

Lanesborough, MA

Health Department Regulation 2016-01

Body Art

(This is not an official copy. Consult The Code of the Town of Lanesborough for the official regulation.)

1. Purpose

The purpose of this chapter is 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 and sterilization of instruments. These rules and regulations are necessary to protect the public health by preventing diseases including, but not limited to, transmission of hepatitis B and/or human immune-deficiency virus.

2. Scope

These rules and regulations shall establish procedures for:

- the licensing of all persons performing body art.
- minimal training standards for the prevention of disease transmission and for knowledge of anatomy and physiology,
- for regular inspection of premises wherein body art is performed, and
- for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this section.

3. General Requirements

- A. No minors shall receive a tattoo. No minor shall receive a piercing unless accompanied by a parent or legal guardian who has signed a consent form. No body art procedure of the genitalia of minors shall be allowed. (See also 54J.)
- B. No body art procedure performed upon animals shall be allowed in piercing studios.
- C. Pre-procedural consultation to discuss body art, its risks and potential complications shall be required with each client. All clients shall sign an informed consent form prior to the commencement of any body art procedure. Clients shall be supplied a copy of the consent form and the consent form shall be kept on file by the body artist. Clients should be told to consult with their physician regarding any medical condition which could be exacerbated by the piercing procedures (i.e., hemophilia, open sores, etc.).
- D. Patrons who admit to or are obviously under the influence of alcohol or other judgment altering drugs shall not receive a body art procedure.
- E. Body artists shall not be under the influence of any substance, legal or illegal which might impair their judgment or ability to properly perform body art procedures.

- F. Patrons will receive verbal and written instructions on the cleaning, use of antiseptics and other specific instructions for body art post-procedure care, including the signs and symptoms of complications.

4. Statutory Authority

This chapter is adopted under the authority of MGL Ch. 111, §31, and any other power thereto enabling.

5. Definitions

For purposes of these regulations, the words and phrases shall be as defined.

Board: The Lanesborough Board of Health or its designated Agent.

Board of Health: The Lanesborough Board of Health

Body Art: Any method of inserting a needle into the body to place jewelry in the perforation produced by the needle and/or indelible colors, so as to leave permanent marks or designs. Establishments and/or individuals involved in the piercing of ear(s), using only approved ear piercing guns, are not included in these regulations.

Body Art Certificate of Registration (Permit): Means issuance of a written instrument authorizing the person named therein to engage in the conduct of body art or as a body art technician.

Body Art Establishment: Any room or space where body art procedures are practiced or where the business of body art is conducted or any part thereof.

Body Art Technician/Body Artist: Any person who performs piercing or tattooing of any part of body (other than the ear), which is pierced by use of an appropriate piercing gun or needle.

Cleaning area: The area in a body art establishment used in the sterilization, sanitization or other cleaning of instruments or other equipment used for body art activity

Conduct of Body Art: The discrete procedure of permanently applying body art upon a client. The conduct of body art does not include other activities, such as cleaning, sanitization and sterilization.

Customer waiting area: The area in a body art establishment for use and occupation by persons and clients prior to and after the conduct of any body art.

Instrument storage area: The area in a body art establishment used for storage of instruments, linens, equipment, and other items used in any body art activity.

Minor: Any person under the age of eighteen (18).

Owner: Any person who owns, controls, operates, conducts, or manages a body art establishment, whether actually performing the work of art or not.

Permit: See Body Art Certificate of Registration (Permit):

Pre-sterilized: Instruments or procedure set-ups that are sold individually packaged and sterilized. Each package shall have an auditable sterilization lot number from a department approved sterilization facility. (See also 39D.)

Sanitization or to Sanitize: Bactericidal and virucidal treatment of a clean instrument or surface in a manner effective in destroying pathogens in accordance with these regulations. Sanitization is not the same or equal to sterilization.

Sharps: Instruments and other objects that can penetrate the skin, including, but not limited to, tattoo needles, permanent cosmetic needles, piercing needles, and razors.

Single-use: Manufactured and approved for use only once in accordance with manufacturer's instructions prior to disposal.

Sterilization or to Sterilize: The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores, in accordance with these regulations. Sterilization includes the use of an appropriate and approved method of testing so as to ensure sterilization.

Workstation: The area within a body art establishment exclusively used in and during the conduct of body art upon a client.

BODY ART TECHNICIANS/BODY ARTISTS

6. Permit

No person, or body art technician, shall perform body art, display a sign, or in any other way advertise or purport to be a body art technician, unless that person holds a valid permit issued annually by the Board of Health at a fee to be set by the Board of Health annually.

- A. Every person applying for or renewing his or her permit as a body art technician will complete the application form approved by the board of health.
- B. Every applicant will provide proof of a high school diploma or its equivalent.
- C. Every applicant will provide photograph proof (i.e. driver license, passport, etc.) of his or her identity and age.
- D. Every applicant will provide proof to the board of health that they have held a license to practice their body art discipline (piercing, tattooing, etc.) for at least one (1) year in another municipality or state or have completed one (1) year of apprentice training as a body piercer or three (3) years of apprentice training as a tattooist under a licensed body art technician in the specific discipline.

- E. Proof of eligibility for membership as a *Professional Business Member* or *Professional Member at Large* by the Association of Professional Piercers. Eligibility will consist of verifiable documentation that applicant has met ALL criteria established by the organization.
- F. Proof of eligibility for membership as a *Professional Tattooist* by the Alliance of Professional Tattooists Eligibility will consist of verifiable documentation that applicant has met ALL criteria established by the organization.
- G. Body artists and their employees must show evidence or current certification of successfully completing the courses listed below prior to receipt of a certificate of registration.
 - 1. Basic Training in First Aid and advanced CPR as well as proof of attendance at required renewal courses.
 - 2. Completion of a course on prevention of disease transmission and bloodborne pathogens, conducted under the American Red Cross Instruction program, or its equivalent.
 - 3. Passed a course in anatomy and physiology given at an accredited university or community college. A copy of the transcript will be provided to the Board.
- H. Body artists shall submit with their initial application a statement by a physician, issued not more than 30 days prior to the application submission, that they have been examined and are free from any contagious or communicable disease.

7. Hepatitis B vaccination status.

- A. Every body art technician shall have, with a copy provided to the owner of the body art establishment in which the technician performs body art activity, valid documentation of Hepatitis B Virus (HBV) vaccination stating:
 - 1. Certification of completed vaccination;
 - 2. Laboratory evidence of immunity;
 - 3. Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the employee and that the vaccine cannot be given.

8. Bloodborne pathogen training course.

- A. Any course taken by a person to fulfill the requirements of 6 G shall include the following:
 - 1. A general explanation of the epidemiology and symptoms of bloodborne diseases and all communicable diseases potentially transmitted through body art activity;
 - 2. An explanation of the modes of transmission of bloodborne pathogens and other communicable diseases potentially transmitted through body art activity;

3. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for the body art technician and/or the client;
 4. An explanation of the use and limitations of methods that will prevent or reduce exposure to the body art technician and/or the client of bloodborne pathogens and other communicable diseases;
 5. Information on different types, proper use, and removal of gloves and proper hand washing techniques;
 6. Information on the proper selection and use of disinfectants and antiseptics;
 7. Information on the HBV vaccine, including information on its efficacy, safety, method of administration, and the benefits of vaccination against HBV.
 8. An explanation of what constitutes an exposure incident, the risk of disease transmission following an exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs involving bloodborne pathogens; and,
 9. An opportunity for interactive questions and answers with the instructor of the training session.
- B. Upon conclusion of a course as described above, an examination based on the information covered in the course shall be administered to each attendee of the course, with documentation of the results for each attendee provided to him or her.

9. Hygiene.

Every body art technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting body art activity. If the body art technician's clothes are or become contaminated, clean clothing shall be donned prior to commencement of any body art activity.

CLIENTS

10. Application and consent form for body art activity.

Every application and consent form for body art activity shall contain at a minimum:

- A. General information regarding body art, including, at a minimum, the following statements:
1. Tattoos, permanent cosmetics and body piercing should be considered permanent;
 2. Removal of tattoos and permanent cosmetics requires surgery or a medical procedure that may result in scarring of the skin tissue; and,
 3. Closure of a hole caused by body piercing may require a medical procedure that may result in scarring of the skin tissue:

- B. Information as to side effects of body art, including, but not limited to, hypertrophic scarring, adverse reaction to ink/dye/pigment, change in color of ink/dye/pigment over time, decreased ability of physician to locate skin melanoma in regions concealed by tattoos, nerve damage, febrile illness, tetanus, systemic infection, and keloid formation (thick, raised scarring);
- C. After-care instructions, including, at a minimum:
 - 1. Responsibilities and care following the procedure;
 - 2. Restrictions, if any, upon the client;
 - 3. Signs and symptoms of infection; and,
 - 4. Instructions to contact a physician if signs of infection occur;
- D. Client information, including:
 - 1. Name;
 - 2. Age and valid identification;
 - 3. Parent or legal guardian consent, including name of parent or legal guardian, and proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent's or legal guardian's relationship to the client and consent to the conduct of the contemplated body art activity upon the client;
 - 4. Description of requested body art activity with a list/description of any device/jewelry to be inserted and to remain in body following the body art activity;
- E. Instructions requiring client to adhere to the exposure control plan as they relate to client conduct in the body art establishment;
- F. Name of body art technician to conduct the body art and corresponding Board permit number;
- G. Codes, identity of manufacturer and lot number of any dye and pigment to be used in the body art activity;
- H. Signature of client;
- I. Signature of client's parent or legal guardian if client is a minor;
- J. Signature of body art technician;
- K. Date(s) of all signature(s); and,
- L. Date(s) of procedure, including a daily estimate of progress for the conduct of body art requiring multiple days to complete.

BODY ART ESTABLISHMENTS

11. Exposure control plan - contents and submission

Every body art establishment owner must submit, for Board approval, plans and specifications demonstrating compliance with these regulations and shall not operate without a valid permit issued annually by the Board of Health at a fee to be set by the Board of Health annually.

12. Workstation.

- A. Every workstation shall have a minimum of 80 square feet.
- B. Every body art establishment shall have at least one workstation which can be completely screened from view from any person outside such a workstation, including but not limited to, clients, body art technicians and other persons in other workstations, the customer waiting area and any area outside the body art establishment.

13. Separate areas.

- A. Every area in a body art establishment used for body art activity shall be:
 - 1. Used for no other purpose, including, but not limited to, use as a food establishment, for human habitation, hair and nail activities, or any other use which may cause contamination of instruments, other equipment or work surfaces used for body art activity; and,
 - 2. Separated from any area used for a non-body art activity by a wall or other solid barrier extending from floor to ceiling so as to prevent airborne contamination of the workstation and the instruments and other equipment therein.
- B. Every body art establishment shall have therein an instrument cleaning area. Every instrument cleaning area shall have an area for the placement and use of an ultrasonic cleaning unit located or positioned so as not to be immediately adjacent to any sterilization unit.
- C. Every body art establishment shall have therein an instrument storage area exclusive of and separate from any cleaning area.
- D. Every body art establishment shall have therein a customer waiting area exclusive of and separate from any workstation, instrument storage area, cleaning area or other area in a body art establishment used for body art activity.

14. Walls - Floors - Ceilings.

- A. Every workstation, instrument storage area, toilet room, and cleaning area in a body art establishment shall be constructed as follows so as to provide a durable smooth, nonabsorbent and washable surface:

1. Floors - constructed of commercially rated continuous sheet vinyl, smooth sealed cement, ceramic tile, or other similar approved materials;
 2. Walls - covered with a semi-gloss or gloss enamel paint, or constructed of fiberglass reinforced panel (FRP), or ceramic tile or other similar materials approved by the Board; and
 3. Ceiling - covered with semi-gloss or gloss enamel paint, or approved acoustical paneling.
- B. All such walls and ceilings shall be light-colored. For purposes of this chapter, light-colored shall mean a light reflectance value of 70 percent or greater.
- C. These requirements do not apply to the walls, floors and ceilings of any customer waiting area or office.

15. Lighting and ventilation

- A. Every body art establishment shall be well ventilated and have a minimum light service maintained at all times during operation at an equivalent of not less than 20 foot candles as measured 36 inches above the floor, except that a minimum of 100 foot candles shall be provided on the area of the client's body subject to the conduct of body art, in any area where instruments or sharps are assembled, and where sanitization or sterilization activities are performed.
- B. Every workstation or every area in a body art establishment where linens, instruments, or other equipment used in body art activity are exposed, sanitized or sterilized shall exclusively use readily cleanable light fixtures with lights of shatterproof construction or lights enclosed by a shatterproof shield.

16. Plumbing

- A. All plumbing and plumbing fixtures shall be installed in compliance with local plumbing codes. To the extent permitted by applicable federal, state and local laws and ordinances, all liquid wastes shall be discharged through the plumbing system into the public sewerage or into a Board approved private sewage disposal system.
- B. Water supply. An adequate, protected, pressurized, potable water supply shall be provided to every body art establishment. Such water supply and plumbing shall be Board approved.
- C. For purposes of these regulations, hot water shall mean a temperature of 110°-130° F.

17. Toilet rooms

- A. Every body art establishment shall provide toilet rooms with adequate lighting and department-approved ventilation to the outside for use by employees and clients, and available to clients during all business hours.

- B. The number and construction of toilet rooms, commodes and separate stalls for each commode in a toilet room shall be in accordance with state building and plumbing codes.
- C. Every toilet room shall be fully enclosed and have a well-fitting, self-closing door which shall remain closed.
- D. Toilet tissue shall be provided in a permanently installed dispenser in each stall
- E. Toilet rooms shall not be used for the storage of instruments or other supplies used for body art activity.

18. Hand washing sinks

- A. A hand-washing sink shall be provided:
 - 1. Within any toilet room; and
 - 2. In each room with one or more workstations.
- B. Every hand washing sink shall be equipped with:
 - 1. An adequate supply of hot and cold running water under pressure with fixtures to allow for washing of hands; and
 - 2. Liquid hand cleanser and single-use sanitary towels in devices for dispensing, and a waste container of washable construction.

19. Janitorial sinks

- A. At least one janitorial sink shall be provided in every body art establishment for use in cleaning the body art establishment and proper disposal of liquid wastes in accordance with all applicable Federal, state and local laws. For purposes of this chapter, a janitorial sink means a sink of adequate size equipped with hot and cold running water under pressure so as to permit the cleaning of the body art establishment and any equipment used for cleaning.
- B. Janitorial sinks may not be used as a hand-washing or instrument washing sink, and must be located in a separate room.

20. Instrument sinks

- A. Every cleaning area shall have an instrument sink used exclusively for the cleaning of instruments.
- B. Every instrument sink shall be of adequate size and equipped with hot and cold running water under pressure so as to permit the cleaning of instruments used in body art activity.

21. Exposure control plan - contents and submission

- A. The exposure control plan for a body art establishment shall be submitted by the owner to the Board for plan review.
- B. A copy of the body art establishment's exposure control plan as set forth above shall be maintained at the body art establishment.

INSTRUMENTS AND EQUIPMENT

22. Equipment

The surface of all equipment and furniture located in an area used for body art activity or instrument storage area, including, but not limited to, counters, tables, equipment, benches, chairs, recliners, shelves, storage containers, and cabinets in the workstations, cleaning areas and instrument storage areas shall be made of materials that are, or shall be treated so as to be, smooth, non-absorbent, non-porous, easily cleanable, and able to withstand repeated cleaning and disinfection.

23. Sanitizing and sterilization units

- A. Every body art establishment shall have the following so as to ensure the cleaning and maintenance of an adequate supply of instruments for use in body art activity:
 - 1. One or more ultrasonic cleaning units sold for cleaning purposes under approval of the Food and Drug Administration (FDA) Every ultrasonic cleaning unit shall be clearly labeled bio-hazardous and installed or placed in an area separate from any Workstation or area used for sterilization in accordance with the requirements set forth by the Occupational Safety and Health Administration (OSHA);
 - 2. One or more sterilization units sold for medical sterilization purposes under approval of the FDA; and,
 - 3. One or more commercial biological monitoring (spore) system tests per each sterilization unit, consistent with the sterilization unit manufacturer's instructions for use by the Board during inspection.
- 1. The requirements of section A. shall not apply if pre-sterilized, individually packaged, needle chamber machine tips, machine casings and combo-couples are exclusively used for body art activity.
- 2. Only single-use needles are permitted for body art procedures.

24. Waste receptacles

- A. Every workstation shall have a foot-operated, covered, cleanable, waste receptacle for disposal of trash and other debris.
- B. Every body art establishment shall have a waste receptacle exclusively used for the disposal of contaminated waste in accordance with **105 CMR 480.000 Storage and**

Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, Each such receptacle shall be tightly covered and clearly labeled as containing bio-hazardous waste,

25. Linens

Every body art establishment shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in body art activity in accordance with these regulations.

26. Rotary pens

If used in body art activity, rotary pens, also known as cosmetic machines, shall have detachable, disposable, sterile combo couplers and shall have detachable, disposable casings or casings designed and manufactured to be easily cleaned and sterilized in accordance with these regulations.

27. Ink - Dye - Pigment

- A. All inks, dyes, and pigments used to alter the color of skin in the conduct of body art shall be specifically manufactured for such purpose, approved, properly labeled as to its ingredients, manufacturer and lot number in accordance with applicable FDA requirements, and shall not be contaminated or adulterated. The mixing of such inks, dyes, or pigments or their dilution with potable sterile water is acceptable, unless prohibited or not recommended by its/their manufacturer.
- B. Inks, dyes and pigments prepared by or at the direction of a body art technician for use in body art activity shall be made exclusively of non-toxic and non-contaminated ingredients approved by the Board or FDA.

28. Inserted objects -jewelry

- A. Jewelry or objects intended for bodily insertion shall be sterilized, in good condition, designed and manufactured for insertion into the intended body part (i.e. jewelry designed for insertion in pierced ear lobes shall not be used for insertion in other parts of the body)
- B. Only jewelry manufactured of implant grade, ASTM F138 and ISO 5832-1 implant grade stainless steel, solid 14K through 24K gold, niobium, titanium, platinum or other materials considered by the Board to be equally bio-compatible shall be inserted into newly pierced skin.

29. Telephone access

Every body art establishment shall have a telephone in good working order easily accessible to all employees during all hours of operation for the purpose of contacting and requesting emergency medical assistance/paramedic services in the event of an emergency or perceived need. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency contact telephone number, for example 911.

30. Prohibited instruments and materials

No person shall utilize or have available in a body art establishment:

- A. Unapproved instruments or materials, such as styptic pencils or devices, alum, or any similar material, to check the flow of blood;
- B. Liquid sterilants for the sterilization of any re-usable instrument or component;
- C. Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for the purpose of prohibiting the backflow of pigment and body fluid into the machine.
- D. Multiple use instruments or components that are designed in such a manner that restrict or prevent proper cleaning or sterilization;
- E. Drugs, chemicals or agents that require a licensed medical practitioner's authorization for use, application or dispensation.
- F. Suturing kits or suturing devices, scalpels, cauterizing tools or devices, branding tools or devices, or other tools, devices or instruments used for or in conjunction with any prohibited body art activity, and not otherwise used for any permitted body art activity.

31. No animals

- A. Except as otherwise provided below, no animal shall be kept in or permitted to enter into:
 - 1. Any instrument storage area or any area in a body art establishment used for sterilizing, sanitizing or other cleaning of instruments; and,
 - 2. Any workstation or other area of a body art establishment.
- B. Section A.2. does not apply to any guide animal, signal animal, or service animal, accompanied by a totally or partially blind person or deaf person, person whose hearing is impaired, or handicapped person, any dog accompanied by a person licensed to train guide dogs, or any dog accompanied by a uniformed employee of a private patrol operator or an operator of a private patrol during and within the course and scope of their employment as patrol persons.
- C. Section A. does not apply to dogs under the control of uniformed law enforcement officers.
- D. Section A. does not apply to fish or other aquatic life contained in a completely enclosed aquarium so long as the presence of any aquarium does not interfere with proper maintenance of the body art establishment as set forth in these regulations.

32. No smoking, eating and drinking

No person shall smoke, or otherwise use tobacco within the establishment, eat or drink at or in the workstation, instrument storage area or cleaning area.

33. Disease transmission

Except as set forth in these regulations, no person shall commit or permit any act that may expose any person to disease or illness or otherwise contaminate any instrument or area in a body art establishment used for body art activity.

34. Exposure incident report

- A. An exposure incident report shall be completed by the close of business on and for every exposure incident occurring in the conduct of any body art activity.
- B. Each exposure incident report shall contain:
 - 1. A copy, where applicable, of the application and consent form for body art activity completed by any client involved in the exposure incident;
 - 2. A full description of the exposure incident, including the portion of the body involved therein;
 - 3. Instrument(s) or other equipment implicated;
 - 4. A copy of the employee/independent operator records of any body art technician;
 - 5. Date and time of exposure;
 - 6. Any medical history released to the body art establishment or body art technician independent operator on any person involved; and
 - 7. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.
 - 8. All exposure incidents reports must be maintained as permanent records of the establishment.

35. Record maintenance

- A. Every owner of a body art establishment shall have and retain at the body art establishment for inspection by the Board the following information for the time period specified below, to be updated as needed to remain current:
 - 1. Exposure control plan - one copy of the exposure control plan for the body art establishment submitted to the Board.
 - 2. Employee records (three years) - indicating: name, home address, home phone number, identification photograph, state identification card number, physical

description as detailed on state identification card, date of birth, type(s) of body art procedures conducted, exact duties, dates of employment at location, body art technician permit number, Hepatitis B vaccination status;

3. Body art technician independent operator(s) records (three years) - indicating: name, home address, phone number, state identification card number, physical description as detailed on state identification card, date of birth, type(s) of body art procedures conducted, dates operating at location; body art technician permit number, Hepatitis B vaccination status;
 4. Client records (three years) - copies of all application and consent forms for body art activity;
 5. Waste hauler manifests for contaminated waste and sharps transport and disposal in accordance with 105 CMR 480.000 (three years); (see also 51)
 6. Training records (three years) - documentation to verify training of exposure control plan to all employees and body art technician independent operator(s) conducting body art activity at such establishment;
 7. Dye, ink and pigment records (three years) - manufacturer, color and code information for all dye, ink and pigment; ratios of colors and sterile water if mixed by the body art technician;
 8. Instrument records (three years) - vendor name, address and phone number for all instruments intended for use in body art activity;
 9. Commercial biological monitoring (spore) system test results (three years); and
 10. Body art regulations - one copy of the most current version of these body art regulations.
- B. Every owner of a body art establishment shall have and permanently retain at the establishment for inspection by the Board all exposure incident reports. Disposal or destruction of these reports is prohibited.

36. Establishment maintenance

Every area of a body art establishment shall be kept in good repair, clean and free of all vermin and maintained so as to prevent contamination of clients and other persons.

37. Toilet room and plumbing maintenance

- A. Every toilet room, plumbing and plumbing fixture shall be kept clean, fully operative, and in good repair.
- B. Every toilet room shall be separated by a closed door from other areas of the body art establishment.

38. Equipment and instrument maintenance

- A. All instruments and surfaces of equipment used for body art activity, including, but not limited to, devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, in good repair and free from contamination.
- B. All Instruments manufactured for performing any specific body art activity shall be so designated, used and approved, and shall not be adulterated, contaminated or improperly used. Instruments used for body piercing shall be constructed of stainless surgical-grade steel, and designed and manufactured for such use.
- C. Instruments intended for single-use shall not be reused.

39. Instrument sterilization

- A. Every contaminated reusable instrument or component thereof, including, but not limited to, needles, needle bars, needle tubes, needle caps, body piercing tubes, rotary pens, and coil machines, shall be immersed in water or other approved liquid solution in the cleaning area until cleaned and sterilized.
- B. Prior to sterilization, every such instrument shall be thoroughly washed by scrubbing with an appropriate soap or disinfectant solution and hot water in accordance with manufacturer's instructions so as to remove contamination.
- C. Upon completion of the washing process as set forth in subsection B. above, every such instrument shall be cleaned using an ultrasonic cleaning unit in accordance with manufacturer's instructions.
- D. Upon completion of the cleaning process as set forth in subsection C. above, every such instrument shall be packaged into procedure set-up packages with color change indicators designed to indicate complete sterilization thereof, initials of the person responsible for sterilizing the instruments and date of such sterilization. Instruments may be packaged individually or with other instruments to the extent permitted under the package manufacturer's instructions.
- E. Upon completion of the packaging process as set forth in subsection D. above, every such instrument shall be properly sterilized in an approved sterilization unit according to manufacturer's instructions.
- F. If a package becomes wet or is opened or compromised so as to allow the contamination of the contents of the package, any instrument therein shall be deemed contaminated and again shall be washed, cleaned, packaged and sterilized as indicated above prior to use.

- G. Sterilized instruments shall be stored in a dry, clean cabinet or tightly covered container. Cabinets and containers designated for the storage of sterilized instruments shall be used for that purpose exclusively.
- H. Every sterilized package shall be deemed expired six (6) months after the date of sterilization. Every instrument therein shall again be washed, cleaned, packaged and sterilized consistent with the provisions of this chapter prior to use.
- I. Liquid sterilants shall not be used for the sterilization of any re-usable instrument.

40. Instrument storage

All instruments must be stored in an instrument storage area in a manner so as to prevent contamination. Identical instruments shall be exclusively stored together, unless intermingled storage with different instruments does not represent a hazard as determined by the Board.

41. Use of chemicals and cleansers

All germicides, disinfectants, chemicals, and cleansers must be used according to the manufacturer's requirements, used only for the purpose approved and intended by the manufacturer and properly labeled and stored so as to prevent contamination and hazard.

42. Labeling

All storage containers, cabinets, shelves and other storage areas in the instrument storage area shall be properly labeled as to their contents, including, but not limited to, identification of contaminated or soiled contents as appropriate.

43. Linen storage and cleaning

- A. Clean linen shall be stored in a manner so as to prevent contamination. Containers used for the storage of such linen shall be clearly labeled as to the contents and used for no other purpose. Linens that have become soiled or contaminated shall be disposed of, or not be used, until properly laundered. Contaminated linen shall be labeled, handled, stored, transported, and laundered or disposed of so as to prevent hazard in a manner approved by the Board.
- B. Any other protective clothing, garments and other cloth items worn during or used in body art activity and intended for reuse shall be mechanically washed with detergent and dried after each use. The items shall be stored in a clean, dry manner and protected from contamination until used. If washing is conducted in the body art establishment, all applicable plumbing codes shall apply. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160. F or a temperature of 120° F with the use of chlorine disinfectant.

44. Cleaning and testing of ultrasonic cleaning units and sterilization units

- A. Every ultrasonic cleaning unit and sterilization unit shall be used, cleaned and maintained according to manufacturer's specifications.

- B. Every sterilization unit shall be tested with a commercial biological monitoring (spore) system test in a manner and frequency consistent with the manufacturer's instructions, but no less than once every month, to monitor the efficacy of the unit's eradication of all living organisms, including spores.
- C. Records, including dates and initials, of these tests will be available at all times for inspection by the Board.

45. Waste hauling

- A. All waste shall be removed from the body art establishment on a daily basis and placed in an approved secured receptacle for pickup and removal.
- B. All contaminated waste and sharps shall be disposed of through use of an approved medical waste hauler in accordance with all applicable federal laws and regulations. The frequency of disposal shall be no less than every 30 days.

46. Workstation sanitizing

- A. An Environmental Protection Agency (EPA) registered hard surface disinfectant product such as iodophor, chlorine, phenolic, or alcohol containing germicide or 1:100 dilution of household non-scented bleach and water (two tablespoons of bleach in one quart of water) shall be used after cleaning with water and soap or other appropriate cleaning compound to disinfect any surface contaminated or reasonably suspected of such. The disinfectant or germicide shall be applied using a single-use paper towel.
- B. The workstation, including, but not limited to the client's chair, table, tray and similar surfaces shall be thoroughly cleaned and sanitized with an approved disinfectant or germicide (as set forth in subsection A. above) immediately before and immediately after the conduct of body art upon a client therein/thereon.

47. Hand washing and use of gloves

- A. Every body art technician shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry with single-use towels prior to conducting any body art activity.
- B. Every body art technician shall wear new, clean, single-use examination gloves:
 - 1. While assembling all instruments and other supplies intended for use in the conduct of body art; and,
 - 2. During the conduct of body art upon a client.
- C. If a glove is pierced, torn or contaminated through contact with any part of the client not subject to the conduct of body art, any person other than the client, or otherwise exposed to an unsanitized or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle.

- D. If the body art technician's gloves are removed at any time during assembly of instruments or supplies, or the conduct of body art, the body art technician must clean his/her hands and don new gloves in accordance with this section.
- E. The use of single-use examination gloves does not preclude or substitute for hand washing procedures.

48. Instrument and equipment preparation

- A. Every body art technician shall use linens, properly cleaned in accordance with these regulations, or new single-use drapes, lap cloths, and aprons for each client receiving body art.
- B. Every substance used in the conduct of body art shall be dispensed from containers so as to prevent contamination of the unused portion. Immediately before applying a tattoo or permanent cosmetics upon a person, the quantity of the ink, dye or pigment to be used therefore shall be transferred from its/their original bottle into sterile, single-use disposable cups, caps or containers.
- C. Upon sanitization of the workstation in compliance with these regulations, the instrument tray shall be covered with an uncontaminated single-use paper towel or tray cover.
- D. Every instrument required for the conduct of body art upon a person shall be placed and arranged on the instrument tray in a manner so as to prevent contamination of sterilized instruments. All sterilized instruments shall remain in sterile packages until opened in front of the client.
- E. Sharps containers shall be easily accessible to the body art technician and located as close as is feasible to the immediate area where sharps will be used.

49. Use of workstation

- A. The conduct of body art shall occur only upon a client exclusively in and at a workstation under sterile conditions.
- B. Only the client, the client's parent or guardian if the client is a minor, the client's guide animal, signal animal or service animal, and the body art technician conducting the body art shall be permitted in the workstation during the conduct of body art.

50. Use of instruments

All Instruments used in the conduct of body art shall be without contamination, and properly sanitized and sterilized in accordance with these regulations.

51. Waste disposal

Disposable items used for the conduct of body art, or have otherwise become contaminated shall be promptly discarded upon completion of the conduct of body art into an appropriate waste receptacle and disposed of in accordance with **105 CMR 480.000 Storage and**

Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

52. Multiple body art activities

The following shall be deemed as multiple body art activities on a single client, each requiring proper washing, cleaning, sanitization, and sterilization of instruments, workstations and other equipment and areas as set forth under these regulations:

- A. Applying two or more tattoos on different areas of the body of a client; or
- B. The use of more than one needle during the conduct of body art.

53. Mobile and Temporary Body Art Establishments

Mobile and temporary body art establishments are not permitted in the Town of Lanesborough

54. Enforcement

- A. The Board shall have the authority to enforce these regulations and permits issued thereunder by:
 - 1. inspection and investigation;
 - 2. the issuance of violation notices and administrative orders;
 - 3. civil and criminal court actions.
- B. Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations is subject to a fine of \$100. Each day of violation, after written notice, is a separate violation.
- C. The Board of Health may, after written notice, suspend or revoke the Body artist's permit for violations of this chapter.
- D. The Body artist's permit shall be suspended immediately upon notice to the holder (without a hearing) when the Board has reason to believe that an imminent health hazard exists.
- E. In all other instances of violation of the provisions of this administrative regulation the Board of Health shall serve the permit holder a written notice specifying the violation and afford the registrant or certificate holder a reasonable opportunity to correct the same.
- F. The holder of the body artist's permit shall be notified in writing that the permit shall be suspended at the end of ten (10) days following the service of the notice unless a request for a hearing is made within the (10) day period.

- G. Any person whose permit has been suspended may make a written request for reinstatement.
- H. For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the Board in the performance of its duties, or for persons found guilty of any crime related to body art, the body artist's permit may be permanently revoked after an opportunity for a hearing has been provided.
- I. Every person who shall perform body art without a valid permit may be penalized by indictment or on complaint brought in the district court.
- J. Body art on minors - Every person who shall perform body art on any minor under the age of eighteen, (18) without the written consent and presence of a parent or legal guardian for parts other than the genitalia areas of minors which shall not have body art emplaced, may be penalized by indictment or on complaint brought in the district court.

55. Waivers

The Board of Health may, in its discretion, waive compliance with a particular requirement of these regulations when, in its opinion:

- A. The enforcement of the regulation would do manifest injustice; and
- B. The applicant has proved that the same degree of protection of the public health, safety and welfare can be achieved without strict application of the particular provision. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.

56. Appeals

Unless otherwise provided, any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

57. Severability

If any portion, or sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of this regulation shall continue in full force and effect.

58. Effective Date

The effective date for this regulation is March 14, 2016

- 1. _____
- 2. _____
- 3. _____