1. Name, address, and telephone number of:
 - a. The establishment;
 - b. the operator of the establishment, and;
 - c. the body art, body piercing and apprentice practitioner(s) working at the establishment.
 - 2. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment.
 - 3. A signed and dated acknowledgement that the applicant has received, read and understood the requirements of this regulation.
 - 4. A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process.
 - 5. A copy of the establishment's Exposure Report Plan.
 - 6. Such additional information as the Board may reasonably require.
- E. A permit for a body art establishment shall not be transferable from one place or person to another.

13. APPLICATION FOR BODY ART PRACTITIONER PERMIT

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

- B. A practitioner shall be a minimum of eighteen (18) years of age.
- C. A practitioner permit shall be valid from the date of issuance and shall expire no later than one year from the date of issuance unless revoked sooner by the Board.
- D. Application for a practitioner permit shall include the applicant's:
 - 1. Name;
 - 2. Date of birth;
 - 3. Residence address;
 - 4. Mailing address;
 - 5. Phone number;
 - 6. Place(s) of employment as a practitioner, and;
 - 7. Training and/or experience as set out in section (E) below.
- E. Practitioner training and experience:
 - 1. In reviewing an application for a body art practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
 - 2. The applicant for a body art practitioner permit shall provide documentation, acceptable to the Board, that s/he has successfully completed the following minimum training:
 - a.. A bloodborne pathogen certificate program (or equivalent) which includes infectious disease control; bio-medical waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques;
 - b. Current certifications in First Aid and cardiopulmonary resuscitation (CPR), and;
 - c. Other training, courses and/or programs provided by applicable professional organizations or associations and/or by applicable equipment manufacturers may also be submitted for the Board's consideration of application approval.
 - 3. The applicant for a body art practitioner permit shall submit evidence satisfactory to the Board of at least two (2) years of actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner permit to perform in Rehoboth, whether such experience was obtained within or outside of the Commonwealth.
- F. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of this regulation.

14. APPLICATION FOR BODY PIERCING PRACTITIONER PERMIT

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

- B. A practitioner shall be a minimum of eighteen (18) years of age.
- C. A practitioner permit shall be valid from the date of issuance and shall expire no later than one (1) year from the date of issuance, unless sooner revoked by the Board.
- D. Application for a practitioner permit shall include the applicant's:
 - 1. Name;
 - 2. Date of birth;
 - 3. Residence address;
 - 4. Mailing address;
 - 5. Phone number;
 - 6. Place(s) of previous employment as a practitioner, and;
 - 7. Training and experience as set out in section (E) below.
- E. Practitioner training and experience:
 - 1. In reviewing an application for a body piercing practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body piercing.
 - 2. The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he has successfully completed the following minimum training:
 - a. A course or courses on anatomy and physiology with a grade of "C" or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity, including instruction on the integumentary system (skin), diseases of the skin and conditions of the skin. Such other course, courses or program(s) as the Board shall deem appropriate and acceptable may be substituted for the anatomy course(s);
 - b. A bloodborne pathogen certificate program (or equivalent) which includes infectious disease control; bio-medical waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques;
 - c. Current certifications in First Aid and cardiopulmonary resuscitation (CPR), and;
 - d. Other training, courses and/or programs provided by applicable professional organizations or associations and/or by applicable equipment manufacturers may also be submitted for the Board's consideration of application approval.

Application for Body Piercing Practitioner Permit continued:

- 3. The applicant for a body piercing practitioner permit shall submit evidence satisfactory to the Board of at least two (2) years of actual experience in the practice of performing body piercing activities of the kind for which the applicant seeks a body piercing practitioner permit to perform in Rehoboth,

whether such experience was obtained within or outside of the Commonwealth.

- F. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of this regulation.

15. APPLICATION FOR APPRENTICE BODY ART PRACTITIONER PERMIT

- A. No person shall be trained to perform body art procedures in Rehoboth without first obtaining an apprentice body art practitioner permit from the Board. The Board shall set a reasonable fee for such permits.
- B. An apprentice practitioner shall be a minimum of eighteen (18) years of age.
- C. The Board shall grant only one (1) apprentice practitioner permit per individual, and that permit shall be valid for only one (1) year from the date of its issuance, unless sooner revoked by the Board.
- D. Application for an apprentice practitioner permit shall include the applicant's:
 - 1. Name;
 - 2. Date of birth;
 - 3. Residence address;
 - 4. Mailing address;
 - 5. Phone number;
 - 6. All place(s) of previous employment as a body art apprentice or practitioner, if any;
 - 7. A one (1) year letter of commitment from a Rehoboth-licensed body art practitioner accepting responsibility for the work and training of the applicant during his/her permitted apprenticeship, and;
 - 8. Training and experience as set out in section (E) below
- E. Apprentice practitioner training and experience:
 - 1. In reviewing an application for an apprentice body art practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
 - 2. The applicant for an apprentice body art practitioner permit shall provide documentation, acceptable to the Board, that s/he has successfully completed the following minimum training:

Application for Apprentice Body Art Practitioner Permit continued:

- a. A bloodborne pathogen certificate program (or equivalent) which includes infectious disease control; bio-medical waste disposal; hand washing techniques; sterilization equipment operation and

- methods; and sanitization, disinfection and sterilization methods and techniques;
 - b. Current certifications in First Aid and cardiopulmonary resuscitation (CPR), and;
 - c. Other training, courses and/or programs provided by professional body art organizations or associations or by equipment manufacturers may also be submitted for the Board's consideration of application approval.
- F. An apprentice body art practitioner must work under a body art practitioner licensed by the Town of Rehoboth for a period of no less than one (1) year prior to applying for a body art practitioner permit.
- G. An apprentice body art practitioner permit shall be conditioned upon continued compliance with all applicable provisions of this regulation.

16. GROUND FOR SUSPENSION, DENIAL, REVOCATION, OR REFUSAL TO RENEW A PERMIT

- A. Consistent with the 2018 Permit Policy of the Board, it may suspend, deny, revoke or refuse to renew a body art/piercing 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:
1. Any actions which would indicate that the health or safety of the public would be at risk;
 2. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 3. Failure to comply with any applicable codes, ordinances or regulations;
 4. Failure to grant entry of agents of the Board to a body art/piercing establishment;
 5. Attempts to obstruct evade or impede the work of duly authorized agents of the Board;
 6. 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 or body piercing, as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 7. Any present or past violation of this regulation governing the practices of body art or body piercing;
 8. Practicing body art or body piercing while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;

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

9. Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 10. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 11. Continuing to practice while his/her permit is lapsed, suspended, or revoked;
 12. Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations, and;
 13. Other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art or body piercing;
- B. The Board shall notify an applicant, establishment or practitioner in writing of any violation of this regulation for which the Board intends to deny, suspend, 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 this regulation. The Board may deny, suspend, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days subject to the procedure outlined in its 2018 Permit Policy and Section 18 herein.
- C. Applicants denied a permit may reapply at any time after denial.

17. GROUND FOR SUMMARY SUSPENSION OF PERMIT

Consistent with its 2018 Permit Policy The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare. The summary suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

18. PROCEDURE FOR HEARINGS

The operator of the establishment or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through a certified letter sent by first class and certified return receipt requested mail. The notice shall include the date, time and place of the hearing and the operator of the establishment or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received. In the case of a suspension of a permit as noted in Section 16 above, a hearing shall be scheduled no later than 21 days from the date of the suspension.

19. SEVERABILITY

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

20. EFFECTIVE DATE

This regulation was initially adopted by the Board of Health on the 16th day of October, 2018.

By the Rehoboth Board of Health:

Rachel Smith, Chairman

Tony Gaucher, Vice Chairman

George Kellum, Member

Mark Hass, Member

Theresa Moitozo, Clerk