

TOWN OF HINGHAM

Hingham Board of Health Regulations for Body Art Establishments

INDEX:

- 1: Authority
- 2: Purpose and Scope
- 3: Definitions
- 4: Operation of Body Art Establishments
- 5: Prohibitions and Exemptions
- 6: Public Notification Requirements
- 7: Injury Reports
- 8: Client Records
- 9: Records Retention
- 10: Preparation and Care of the Body Art Area
- 11: Sanitation and Sterilization Procedures
- 12: Requirements for Single Use Items
- 13: Establishment Permit, Renewal
- 14: Permit Revocation
- 15: Permit Suspension
- 16: Body Art License, Renewal
- 17: License Revocation
- 18: License Suspension
- 19: Inspection, Investigation and Data
- 20: Appeals
- 21: Severability
- 22: Penalties
- 23: Effective Date
- 24: Amendment

1: Authority

These regulations are adopted under the authority of Chapter 111, Section 31 of the Massachusetts General Laws and any other powers enabling the Board of Health of Hingham to adopt regulations and are effective June 1, 2001.

2: Purpose and Scope

The purpose of these regulations is to protect the public's health against diseases, specifically including, but not limited to, the transmission of hepatitis B and human immunodeficiency virus (HIV/AIDS), the risk of which may be present in the unregulated practice of Body Adornment, as hereafter defined, particularly if undertaken by persons untrained in health sciences and procedures. This Regulation covers the performance within the Town of Hingham by any Person on any other Person of Body Adornment, as hereafter defined.

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. These instructions will include information about when to seek medical treatment, if necessary.

Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 910.1030.

Board of Health or Board means the Hingham Board of Health including the Agent or authorized representative having like powers and duties authorized by the Board.

Body Adornment means the physical adornment, embellishment, decoration or piercing of the human body (whether or not accompanied by the insertion of objects in the piercing) using any means or technique which produces or results in long-term changes visible on the surface of the body.

Body Art means the practice of Body Adornment by Practitioners within Establishments using only Body Piercing, Tattooing and Cosmetic Tattooing permitted by this regulation.

Body Art Establishment means a specified place or premises within the Town, the Operator of which has applied for and received an Establishment Permit from the Board and within which Establishment, Body Art may be practiced by Practitioners in compliance with this Regulation.

Body Art License means a license granted by the Board which permits a Person whom the Board has determined to be qualified as a Body Art Practitioner, to practice Body Art within an Establishment in compliance with this Regulation.

Body Art Practitioner or Practitioner means a natural Person who holds a currently valid Body Art License.

Body Piercing means puncturing or penetration of the skin of a Person with Sterilized Single Use needles and the insertion of Sterilized Jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear but does not include Ear Piercing.

Braiding means the cutting of strips of skin on a person, which strips are then 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 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 any Person who has requested a body art procedure at a Body Art Establishment.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; Sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens", or as defined as "infectious or physically dangerous medical or biological waste" in accordance with in 105 CMR 480.000: Storage and Disposal of Infectious or Physically dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Control means with respect to a Person which is an entity, the power of any other Person to exercise a controlling influence over the management or policies of such entity.

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

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

Disinfection 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 Sterilized Single Use stud-and-clasp ear-piercing system following manufacturers Instructions and applicable U.S. Food and Drug Administration requirements.

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.

Establishment Permit means a permit issued by the Board to an Operator for the maintenance and 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 body art procedures.

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 personal 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.

Lead Practitioner means with respect to each Establishment, a natural Person who holds a currently valid Body Art License who has been designated by Operator and given authority and responsibility to supervise activities within the Establishment to assure compliance of the Establishment and all Practitioners with this Regulation. The Operator may be the Lead Practitioner if Operator is a natural Person and holds a currently valid Body Art License.

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

Operator means any Person who alone, jointly or severally with others owns, has care, charge, or control of any Establishment including without limitation, control resulting from such Person's status as agent, lessee, or independent contractor of the owner of premises.

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 registered by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2 as a qualified Physician.

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.

Prohibited Body Adornment means Prohibited Body Piercing, Braiding, Branding, Scarification, 3D Body Art (including Beading or Implantation) or any other technique or means (other than Body Art permitted by this Regulation) which produces or results in a long-lived change visible on the surface of the Body. Included in this definition are all means and methods of removing or obliterating existing Tattoos.

Prohibited Body Piercing shall mean those practices described in Paragraph 4(Q).

Sanitization procedure means a process of reducing the numbers of microorganisms on cleaned surfaces and Equipment to a safe level as judged by public health standards and which the Department has approved.

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

Sanitized means effective Disinfectant treatment by a process using intermediate Disinfectants for enough time to reduce the bacteria count including pathogens to a safe level on semi-critical or non-critical Equipment.

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 objects (sterile or contaminated) that may purposefully 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 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.

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.

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 and Hepatitis B Virus 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 and as may be amended from time to time. 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: Operation of Body Art Establishments

- (A) Unless otherwise ordered or approved by the Board in writing, each Body Art Establishment shall be constructed, operated and maintained to meet the following minimum requirements and shall also comply with all laws, regulations and by-laws, applicable to the Establishment or the practice of Body Adornment.
- (B) Physical Plant
 - 1) All walls, floors, ceilings, and Procedure Surfaces within the Body Art Establishment 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) All Body Art Establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any 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 the Board, in its discretion, determines may cause potential contamination of work surfaces.
 - 3) Effective measures shall be taken by the Operator to protect against entrance into the Establishment and against the breeding or presence within the Establishment of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the Establishment, its appurtenances, or appertaining premises.
 - 4) There shall be constructed and maintained a separate station containing a minimum of 60 square feet of floor space for each Practitioner practicing within the Establishment. Each Establishment shall have an area containing one or more stations that may be screened from public view for clients requesting privacy. Multiple Body Art stations shall be separated by dividers, curtains, or partitions, 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 those 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 hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the Body Art Establishment. One Hand-Sink shall serve no more than three practitioners.
 - 7) There shall be a minimum of one lavatory, excluding any service sinks, and one working toilet in an Establishment.
 - 8) At least one covered waste receptacle shall be provided in each Practitioner's station and each toilet room. Receptacles in each Practitioner's station shall be emptied daily, and solid waste shall be removed from the Establishment at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
 - 9) All instruments and supplies shall be stored in clean, dry, and covered containers.
 - 10) 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.
 - 11) 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.
- (C) The following information shall be kept on file at each Establishment and available for inspection by the Board:
- 1) Operators and Employee Information:
 - a) Full names and exact duties.
 - b) Date of birth.
 - c) Gender.

- d) Home address.
 - e) Home/work phone numbers.
 - f) Identification photos of all Operators and Practitioners.
 - g) Training and/or educational records.
- 2) Establishment Information:
- a) Establishment name.
 - b) Hours of operation.
 - c) Owner's name and address.
 - d) Copies of hazardous waste hauler manifests and contracts.
 - e) Material Safety Data Sheets as required by the Right to Know Law.
 - f) Exposure Incident Report (kept permanently).
 - g) A copy of these regulations.
- 3) Administrative Information:
- a) A complete description of all Body Art procedures performed.
 - b) 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 orders shall satisfy this requirement.
 - c) Designation of a Lead Practitioner.
 - d) A copy of these regulations.
 - e) A copy of the materials referred to in the definition "Universal Precautions" above, and a copy of materials referred to in sub-paragraph (k) hereafter.
- (D) Each Practitioner must be a minimum of 21 years of age.
- (E) Each Practitioner shall perform all Body Art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- (F) Smoking, eating, or drinking is prohibited in a station where Body Art is performed.
- (G) Operators and Practitioners shall refuse service to any Person who, in the opinion of the Operator or Practitioner, is under the influence of alcohol or drugs.
- (H) The Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing Body Art procedures. Before performing Body Art procedures, the Practitioner must thoroughly wash his or her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towel. This shall be done as often as necessary to remove contaminants.
- (I) In performing Body Art procedures, the Practitioner shall wear disposable Single Use non-latex gloves. Gloves must be changed if they become 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 donned. Under no circumstances shall a single pair of gloves be used on more than one Client. The use of disposable Single Use non-latex gloves does not preclude or substitute the need for handwashing procedures between glove changes as part of a good personnel hygiene program.
- (J) If, while performing a Body Art procedure, the Practitioner's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section (I) shall be repeated immediately. The

contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see (I) above) before a fresh pair of gloves is applied. 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.

- (K) Contaminated Waste as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.00: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Used Sharps ready for disposal shall be disposed of in approved Sharps Containers. Contaminated Waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of Contaminated Waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030.
- (L) No Practitioner shall perform any Body Art procedure upon a Client under the age of 18 years.
- (M) Any skin or mucosa surface to receive a Body Art procedure shall be free of rash or any visible infection.
- (N) The skin of the Practitioner shall be free of rash or infection. No Person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of an 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.
- (O) Proof shall be provided upon request of the Board that all Practitioners have either completed or were offered and declined, in writing, the Hepatitis B vaccination series. This offering should be included as a pre-employment requirement.
- (P) Scarification, Branding and Braiding are not allowed under these regulations.
- (Q) The following Body Piercing is 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 clitoris; any form of chest or deep muscle piercing, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing of skewering of a testicle; so called "deep" piercing of the penis-meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum-meaning piercing through the scrotum, or "transcrotal" piercing; so called "deep" piercing of the vagina.

5: Prohibitions and Exemptions

- (A) Prohibitions
 - 1) No Person shall perform Body Adornment on any other Person in the Town of Hingham except and unless:
 - a) Such Person is a physician validly licensed by the Commonwealth and is performing Body Adornment on a patient as part of a regular course of medical treatment, or:

- b) Such Person is performing Ear Piercing, or;
 - c) Such Person; is a Body Art Practitioner holding a currently valid Body Art License, is performing Body Art only in a validly licensed Establishment, is performing only such Body Art as is permitted by this regulation and is performing only upon Persons who have attained the age of eighteen years.
- 2) No Person having the ownership, care, charge or control of any premises within the Town shall use or cause to be used such premises for the purpose of Body Adornment of another Person unless and until such Person shall have applied for and received an Establishment Permit from the Board.
 - 3) No Person shall perform Body Adornment on another Person under the age of eighteen years within the Town of Hingham.

(B) Exemptions

Persons described in (1) (a) and (b) above, to the extent they are performing the Body Adornment described therein, are exempt from the operative provisions of this Regulation.

6: Public Notification Requirements

- (A) All Establishments shall prominently display, and give to each Client prior to any procedure, a Disclosure Statement, provided and/or approved by the Board, which advises the public of the risks and possible consequences of Body Art procedures.
- (B) Verbal and written instructions, provided by and/or approved by the Board, for the Aftercare of the Body Art procedure site shall be provided to each client, by the Operator or Practitioner immediately upon completion of the procedure;
 - 1) The written instructions shall advise the Client:
 - a) On the proper cleansing of the area which received the Body Art.
 - b) To consult a health care provider in the case of:
 - (i) Unexpected redness, tenderness or swelling at the site of the Body Art procedure.
 - (ii) Rash.
 - (iii) Drainage at or from the site of the Body Art procedure.
 - (iv) Fever within 24 hours of the Body Art procedure.
 - 2) Address and phone number of the Establishment.
 - 3) Two copies of these instructions shall be signed and dated by both parties; with a copy given to the Client, and the Operator retaining the original with all other required records.
- (C) The Operator of the Establishment also shall post in public view the name, address and phone number of the local Board of Health that has jurisdiction over this program and the procedure for filing a complaint.

7: Client Records

- (A) Prior to performing any Body Art procedure, the Practitioner shall request from the Client the following health history information. Responses shall be recorded in writing:

- 1) History of diabetes.
 - 2) History of hemophilia (bleeding).
 - 3) History of skin diseases, skin lesions, or skin sensitivities to soaps, Disinfectants etc.
 - 4) History of allergies or adverse reactions to pigments, dyes, or other sensitivities.
 - 5) History of epilepsy, seizures, fainting, or narcolepsy.
 - 6) Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.
- (B) The Practitioner shall have the Client sign a Release Form confirming that the above information was obtained or that the Practitioner attempted to obtain it. The Client should be asked to disclose any other information that would aid the Practitioner in evaluating the Client's suitability for Body Art procedures.
- (C) Each Operator shall keep records of all Body Art procedures administered, the name, address and telephone number of each Client, the date, time, identification and location of the Body Art procedure(s) performed, and Practitioner's name. All Client records shall be confidential, be retained for a minimum of three (3) years and made available to the Board upon notification.
- (D) Nothing in this section shall be construed to require the Practitioner to perform a body art procedure upon a client.

8: Injury Reports

A written report of any injury, infection complication or disease to a Client as a result of a Body Art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the Operator or Practitioner to the Board with a copy to the complainant or 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: Records Retention

- (A) The Operator of an Establishment shall keep a record of all Clients who have had Body Art procedures performed. The record shall include:
- 1) The name, date of birth, and address of the Client.
 - 2) The date of the Body Art procedure.

- 3) The name of the Practitioner who performed the Body Art procedure(s).
 - 4) The type and location of the Body Art procedure performed, and signature of Client.
- (B) Such records shall be retained within the Establishment for a minimum of three (3) years and shall be available to the Board upon request. The Board and the Operator of an Establishment shall keep such records confidential.

10: Preparation and Care of the Body Art Area

- (A) Before a Body Art procedure is performed, the immediate skin area and the areas of 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 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.
- (B) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be Single Use, discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.

11: Sanitation and Sterilization Procedures

- (A) All non-Single-Use, non-disposable Instruments Used for Body Art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or Disinfectant solution and hot water, a solution of household chlorine bleach as recommended by the CDC or by following the manufacturer's instructions to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- (B) After being cleaned, all non-disposable Instruments Used for Body Art shall be packed individually in peel-packs and subsequently Sterilized. All peel-packs shall contain either a Sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.
- (C) All cleaned, non-disposable Instruments Used for Body Art shall be Sterilized in a steam autoclave. 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 unit must be available within the Establishment.
- (D) Sterile Equipment may not be used if the package has been breached or after the expiration date without first re-packaging and re-Sterilizing. Sterilizers shall be located away from workstations or areas frequented by the public.
- (E) Each holder of an Establishment Permit 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 licensed by the Department of Environmental Protection to do such test. 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.
- (F) All reusable needles used in Body Art procedures shall be cleaned and Sterilized prior to use and stored in peel-packs. 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.

- (G) All Instruments Used for Body Art procedures shall remain stored in Sterile packages until just prior to the performance of a Body Art procedure. 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.
- (H) All inks, dyes, pigments, needles, and Equipment shall be specifically manufactured for performing Body Art procedures and shall be used according to manufacturer's instructions.
- (I) The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. 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.

12: Requirements for Single Use Items

- (A) 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 and in accordance with 105 CMR 480.000.
- (B) All products applied to the skin, including Body Art stencils, shall be Single Use and disposable. Acetate stencils may be re-used if approved by the Board. Sanitization procedures in accordance with 105 CMR 124.011 shall be performed between uses.
- (C) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be Tattooed with Sterile gauze or other Sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used only once and then discarded.

13: Establishment Permit

- (A) Any Person desiring to use or cause to be used a premises within the Town for the purpose of practicing Body Art on another Person shall submit to the Board an Application for a Body Art Establishment Permit on the form prescribed from time-to-time by the Board.

Accompanying the Application shall be:

- 1) Detailed plans of the premises showing that the premises will conform to the provisions of 4B of this Regulation.
- 2) Detailed description of the types of Body Art the Applicant intends to offer at the premises.
- 3) Copies of procedures manuals, training manuals and other evidence that the applicant intends to conduct Body Art practice at the premises in accordance with all applicable laws, regulations, and By-Laws, this Regulation and best health science practices.
- 4) Information regarding the Operator(s) and Operator's relevant education, training and experience in Body Art techniques and in health science and safety practices and procedures. If the Operator is not a Body Art Practitioner, Operator must supply information as to the education, training and experience of a Body Art Practitioner whom the Operator has

designated as “Lead Practitioner” with power and authority to cause all Persons working at the Establishment to comply with this Regulation.

- 5) Evidence that Operator has obtained a policy (or commitment to issue a policy) or policies of insurance covering operations at the Establishment and containing at least the following coverages and amounts:
 - a) Workers Compensation and Employer’s liability - \$100,000 each occurrence,
 - b) General liability insurance including, Bodily Injury, Personal Liability, and Professional Liability - \$100,000 each occurrence.
- 6) Such other materials as the Board requests and which the Board deems necessary or useful to judge the applicant’s request.

Except for items contemplated in 1(f) above, the Application shall not be complete for processing until all items in 1(a-e) above, have been furnished to the Board.

- (B) Once the Application is complete, it shall be considered by the Board at one of its regular meetings. The Board may, but need not, hold a public hearing on the Application; giving notice as required, and providing Applicant an opportunity to make a presentation and for reasonable public comment. Following its deliberations, the Board may grant, grant with conditions, or deny the application for the Establishment Permit. If the Board shall deny the Permit it shall state its reasons in writing and forward promptly to Applicant a copy of that writing.
- (C) An Establishment Permit and each renewal shall have a term of (two) years unless sooner modified, suspended, revoked or surrendered. The fee for an Establishment Permit and for each renewal shall be as set forth on the Fee Schedule as established from time-to-time by the Board and attached as Exhibit A. to this Regulation.
- (D) If an Operator desires to have an Establishment Permit renewed, Operator, not less than three months prior to the expiration of the Permit, shall file with the Board a renewal application on the form prescribed from time-to-time by the Board. The renewal application shall be accompanied by all of the items set out in (1) above, except that to the extent portions of items in (1) above remain complete and correct, in lieu of providing such duplicative material, Applicant may provide a certification that the previously filed materials remain complete and correct. Once the renewal Application is complete, it shall be considered by the Board. The Board may, but need not hold a public hearing. Following its deliberations, the Board may grant, grant with conditions, or deny the renewal Application. If the Board denies the renewal application, it shall state its reasons in writing and forward to Applicant a copy of that writing.
- (E) Any Establishment Permit issued pursuant to this Regulation is issued only to the Operator listed in the Application and covers only the premises described in the Application. The Establishment Permit is not transferable either voluntarily or by operation of law. Any attempted transfer shall render the permit void. Any change in Control of Operator shall constitute an attempted transfer. The issuance of an Establishment Permit confers no rights on any owner of a premises all or a portion of which is covered by an Establishment Permit, other than Operator.
- (F) The Operator of each Establishment shall prominently post, in the reception area of the Establishment, the Establishment Permit.

14: Establishment Permit Revocation

If there shall be a substantial violation of this Regulation, a recurring pattern of non-substantial violations, or if there shall exist any condition or state of facts concerning an Establishment which the Board or its agents believes could constitute a risk to the public health and safety, the Board shall give notice to Operator and set a prompt date for a hearing at which Operator shall be afforded an opportunity to show cause why Operator's Establishment Permit should not be suspended or revoked. Following the hearing, the Board may take such action as it deems appropriate to protect public health and safety, including without limitation, imposing additional conditions on the Permit, suspending some or all activity allowed under the Permit, either for a fixed period of time or indefinitely, or revoking the Permit. (If the Board revokes the Permit, it shall state its reasons in writing and forward to Operator a copy of the writing.) Once revoked a Permit is void and any request by a former Operator to operate an Establishment must be made by filing a new application as provided in Paragraph above.

15: Establishment Permit Suspension

If at any time the Board or its agents determines that any of the conditions set out in the first sentence of the previous paragraph exists, and that such condition constitutes a substantial present risk to the public health and safety, the Board or its agents may suspend immediately the Establishment Permit pending the proceeding contemplated in Paragraph 14, above. Upon receipt of notice of Suspension, Operator shall immediately cease all Body Art activity at the Establishment and take all reasonable remedial action to protect the public health and safety. Failure to comply fully with this paragraph shall, without more, constitute sufficient grounds for the Board to revoke the Establishment Permit.

16: Body Art License

Any person who desires to practice Body Adornment within the Town of Hingham on any other Person must hold a valid Body Art License. Any Person desiring a Body Art License must be at least twenty-one years of age and must submit to the Board an Application for a Body Art License on the form prescribed from time-to-time by the Board.

Accompanying the Application shall be the following:

(A) Background and Training

- 1) Name of Practitioner.
- 2) Date of birth.
- 3) Gender.
- 4) Practitioner's residential address.
- 5) Practitioner's mailing address.
- 6) Practitioner's phone number.
- 7) Place(s) of employment as a practitioner.
- 8) Training and/or Apprenticeship; Documentation shall be provided that Applicant has practiced satisfactorily either or both of Tattooing or Body Piercing for a period of three years under the direct supervision of a Practitioner in an Establishment (or under a practitioner in an establishment both of which are subject to a regulatory scheme the Board determines to be reasonably comparable to this Regulation).

(B) Educational Requirements

- 1) Proof of attendance at a blood borne pathogen training program or equivalent, given or approved by the Board.
- 2) The Practitioner shall provide documentation of attendance and completion of courses approved by the Board, or completion of an examination, on the following subjects:
 - a) Anatomy.
 - b) Skin diseases, disorders and conditions (including diabetes).
 - c) Infectious disease control, including waste disposal, hand washing, techniques, sterilization Equipment operation and methods, and Sanitization/disinfection/sterilization methods and techniques.
 - d) Examples of courses approved by the Board including courses such as “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 or accredited college level courses in Anatomy, Physiology, and Infection Disease.

(C) Such other materials as the Board requests and which the Board deems necessary or useful to judge the Applicant’s request. Except for items contemplated in (c) above, the Application shall not be complete for processing until all of the items in 1a and b have been furnished to the Board.

(D) Application Processing. Once the Application is complete, it shall be processed by or on behalf of the Board. The Board may grant or deny the Application. If the Board denies the application it shall state its reasons in a writing and forward to Applicant a copy of that writing.

(E) A Body Art License shall have a term of one year unless sooner suspended, revoked or surrendered. The fee for a Body Art License and for each renewal shall be as set forth on the Fee Schedule established from time-to-time by the Board and designated as Exhibit A. to this Regulation.

(F) If a Practitioner desires to have a License renewed, Practitioner, not less than thirty days prior to the expiration of the License, shall file with the Board a renewal application on the form prescribed from time-to-time by the Board. Once the renewal application is complete, it shall be processed by or on behalf of the Board. The Board may grant or deny the renewal application. If it denies the renewal application, it shall state its reasons in writing and forward to Applicant a copy of that writing.

(G) Each Practitioner shall post prominently within Practitioner’s workstation at the Establishment, Practitioner’s License.

17: License Revocation

If there shall be a substantial violation of this Regulation, a non-recurring pattern of non-substantial violations by a Practitioner, or if there shall exist any condition or state of facts relating to Practitioner which, the Board or its agents believes could constitute a risk to the public health and safety if Practitioner were to continue to perform Body Art, the Board shall give notice to Practitioner and set a prompt date for a hearing before the Executive Health Officer or other hearing officer designated by the Board, at which Practitioner shall be afforded an opportunity to show cause why his License should not be suspended or revoked. Following the hearing, the trier of fact may take such reasonable action as he

deems appropriate to protect the public health and safety including without limitation, suspending the License for a period of time certain or indefinitely, or revoking the license. If the trier of fact shall determine to suspend or revoke the License, he shall state his reasons in writing and forward copies of such writing to Practitioner and to the Board. A Practitioner aggrieved by a decision of the trier of fact, within twenty-one days of receipt of the writing described above, may appeal the decision to the Board which shall review the record and take any further action it deems appropriate based on the record.

18: Emergency License Suspension

If at any time the Board or its agents determines that any of the conditions set out in the first sentence of the previous paragraph exists, and that such condition constitutes a substantial present risk to the public health and safety, the Board or its agent may immediately suspend the license of a Practitioner pending the proceeding contemplated in Paragraph 17 above. Upon receipt of such notice, Practitioner shall cease to practice Body Art.

19: Grounds

The Board may take or cause to be taken action to suspend or revoke or to decline to renew an existing License or Permit or decline to grant a new License or Permit for any of the following reasons with respect to a Practitioner if relating to a License, or with respect to an Operator or any natural person in Control of Operator if relating to a Permit.

- (A) Current or previous failure to conform to this Regulation.
- (B) Actions or omissions which the Board reasonably concludes would result in a risk to the public health and safety being created or continuing if the Board acted to grant or renew a Permit or License or failed to act to suspend or revoke a License or Permit.
- (C) Criminal conduct as evidenced by criminal proceedings resulting in a conviction, guilty plea, plea of nolo contendere or an admission of sufficient facts, which the Board reasonably concludes would render the Practitioner or the Operator or natural Person Controlling Operator unfit to hold the Permit or License.
- (D) Fraud, deceit or knowing misrepresentation of a material fact in connection with any Application, proceeding or official communication with this Board relating to a License, Permit or activities undertaken in connection therewith.
- (E) Practicing Body Art or causing or permitting it to be practiced in any Establishment while the Practitioner is impaired by alcohol, drugs, physical disability or mental instability.
- (F) Causing or permitting Body Art to be practiced by a Person who is not a Practitioner or knowingly aiding and abetting a Person to perform Body Adornment not permitted by this Regulation.
- (G) Being habitually drunk or dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects.
- (H) Having been disciplined in another jurisdiction by a regulatory authority for reasons substantially similar to those set out herein.
- (I) Refusing to practice or to allow to be practiced Body Art on a Person because of such Person's race, creed, color, gender, age (if over eighteen) disability, national origin, or sexual orientation, or

the failure of an Establishment or a premises proposed as an Establishment to conform to the requirements of this Regulation.

20: Inspections and Data

The Board may conduct routine inspections of any Establishment at any time that the Establishment is open for business and may inspect the Establishment at any time the Board believes that a condition exists there which represents a present and potentially serious threat to the public health and safety.

The Board at any time may inspect any data required to be maintained by the Operator of an Establishment and, upon request of the Board, Operator will promptly deliver to the Board, copies of any such data requested.

21: Appeals

Any Person aggrieved by a final decision of the Board under this Regulation may seek relief therefrom by appeal to any court of competent jurisdiction as provided by the laws of this Commonwealth.

22: Severability

Should any portion of this Regulation be declared unconstitutional or invalid for any reason, the remainder of this Regulation shall not be affected thereby.

23: Penalties

In addition to the power of the Board to revoke or suspend or to decline to grant or renew Permits and Licenses, any Person who violates any provision of this Regulation shall be subject to a fine determined by the Board of up to \$500. Each day or portion thereof in which a violation continues shall constitute a separate offense.

24: Effective Date

This regulation was adopted by vote of the Board of Health of the Town of Hingham at their regularly scheduled meeting held on April 5, 2001, and shall be in full force and effect from and after June 1, 2001.

25: Amendment

This Regulation or any portion thereof may be amended, supplemented or repealed from time-to-time by vote of the Board at a regularly scheduled meeting and with notice as provided by law.

Chairman

Member

Member

Date