

## **SECTION 2: Body Art Establishments and Practitioners – Piercing and Tattooing**

1. **Authority:** These regulations are promulgated under the authority granted to the Board of Health under M.G.L. 111, Section 31.

### **2. Definitions:**

- A. **Aftercare:** Written instructions must be given to the client according to the specific procedure(s) rendered. The instructions must inform the client about caring for the body art and surrounding area, including information and when to seek medical treatment, if necessary.
- B. **Applicant:** Any person who applies to the Board of Health for either body art establishment permit or practitioner permit.
- C. **Autoclave:** The 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 (30) minutes at twenty (20) pounds of pressure (PSI) at a Temperature of 270 degrees Fahrenheit, two (2) autoclaves.
- D. **Blood-borne Pathogens Standard:** OSHA Guidelines contained in 29 CMR 1910.1030 entitled “Occupational Exposure to Blood-borne Pathogens.”
- E. **Body Art Practitioner:** A specifically identified individual who has been granted a permit by the Board of Health, whether public or private, where the practices of body art are performed, whether or not for profit.
- F. **Body Piercing:** The puncturing or penetrating of 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.
- G. **Braiding:** The cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or all the incised and interwoven strips of skin to heal in such intertwined condition.
- H. **Branding:** The use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.
- I. **Cleaning Area:** The area in a Body Art Establishment used in the sterilization or other cleaning of instruments or other equipment used for the practice of body art.
- J. **Contaminated Waste:** Waste is 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 liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material and which are capable of releasing these materials during handling or taking out sharps and any wastes containing blood or other potentially infectious material.
- K. **Cosmetic Tattooing:** The implementation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.
- L. **Disinfectant:** The product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

- M. Disinfection: The Destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- N. Ear Piercing: 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.
- O. Equipment: All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus used in connection with the operation of a body art facility.
- P. 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 the other potentially infectious matter.
- Q. Hand Sink: A lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or others portions of the body.
- R. Hot Water: Water that maintains the temperature of 110-130 degrees Fahrenheit.
- S. Instruments Used for Body Art: 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.
- T. Invasive: Entry into a client's body either by incision or insertion of any instruments or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise comprise the skin or mucosa.
- U. Jewelry: Any ornament inserted into a newly pierced area, which must be made of surgical implant – grade stainless steel, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
- V. Mobil Body Art 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 where one desires to or actually does conduct body art procedures is prohibited.
- W. Operator: A person who individually, or jointly or severally with others, owns, or controls an establishment but is not a body art practitioner.
- X. Permit: Board approval in writing to a body art establishment. Permits will only be granted to individuals or establishments who comply with all requirements.
- Y. Procedure Surface: 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 association work area which may require sanitizing.
- Z. Sanitize: The application of U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.
- AA. 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 welts or bumps known as keloids is prohibited.
- BB. Sharps: Any object, sterile or contaminated that may intentionally or accidentally cut or penetrate the skin or mucosa, including but not limited too, needle devices, lancets, scalpel blades, razor blades, and broken glass.

- CC. Sharps Container: 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 in each station.
- DD. Sterilize: The use of physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.
- EE. Tattoo: The indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under subcutaneous portion of the skin.
- FF. 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.
- GG. Three Dimensional (3D) Body Art or Beading Implantation: 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 is prohibited.
- HH. 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, one per artist.
- II. Universal Precautions: Guidelines and controls, published by the Centers for Disease Control and Prevention (CDC).

### **3. Exemptions:**

- A. Physicians licensed in accordance with M.G.L. c. 112 s. 2 who perform body art 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.

### **4. Restrictions:**

- A. No tattooing or piercing of genitalia shall be performed on a person under the age of 18.
- B. Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18 provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor. No piercing will be allowed on any person under the age of 14 with the exception of the ear lobe. An I.D. should be provided for a person under 18.
- C. No body art shall be performed on an animal.
- D. The following piercing are hereby prohibited: uvula, tracheal area, neck, ankle, between the ribs or vertebrae, web area of hand or foot, lingual frenulum (tongue web), clitoris, any form of chest or deep muscle (excluding the nipple), anus, eyelid, gums, testicle, “deep” piercing of the penis – meaning piercing through the shaft of the penis, or “trans-penis” piercing in any area from the corona glandis to the pubic bone, so called “deep” piercing of the vagina.

- E. The following practices are hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: branding, scarification, tongue splitting, implementation, fracturing, removal, tattooing, cartilage, modification, amputation, genital modification, introduction of saline or other liquids.

**5. Operation of Body Art Establishments:**

- A. Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:
- 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 used, 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 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 cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- C. 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 chair or 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 this establishment.
  - 4) Each operator area 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. A divider or partition, at a minimum, shall separate multiple body art stations.
  - 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, where instruments and sharps are assembled, and all cleaning areas.

- 6) All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
- 7) 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 fixed dispensers shall be readily accessible in the establishment. Each operator area shall have a hand sink.
- 8) There shall be a sharps container in each operator area and each cleaning area.
- 9) 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. A body art establishment permanently located within a retail shopping center or similar setting housing multiple operations within one enclosed structure having shared entrance and exit point, shall not be required to provide a separate toilet room within such body art establishment if Board-approved toilet facilities are located in a retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
- 10) The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventor installed in accordance with 142 Code of Massachusetts Regulation 248.
- 11) 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.
- 12) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal on non-contaminated liquid wastes in accordance with all applicable Federal, State and local laws. Said sink shall be an adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.
- 13) All instruments and supplies shall be stored in clean, dry and covered containers. Containers shall be kept in secure area specifically dedicated to the storage of all instruments and supplies.
- 14) The establishment shall have a customer waiting 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.
- 15) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities. Fish aquariums shall be allowed in waiting rooms and nonprocedural area.

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

D. 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 appropriate soap or disinfectant solutions and hot water (to remove blood and tissue residue) and shall be placed in 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-disposal instruments used for body art 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 a date not to exceed six 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 Board. 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 the Board receives documentation of the autoclave's ability to destroy spores. These test records shall be retained by the operator for a period of three years and made available to the Board upon request.
- 5) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a 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 instrument.
- 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) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
- 8) 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 body fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160 degrees F or a temperature of 120 degrees F with the use of chlorine disinfectant.

E. Posting Requirements (the following must be prominently displayed):

- 1) A Disclosure Statement, a model of which shall be available from the Board. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
  - 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) A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation.
    - (c) A sign at or adjacent to the telephone indicating the correct emergency telephone numbers, landline or hard-wired phone.
  - 3) An occupancy and use permit as issued by the local building official.
  - 4) A current establishment permit.
  - 5) Each practitioner's permit.
- F. Establishment Record Keeping
- 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 for any and all body art procedures, including names and manufacturers and serial or lot numbers, if applicable.
    - (f) Copies of waste hauler manifests
    - (g) Copies of commercial biological monitoring tests
    - (h) Exposure Incident Report (kept permanently)
    - (i) A copy of these regulations
  - 2) Employee information, which shall include:
    - (a) Full legal names and exact duties
    - (b) Date of birth
    - (c) Home address
    - (d) Home/work phone numbers
    - (e) Identification photograph
    - (f) Dates of employment
    - (g) Hepatitis B vaccination status or declination notification
    - (h) Training records
    - (i) Gender
  - 3) Client Information, which shall include:
    - (a) Name
    - (b) Age, valid photo identification
    - (c) Address of the client
    - (d) Date of the procedure(s)
    - (e) Name of the practitioner who performed the procedure(s)
    - (f) Description of the procedure(s) performed and the location on the body
    - (g) A signed consent form

(h) If the client is under 18, proof of parental or guardian identification presence and consent including a copy of the photographic identification of the parent or guardian and child photo ID.

(i) Client information shall be kept confidential at all times.

**G. Exposure Control Plan**

- 1) Each establishment shall create, update, and comply with the Exposure Control Plan. The Plan shall be submitted to the Board for review so as to meet all the requirements of OSHA regulations, to include, but not limited to, 29 Code of Federal Regulations 1910.1030 OSHA Blood-borne Pathogens Standards et seq, as amended from time to time. A copy of the Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.
- 2) No person shall establish or operate a mobile or Temporary Body Art Establishment.

**6. Standards of Practice:**

- 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 manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- D. 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
    - (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
    - (g) Any other conditions such as hepatitis or HIV.
- E. 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 had been given the aftercare instructions as required by section 6, J-5.
- F. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must



- thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- G. In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed 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 (not latex) does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
  - H. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
  - I. 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.
  - J. 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 areas and skin surrounding where the 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.
    - 4) Petroleum jellies, soaps, and other products used in 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.
    - 5) 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 on the proper cleansing area of which received the body art. The address and telephone number of the establishment. A copy shall be provided to the client. A model set of aftercare instructions shall be made available to the Board.

- 6) To consult a health care provider for:
  - (a) Unexpected redness 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.
  - (d) A fever within 24 hours of the procedure.
- K. 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 Wastes, State Sanitary Code, Chapter VIII.

**7. Exposure Incident Report:**

- A. An Exposure Incident Report shall be completed by the close of business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring during any procedure.
- B. Each Exposure Incident Report shall contain:
  - 1) A copy of the application and consent form for body art activity completed by any client or minor client involved in the exposure incident.
  - 2) A full description of the exposure incident, including the portion of the body involved.
  - 3) Instrument(s) or other equipment implicated.
  - 4) A copy of the body art practitioner's license who was involved in the incident.
  - 5) Date and time of the exposure.
  - 6) A copy of any medical history released to the body art establishment or body art practitioner.
  - 7) Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

**8. Injury and/or Complication Reports:**

- A. A written report of injury, infection complication or disease as a result of a body art procedure, complaint of injury, infection complication or disease shall be forwarded by the operator to the Board of Health, along with a copy to the injured client within five (5) working days of its occurrence or knowledge thereof. The report shall include:
  - 1) Name of affected client.
  - 2) Name and location of the body art establishment involved.
  - 3) Nature of the injury, infection complication or disease.
  - 4) Name and address of the affected client's health care provider.
  - 5) 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 Board's regulations.

- 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 on which it is based.
- C. If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if the 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. Application for Body Art Establishment Permit:**

- A. No person may operate a body art establishment except with a valid permit from the Board.
- B. Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- C. An establishment permit shall be valid from the date of issuance and shall expire on December 31 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 body art establishment
    - (b) The operator of the establishment
    - (c) The body art practitioner(s) working at the establishment
  - 2) The manufactures, model number, model year, and serial number, where applicable, of the autoclaves used in the establishment.
  - 3) A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations.
  - 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) Exposure Report Plan.
  - 6) Such additional information as the Board may reasonably require.
  - 7) The annual fee for the body art establishment permit shall be \$250.00.
  - 8) A permit for a body art establishment shall not be transferable from one address or person to another.

**11. Application for Body Art Apprentice License - Piercing and Tattooing**

- A. An apprenticeship program lasts either two years or 2,400 hours, whichever comes first. The program ensures that an apprentice has mastered the techniques necessary to practice in a safe and health-conscious manner.
- B. To qualify for an apprentice license, you must complete the following:
  - 1) A college-level anatomy and physiology class (or an equivalent course approved by the Wareham Public Health Department).
  - 2) A class on disease transmission and blood-borne pathogens.
  - 3) A basic first aid course. You must have proof of current certification.

- 4) A basic CPR course. You must have proof of current certification.

## **12. Application for Body Art Practitioner Permit - Piercing and Tattooing**

- A. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board.
- 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 expire each December 31 unless revoked sooner by the Board.
- D. Application for a practitioner permit shall include:
  - 1) Name
  - 2) Date of Birth
  - 3) Residence Address
  - 4) Mailing Address
  - 5) Telephone Number
  - 6) Places of employment as a practitioner
  - 7) Practitioner training and experience. In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
  - 8) Training for all practitioners and apprentices shall be approved by the Board and at a minimum shall include the following:
    - (a) Blood-borne pathogen training program (or equivalent) which includes infectious disease control, waste disposal, hand washing techniques, sterilization equipment operation and methods, sanitization, disinfection, sterilization methods and techniques. Local EMT's will provide courses approved by the Board including "Preventing Disease Transmission" (American Red Cross) and "Blood-borne Pathogens" (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.
    - (b) Current certification in First Aid and cardiopulmonary resuscitation (CPR).
    - (c) The applicant for a piercing practitioner permit shall provide documentation acceptable to the Board, that he/she completed a course 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. This course must include instruction on the system of the integumentary system (skin).
    - (d) The applicant for all practitioners shall submit evidence satisfactory to the Board of at least two years actual experience in the practice of performing body art activities of the kind of which the applicant seeks a body art practitioner permit to perform, whether such experience was obtained within or outside of the Commonwealth.
    - (e) A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these rules and regulations.

### **13. Grounds for Suspension, Denial, Revocation or Refusal to Renew Permit:**

- A. The Board may suspend a permit, deny a permit, revoke a permit or refuse to renew a permit on the following grounds:
- 1) Any actions that 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 or 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 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.
  - 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 Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven 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 days subject to the procedure outlined in Section 14.
- C. Applicants denied a permit may reapply at any time after denial.

### **14. Grounds for Suspension of Permit:**

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

### **15. Procedure for Hearings:**

- A. The owner 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 return receipt requested or by constable. The notice shall

- include the date, time and place of the hearing and the owner 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.
- B. In the case of the suspension of a permit as noted in Section 12, a hearing shall be scheduled no later than 21 days from the date of the suspension.

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

17. **Fine for Violation:** The fine for a violation of any provision of these rules and regulations shall be \$100.00 for the first offense, \$200 for the second offense, \$300 for the third offense, and possible suspension of permit thereafter. Each day that a violation continues shall be deemed to be a separate offense.