

Medford Board of Health

Regulation 7: Body Art (Body Piercing, Tattooing & Branding/Scarification) Establishments

Section:

- 1. Purpose and Scope**
- 2. Authority**
- 3. Definitions**
- 4. Exemptions**
- 5. Restrictions**
- 6. Operation of Body Art Establishments**
- 7. Standards of Practice**
- 8. Injury Reports**
- 9. Complaints**
- 10. Enforcement, Violations and Fines**
- 11. Application for Body Art Establishment Permit**
- 12. Application for Body Art Practitioner Permit**
- 13. Apprentice Program**
- 14. Application for Body Art Apprentice Program Practitioner Permit**
- 15. Grounds for Denial of Permit, Revocation of Permit or Refusal to Renew Permit**
- 16. Grounds for Suspension of Permit**
- 17. Procedure for Hearings**
- 18. Unauthorized Practice of Body Art**
- 19. Severability**

1. Purpose and Scope

The City of Medford Board of Health is promulgating rules and regulations to provide minimum requirements to be met by any person performing body art upon any individual and for any establishment where body art is performed. These requirements shall include, but not be limited to, general sanitation of premises wherein body art is to be performed.

These rules and regulations are necessary to protect the public's health by preventing diseases, including but not limited to, infection, the transmission of Hepatitis and/or human immune deficiency virus (HIV).

These rules and regulations shall establish procedures for licensing with the City of Medford Board of Health of all persons performing body art. This sets the requirement of minimal training standards for the prevention of disease transmission and for the knowledge of anatomy and physiology. Inspectors will provide regular inspection of the premises wherein body art is performed and have authority to enforce the revocation of the license of any person or establishment deemed in violation of the rules and regulations promulgated under this section. An annual, non-refundable and non-transferable license application fee shall be paid by any establishment and any body art practitioner.

2. Authority

The Board of Health in the city of Medford, Massachusetts, acting under the authority of Massachusetts General Laws Chapter 111, Section 31, Chapter 140, Section 51, and 105 CMR 124.000 adopts the following rules and regulations governing the licensing and practice of body art and the operation of an establishment for body art.

3. Definitions

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

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

Apprentice means any person bound by legal agreement to work for another for a specific amount of time in return for instruction in a trade, art, or business. The person is considered a novice and works under the supervision of a fully permitted practitioner.

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

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

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

Board of Health or Board means the Medford Board of Health.

Body Art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

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

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

Body Piercing means puncturing or penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment into the opening. This

definition excludes piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

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

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

Contaminated Waste means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

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

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

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

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

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

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

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

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

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

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

Microblading means the scraping of the eyebrow area to add pigmentation to enhance the look of eyebrows.

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

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

Permit means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these model regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within community or political subdivision comprising the Board's jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vo1.38 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, Vo1.40, 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 procedures as part of patient treatment are exempt from these regulations.

(B) 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. Restrictions

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

(B) Animals are not allowed in Body Art establishments at any time and it is prohibited to perform any type of body art on an animal.

6. Operation of Body Art Establishments

Unless otherwise ordered or approved by the Medford Board of Health, each body art 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, 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) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers or a partition, at a minimum.

(5) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20-foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

(6) A separate, readily accessible hand sink with both hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.

(7) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.

(8) At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leak proof, rodent-resistant containers and shall be removed from the premises at least weekly.

(9) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

(10) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.

(11) The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.

(12) The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.

(13) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.

(14) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

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

(1) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.

(2) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.

(3) Hollow bore needles or needles with a cannula shall not be reused.

(4) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

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

(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 operated in accordance with manufacturer's instructions.

(2) After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.

(3) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Medford Board of Health. Autoclaves shall be located away from workstations or areas frequented by the public.

(4) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Medford Board of Health. These test records shall be retained by the operator for a period of three (3) years and made available to the Medford Board of Health upon request.

(5) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.

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

(8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(9) Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

(D) Posting Requirements

The following shall be prominently displayed:

(1) A Disclosure Statement, a model of which shall be available from the Department. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.

(2) The name, address and phone number of the Medford Board of Health that has jurisdiction and the procedure for filing a complaint.

(3) An Emergency Plan, including:

(a) a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency; received by the Medford Board of Health. These

test records shall be retained by the operator for a period of three (3) years and made available to the Medford Board of Health upon request.

(b) a telephone in good working order 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.

(4) An occupancy and use permit as issued by the local building official.

(5) A current license for the establishment.

(6) Each practitioner must be licensed.

(E) Establishment Record Keeping

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

(1) Establishment information, which shall include:

- (a) establishment name;
- (b) hours of operation;
- (c) owner's name and address;
- (d) a complete description of all body art procedures performed;
- (e) an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
- (f) A Material Safety Data Sheet for each ink and dye used by the establishment; and
- (g) a copy of these regulations.

(2) Employee information, which shall include:

- (a) full names and exact duties;
- (b) date of birth;
- (c) home address;
- (d) home /work phone numbers; and

(3) Client Information, which shall include:

- (a) name;
- (b) date of birth;
- (c) address of the client;
- (d) date of the procedure;
- (e) name of the practitioner who performed the procedure(s);
- (f) description of procedure(s) performed and the location on the body;
- (g) a signed consent form as specified by 7(D); and,

(h) a copy of the photographic identification as proof of age.

(4) Client information shall be kept confidential at all times. All employees are required to sign a confidentiality statement, which will be kept in the employee file and made available to the Medford Board of Health.

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

7. Standards of Practice

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

(A) A practitioner shall perform all body art procedures in accordance with Universal precautions set forth by the U.S Centers for Disease Control and Prevention.

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

(C) Practitioners who use ear-piercing systems must conform to the 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 a body art procedure on a client, the practitioner shall:

(1) Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:

- (a) history of diabetes;
- (b) history of hemophilia (bleeding);
- (c) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
- (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
- (e) history of epilepsy, seizures, fainting, or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
- (g) any other conditions such as hepatitis or HIV.

(2) Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 7(K).

(E) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

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

(G) The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

(H) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

(I) Preparation and care of a client's skin area must comply with the following:

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

(2) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art 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 or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.

(J) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.

(K) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:

- (1) on the proper cleansing of the area which received the body art;
- (2) to consult a health care provider for:
 - (a) unexpected redness, tenderness or swelling at the site of the body art procedure;
 - (b) any rash;
 - (c) unexpected drainage at or from the site of the body art procedure; or
 - (d) a fever within 24 - 72 hours of the body art procedure; and
- (3) the address, and phone number of the establishment.

A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Department.

(L) Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster, State Sanitary Code, Chapter VIII.

8. Injury Reports

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

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

9. Complaints

(A) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Medford Board of Health regulations.

(B) If the Medford Board of Health finds that an investigation is not required because the alleged act or practice is not in violation of the Medford Board of Health regulations, then the Board of Health shall notify the complainant of this finding and the reasons on which it is based.

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

10. Enforcement, Violations and Fines (Non-Criminal Ticket enforcement is under the authority of MGL c. 40 s 21D)

10.1 Permit Suspension

The Body Art permit will be suspended immediately, without a hearing upon notice to the holder, without a hearing, when the Medford Board of Health has reason to believe that an imminent health hazard exists.

10.2 Violations

In all other instances of violation of a Body Art Permit holder, the Board of Health shall serve the holder a written notice specifying the violation and allow the establishment the opportunity to correct the cited problems.

10.3 Failure to Comply

If a permit holder fails to comply with the Board of Health Body Art regulations, the Board of Health shall suspend the body Art permit.

- (a) The establishment shall be notified in writing that the permit shall be suspended ten (10) days following the citing of violations unless a request for a hearing is made to the board of Health in writing within the ten (10) day period.
- (b) Any person whose permit has been suspended may make a request in writing for a reinstatement of the permit after a thirty (30) day waiting period.
- (c) In the case of serious or repeated violations or for interference with the Board of Health in the performance of its duties, or for persons found guilty of crimes related to Body Art, the permit may be permanently revoked without the ability to reinstate after an opportunity for a hearing.
- (d) Any person performing Body Art without a permit will be penalized by a fine of \$300 per violation or brought before the district court.
- (e) Any person performing Body Art on a minor without written parental consent and the presence of a parent or legal guardian, will be penalized by a fine of \$300 per violation or brought before the district court.

10.4 TICKET ENFORCEMENT UNDER M.G.L. c. 40 s 21D:

Fine Schedule: First offense, one hundred dollars (\$100.00)
 Second offense, two hundred dollars (\$200.00)
 Third offense, three hundred dollars (\$300.00)

Subsequent offenses, Up to \$1000.00 and including revocation of permit

Each day the violation is not corrected will be deemed as a new and/or separate violation.

11. Application for Body Art Establishment Permit

(A) No person may operate a body art establishment except with a valid permit from the Board.

(B) No establishment will be permitted to an owner who does not hold a valid practitioner license in the Body Art modality (tattooing or piercing) for which the establishment is to be permitted.

(C) Mobile Body Art Establishments and residential Body Art establishments will NOT be permitted in the City of Medford.

(D) Applications for a permit shall be made on the application provided by and available from the Medford Board of Health. An applicant shall submit all information required by the form and accompanying instructions. The term “application” as used herein shall include the original and renewal applications. The application should clearly designate an establishment for tattooing or body piercing. Joint licenses will not be considered without clearly defined and designated areas within the facility.

(E) An establishment permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Medford Board of Health. An establishment is licensed for either tattooing or body piercing. Two licenses will be needed to perform both tattooing and body piercing at the same establishment.

(F) The Medford Board of Health shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:

(1) Name, address, and telephone number of:

- (a) the body art establishment;
- (b) the operator of the establishment; and
- (c) the body art practitioner(s) working at the establishment;

(2) The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;

(3) A signed and dated acknowledgement that the applicant received, read and understood the requirements of the Medford Board of Health Body Art regulations;

(4) A drawing of the floor plan of the proposed establishment to scale, a plan review application and fee, for a plan review by the Medford Board of Health, as part of the permit application process; and,

(5) A copy of the contract for the removal of Sharps and Hazardous Waste, including the schedule for removal.

(6) Such additional information as the Medford Board of Health may reasonably require.

(G) The Medford Board of Health requires a \$ 300.00 non-refundable and non-transferable license application fee for an establishment. No cash will be accepted. A check or money order payable to the City of Medford is required.

(H) A permit for a body art establishment shall not be transferable from one place or person to another.

12. Application for Body Art Practitioner Permit

(A) No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Medford Board of Health. The Medford Board of Health requires a \$150.00 non-refundable and non-transferable license application fee for a practitioner. No cash will be accepted. A check or money order payable to the City of Medford is required. The application should clearly designate a request for tattooing or body piercing. Joint licenses will not be considered without clearly defined and designated areas within the facility. Practitioners who wish to provide both services can apply for two practitioners permits.

(B) A practitioner shall be a minimum of 18 years of age.

(C) A practitioner permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Medford Board of Health.

(D) Application for a practitioner permit shall include:

- (1) name;
- (2) date of birth;
- (3) residence address;
- (4) mailing address;
- (5) phone number;
- (6) place(s) of employment as a practitioner;
- (7) a list of all previous establishments, addresses, operator names, addresses and telephone numbers;
- (8) training and/or experience as set out in (E) below; and
- (9) signed consent from applicant to obtain information from previous and current body art establishments where they practice and town/city Boards of Health.
- (10) signed consent for a Criminal Offender Record Information (CORI) check and Sexual Offender Record Information (SORI) check
- (11) photo id

(E) Practitioner Training and Experience

(1) In reviewing an application for a practitioner permit, the Medford Board of Health may consider experience, training and/or certification acquired in other states that regulate body art.

(2) Training for all practitioners shall be approved by the Medford Board of Health, and at a minimum shall include the following:

(a) bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and

(b) First Aid and cardiopulmonary resuscitation (CPR).

Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.

(3) The applicant for a body art practitioner permit shall provide documentation, acceptable to the Medford Board of Health, that s/he completed a course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board.

(4) The applicant for a body art practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on skin diseases, disorders and conditions, including diabetes, and/or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.

(5) The applicant will provide documentation of two (2) years of prior experience in practice, specifically in the Body Art modality (piercing or tattooing) that they are applying for a permit.

(F) A practitioner's permit shall be conditioned upon continued compliance and renewal of all training required.

13. Apprentice Program

(A) No establishment will operate an apprenticeship program without a valid Apprentice Program permit from the Board of Health.

(B) The Medford Board of Health requires a \$ 250.00 non-refundable and non-transferable license application fee for an establishment apprentice program permit. No cash will be accepted. A check or money order payable to the City of Medford is required.

(C) A valid permit for an establishment must be maintained for one (1) year in the City of Medford prior to applying for an Apprentice Program permit. The establishment must have a minimum of two licensed practitioners, each with a total of four (4) years experience. The establishment and the practitioners must have no violations or validated complaints for one (1) year in the City of Medford, prior to application for an Establishment Apprenticeship Program and to be eligible to act as a Supervisor.

- (D) Each Supervisor may only supervise one apprentice at a time.
- (E) Each establishment may have a maximum of two apprentice practitioners.
- (F) The Apprentice Program Permit must be clearly displayed at all times.
- (G) Establishment Recordkeeping will include all normal records, as well as training records, including, but not limited to a written activity log of the apprentice. This is to be maintained throughout the apprenticeship by the supervising practitioner and must be retained for five (5) years after the conclusion of the apprenticeship.
- (H) Before any person acting under a Body Art Apprentice Practitioner permit conducts any form of body art upon a client, such person must obtain the client's written consent. This written consent shall be physically affixed to the application and consent for body art activity required, see Disclosure of Apprentice Program, Body Piercing or Tattoo Disclosure Form. Such written consent shall be maintained by the supervising practitioner throughout the apprenticeship program and thereafter for a minimum of five (5) years after the conclusion of the apprenticeship.
- (I) All regulations, grounds for suspension, denial, revocation, refusal to renew permit and fines within this Body Art regulation apply to the Apprentice Program Establishment, the Apprentice Program Supervising Practitioner, and the Apprentice Practitioner.

14. Application for Body Art Apprentice Practitioner Permit

- (A) No person shall apprentice to practice body art or perform any body art procedure without first obtaining an apprentice practitioner permit from the Medford Board of Health. The Medford Board of Health requires a \$100.00 non-refundable and non-transferable license application fee for a practitioner. No cash will be accepted. A check or money order payable to the City of Medford is required. The application should clearly designate a request for tattooing or body piercing. Joint licenses will not be considered for an apprentice. The Supervisor of record must be clearly identified on the application and may only supervise one practitioner at a time.
- (B) A practitioner shall be a minimum of 18 years of age.
- (C) A practitioner apprentice permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Medford Board of Health.
- (D) Application for an apprentice practitioner permit shall include:
 - (1) name;
 - (2) date of birth;
 - (3) residence address;
 - (4) mailing address;
 - (5) phone number;

- (6) signed consent from applicant to obtain information from previous and current body art establishments where they practice and town/city Boards of Health.
- (7) signed consent for a Criminal Offender Record Information (CORI) check and Sexual Offender Record Information (SORI) check
- (8) photo id
- (9) the name of the supervisor in the establishment that will provide training and supervision to the practitioner
- (10) a signed agreement with the establishment owner and the supervisor stating that they are providing the practitioner apprentice with oversight and maintenance of records in accordance with the Apprentice Program.

(E) Practitioner Training and Experience

(1) An apprenticeship shall conclude, and the apprentice shall be eligible for a Body Art Practitioner license (Tattoo or Piercing) when the apprentice has satisfactorily completed two thousand and four hundred (2400) hours or two (2) years of the body art apprentice program, whichever is greater. To be eligible for a Body Art (Tattoo or Piercing) practitioner's license the apprentice must complete all the apprenticeship prerequisites within three (3) years of the approval of the application be approved by the Medford Board of Health.

If the apprentice has not satisfactorily completed a two thousand and four hundred (2400) hours or two (2) years of the body art apprentice program by the third anniversary of the original application, the supervising practitioner shall be required to report this information to the Medford Board of Health and the apprentice will cease practice on the anniversary. Within three months of the third anniversary date, the apprentice and the supervising practitioner may petition the Board of Health to extend the apprentice practitioner permit, which may be granted only if there is proof of a reasonable explanation for failing to fulfill the prerequisites within the time frame required.

(2) Training for all practitioners shall be approved by the Medford Board of Health, and at a minimum shall include the following:

(a) bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and

(b) First Aid and cardiopulmonary resuscitation (CPR).

Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.

(3) The applicant for a body art practitioner permit shall provide documentation, acceptable to the Medford Board of Health, that s/he completed a course on anatomy,

completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board.

(4) The applicant for a body art practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on skin diseases, disorders and conditions, including diabetes, and/or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.

(5) The applicant will provide documentation of two (2) years of prior experience in practice, specifically in the Body Art modality (piercing or tattooing) that they are applying for a permit.

6) Applicants for permanent cosmetics only (microblading, micropigmentation, permanent makeup, etc.) who do not have any of the above documentation may instead provide all of the following:

i. Certificate of successful completion/passing a training course of at least 100 hours of instruction time and certified/accredited by either the American Academy of Micropigmentation(AAM) or the Society of Permanent Cosmetic Professionals(SPCP). The applicant must also provide documentation of the training course including the training institution contact information, documentation of AAM or SPCP certification/accreditation, and a copy of the course curriculum (schedule or table of contents only, not complete materials) showing that the course content includes, at a minimum:

1. Overview of relevant anatomy and physiology
2. Sanitation, hygiene, and disinfection including infection control and needle stick procedures
3. Taking a client's medical history and contraindications to body art
4. Equipment operation and maintenance
5. Anesthetics
6. Color theory and aesthetics
7. Detailed training on each procedure
8. Hands-on practice of at least 3 complete procedures (two eyebrows is a single procedure) on living clients.

ii. Signed letter from a Medford-licensed body art practitioner or a practitioner licensed elsewhere in the Commonwealth of Massachusetts (including a copy of that artist's license) stating that the applicant has completed at least 200 hours of apprenticeship including 30 hours observing procedures being performed and performing at least 50 complete supervised procedures on clients. If the apprenticeship was done in Medford, a copy of the applicant's apprentice license must also be submitted.

(F) A practitioner's permit shall be conditioned upon continued compliance and renewal of all training required.

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

Permit

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

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

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

(C) Applicants denied a permit may reapply at any time after denial.

16. Grounds for Suspension of Permit

The Medford Board of Health 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 suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

17. Procedure for Hearings

(A) Suspension of a Permit

(1) After a Board suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than thirty (30) calendar days after the effective date of the suspension.

(2) Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.

(3) In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

(B) Denial, Revocation, or Refusal to Renew a Permit

(1) If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq.

(2) Following the hearing, the chairperson of the Medford Board of Health shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

18. Unauthorized Practice of Body Art

The Medford Board of Health shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

19. Severability

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

Adopted: February 13, 2001
Published: Medford Daily Mercury – February 26, 2001
Medford Transcript – March 8, 2001
Amended: May 14, 2002
Published: Medford Transcript – May 23, 2002
Amended: June 14, 2005
Published: June 23, 2005
Amended: March 19, 2008
Published: March 27, 2008
Amended: October 16, 2018 (to include microblading)
Published: November 8, 2018