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Bourne Board of Health Regulations for Body Art Establishments

A. Purpose and Scope:

The purpose of these regulations is to protect public health by regulating health practices and procedures in establishments practicing body art.

B. Authority:

Pursuant to M.G.L. c.111 § 31, the Bourne Board of Health voted to amend the Bourne Board of Health existing Body Art regulations, to be as follows:

C. 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.

Antiseptic shall mean an agent that destroys disease-causing microorganisms on human skin or mucosa.

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

Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 1910.1030.

Board of Health or "Board" means the Bourne Board of Health or its authorized agents.

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

Body Art Establishment or Establishment means a specified public place in a business zone, as defined by the Bourne Zoning Bylaws, which has been granted a permit by the Board, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or Practitioner means a specified person who has been granted a permit by the Board to perform body art in a body art establishment that possesses a valid permit by the Board.

Body Piercing means puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of presterilized jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with presterilized single-use stud-and-clasp ear-piercing systems.

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.

Contamination shall refer to the presence of or a reasonable possibility of the presence of blood, bodily fluids, or infectious or potentially infectious matter on an inanimate object.

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.

Cosmetic Tattooing also known as permanent cosmetics, micro pigment implantation, microblading or dermal pigmentation, shall refer to the form of Body Art requiring the implantation of permanent pigment around the eyes, lips and cheeks of the face, and hair imitation.

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

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

Exposure shall mean an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

Exposure Control Plan shall mean a plan drafted by an Operator pursuant to the requirements of the U.S. Occupational Safety and Health Administration to eliminate or minimize the potential for an Exposure.

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.

Instrument shall mean those hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during Body Art procedures.

Instrument Storage Area shall mean the area in a Body Art Establishment used for the storage of linens, equipment and instruments used for Body Art.

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.

License shall mean a document issued by the Board pursuant to this Body Art Regulation authorizing the operation of a Body Art Establishment in the Town of Bourne.

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 body art establishment as agent or lessee of the owner or as an independent contractor, but is not a body art practitioner.

Permit means approval in writing by the Board to operate as a body art practitioner within a body art establishment. Approval is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Board's jurisdiction.

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.

Sanitization means a process of reducing the numbers of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Board.

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.

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.

Tattoo Gun shall mean an electric, vertically vibrating tool used for tattooing.

Tattoo Inks/Pigments/Dyes shall mean the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

Three Dimensional Body Art also known as "beading" or "implantation" shall refer to 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, Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human

Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

Workstation shall mean an area within a Body Art Facility designated for use in the conducting of Body Art activities.

D. License to Operate a Body Art Establishment:

1. No person shall operate a Body Art Establishment or body art related business within the Town of Bourne without first obtaining a License to Operate a Body Art Establishment (hereinafter "License" or "Operating License") issued annually by the Bourne Board of Health. Only businesses with a permanent, non-mobile location in Bourne, meeting zoning restrictions, are eligible to apply for an Operating License to conduct body art procedures.
2. As part of the License application or renewal process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and shall certify that they are in compliance with all local, and state laws, regulations, bylaws or ordinances, and be prepared to show proof if requested. That applicant shall be responsible for instructing any and all Body Art Practitioners who will be responsible for conducting body art procedures within their establishment as to ensure full compliance. A copy of this regulation must be retained on site at the Licensed facility.
3. All Body Art Establishments must have and follow a set of detailed operating procedures which are submitted to the Board of Health for a new or renewal license. It is the responsibility of the owner/ operator to provide to the Town any changes to the business or written operating procedures including, but not limited to, the following:
 - i. Valid contract with a licensed contaminated waste hauler demonstrating the method and frequency of disposal for blood products and sharps;
 - ii. An Exposure Control Plan;
 - iii. Sample Consent and Disclosure Forms;
 - iv. Sample Aftercare Instructions;
 - v. Sample Client History Forms; and
 - vi. If the Establishment uses anything other than sterile, single-use, disposable instruments and products, submission of procedures for the cleaning and testing of ultrasonic cleaning units and sterilization units shall be required.
4. New Body Art Establishments or Operator's thereof must provide evidence satisfactory to the Board or their Agents of at least two years of actual experience in the practice of performing body art activities of the kind for which the establishment seeks a License for.
5. After receiving a completed application for a License (at least 45 days prior to its expiration for renewals), including the required fee of \$300.00, and any requests for relief, the Board of Health shall have 30 days to act on said application.
6. The application fee for a License is nonrefundable. This fee may not be prorated and is subject to change annually by a vote of the Board of Health.
7. A License is non-transferable. The Bourne Board of Health must be notified of any changes of ownership pay the appropriate fee. Any such change or conversion shall not be permitted until approved in writing by the Board of Health or their duly authorized Agent. No new License(s) will be issued unless and until all outstanding violations or penalties incurred by the previous License Holder are satisfied in full.
8. Issuance and maintaining a License shall be conditioned on the License Holder's:

- i. Consent to unannounced, periodic inspections of his/her establishment by the Bourne Board of Health or their authorized Agent; and
 - ii. Ongoing compliance with current local and state laws, rules, regulations, and policies regarding body art; and
 - iii. Agreement that Licenses shall not be granted if the facility has unresolved compliance issues, unpaid fines, and/or has not satisfied any outstanding license suspensions.
9. All Body Art Establishment Licenses expire on December 31st of the year of issuance.

E. Body Art Practitioner Permits:

1. No person shall practice or conduct any form of Body Art activity on any person within the Town of Bourne without first obtaining a Practitioner Permit ("Operator Permit" or "Permit") issued by the Bourne Board of Health.
2. As part of the Permit application or renewal process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and shall certify that they are in compliance with all local, and state laws, regulations, bylaws or ordinances, and be prepared to show proof if requested.
3. All Body Art Practitioners must demonstrate to the Board his/her successful completion of the minimum training and educational requirements of these regulations relative to the form of body art activities for which they seek a permit for. It is the responsibility of the applicant to provide to the Town proof of the following, and any changes thereto over the term of the permit:
 - i. Bloodborne Pathogen training program certificate which includes infectious disease control, waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitation, disinfection and sterilization methods and techniques. This training should also include information about the prevention of disease transmission compliant with the OSHA guidelines;
 - ii. Current certification in American Red Cross Basic First Aid or its equivalent and Cardio-Pulmonary Resuscitation;
 - iii. Training in the Prevention of Disease Transmission compliant with OSHA Guidelines;
 - iv. Proof of Hepatitis B Virus (HBV) vaccination status or a declination form; and
 - v. For a permit that also enables one to conduct body piercing, the applicant shall also submit proof of the successful completion of a course in Anatomy and Physiology which is considered to be acceptable by the Board and relevant to the practice of such Body Art. contract with a licensed contaminated waste hauler demonstrating the method and frequency of disposal for blood products and sharps.
4. After receiving a completed application for a Permit to Practice Body Art (at least 45 days prior to its expiration for renewals), including the required fee and any requests for relief, the Board of Health shall have 30 days to act on said application.
5. Permits are non-transferrable. Practitioners shall only perform those form(s) of body art that is/are indicated on the Permit Application and Permit form and shall only conduct body art activities within the Licensed Establishment indicated on the Permit Application and Permit form for the term specified. Any such change or conversion shall not be allowable until approved in writing by the Board of Health or their duly authorized Agent.
6. Issuance and maintaining a Practitioner Permit shall be conditioned on the Permit Holder's:
 - i. Consent to unannounced, periodic inspections of his/her operations by the Bourne Board of Health or their authorized Agent;
 - ii. Ongoing compliance with current local and state laws, rules, regulations, and policies regarding body art including this regulation;
 - iii. Agreement that no body art activities shall be performed while any party is under the influence of alcohol or drugs;

- iv. Strict application of the Licensed Establishment's operating procedures which are designed to safeguard public health;
 - v. Ability to maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting Body Art activities. If the clothes of a Body Art Practitioner are or become contaminated, clean clothing shall be donned prior to commencement of any further Body Art activity.
7. Fees and Terms of Practitioner Permits:
- i. The fee for Annual Permits is \$125.00 and shall expire on December 31st of the year of issuance.
 - ii. The fee for Temporary Permits is \$75.00 and shall be valid for no more than a 14 day period, as specified on the permit application.
8. The application fee for a Permit is nonrefundable. This fee may not be prorated and is subject to change annually by a vote of the Board of Health.
9. The following is excluded from the permit and licensure requirements of these regulations:
- i. Physicians registered by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations; and
 - ii. Individuals who pierce only the lobe of the ear with a pre-sterilized, single-use stud and clasp ear-piercing system without the use of a piercing gun, are exempt from the provisions of this Body Art Regulation.

F. Operating Procedures & Standards of Practice:

1. All establishments shall prominently display, a Disclosure Statement which advises the public of the risks and possible consequences of body art procedures and copies of the Licenses and Permits which the Establishment and its Operators possess.
2. Verbal and written Aftercare Instructions for the body art procedure site shall be provided to each client by the operator/practitioner upon completion of the procedure. These documents 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. The written instructions shall advise the client:
- i. on the proper cleansing and of the area which received the body art;
 - ii. of any restrictions upon the client;
 - iii. address and phone number of the body art establishment; and
 - iv. to consult a health care provider for:
 - a. unexpected redness, tenderness or swelling at the site of the body art procedure
 - b. rash
 - c. drainage at or from the site of the body art procedure
 - d. fever within 24 hours of the body art procedure
3. The practitioner shall have the client sign a Consent Form as part of an application for any Body Art activity confirming that the following 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. Every application and consent form shall contain a minimum of the following client information, including:
- i. Name;
 - ii. age and valid proof of identification;
 - iii. in the case of a minor client, the parent's or legal guardian's name, 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 photo I.D. and his/her relationship to the minor client, and the consent to the conduct of the contemplated body art activity upon the minor client;
 - iv. the type of the body art activity to be performed;

- v. the name of the body art practitioner who is to conduct the body art upon the client or minor client;
 - vi. the identity of the manufacturer and type of any dye/ink or pigment to be used in the body art activity;
 - vii. signature of client and his/her parent or legal guardian;
 - viii. the signature of body art practitioner;
 - ix. the date(s) of all signature(s); and,
 - x. the date(s) of the body art procedure, including a daily estimate of progress for the conduct of body art requiring multiple days to complete.
4. Prior to performing a body art procedure on a client, the practitioner shall inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure and if the client states that he/she has one or more of the following conditions, the practitioner should advise the he/she may wish to consult with a health care provider prior to obtaining a body art procedure.
- i. history of diabetes;
 - ii. history of bleeding disorder;
 - iii. history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
 - iv. history of allergies or adverse reactions to pigments, dyes, latex or other sensitives;
 - v. history of epilepsy, seizures, fainting, or narcolepsy;
 - vi. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting;
 - vii. any other conditions such as hepatitis or HIV;
 - viii. a history of Keloid scarring; and,
 - ix. require that the client sign a form confirming that the above information was provided and that the client has been given the aftercare instructions as required.
5. Preparation and care of a client's skin area must comply with the following:
- i. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - ii. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with an approved surgical skin preparation.
 - iii. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use.
 - iv. Following shaving, the skin and surrounding area shall be washed with soap and water.
 - v. The washing pad shall be discarded after a single use.
6. A practitioner shall perform all body art procedures in accordance with Universal Precautions.
7. No practitioner shall use an ear piercing system on any part of the client's body other than the ear.
8. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that individual could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
9. No Body Art Practitioner shall conduct any form of Body Art upon an animal.
10. No animal, except a service animal shall be allowed in a Body Art Establishment. Fish aquariums shall be allowed in the waiting rooms and nonprocedural areas.

11. No person shall smoke, vape, chew, or otherwise use any form of tobacco, or eat or drink at or in a Workstation, Instrument Storage Area or Cleaning Area. Only in the case of medical need may a Client consume fluids.
12. Each establishment shall create, update, and comply with an Exposure Control Plan. The Plan shall be submitted to the Board for review so as to meet all of the requirements of OSHA regulations, to include, but not limited to, 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards et seq, as amended from time to time.

G. Hand Washing and Use of Gloves:

1. A Body Art Practitioner shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry the same with single-use paper towels or like material prior to conducting any Body Art activity.
2. A Body Art Practitioner shall wear new, clean, single-use examination gloves while assembling all Instruments and other supplies intended for use in the conduct of Body Art and during the conduct of Body Art upon a Client.
3. If an examination glove is pierced, torn or Contaminated through contact with any part of the Client not subject to the conduct of Body Art or such other surface so as to present the possibility of Contamination, any person other than the Client, or otherwise exposed to an unsanitary or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle. The Body Art Practitioner shall don new gloves before proceeding with the conduct of Body Art.
4. If the gloves of a Body Art Practitioner are removed at any time during assembly of instruments or supplies, or the conduct of Body Art, the Body Art Practitioner must clean his/her hands and don new gloves in accordance with this section.
5. Under no circumstances shall a single pair of gloves be used on more than one individual.
6. The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

H. Requirements for Single Use Item Including Inks, Dyes and Pigments:

1. Single Use Items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharp containers pursuant to 105 CMR 480.000, including but not limited to:
 - i. All products applied to the skin, such as but not limited to Body Art stencils, applicators, gauze and razors, shall be single use and disposable.
 - ii. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
2. All inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded. 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.
3. 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.

4. 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 if used in body art activity.

I. Sanitation and Sterilization Measures and Procedures:

1. Every Operator and Body Art Practitioner shall be knowledgeable in the required washing, cleaning and Sterilization procedures including the proper operation of the Ultrasonic Cleaning Unit and Autoclave or other Sterilization Unit, if a sterilization unit is used.
2. Every Body Art Establishment or Body Art Practitioner shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in conducting Body Art activities.
3. Ultrasonic Unit Use
 - i. 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. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Board.
 - ii. After being cleaned by an ultrasonic unit, all non-disposable instruments used for body art shall be packed individually in sterilized packs and subsequently sterilized in a steam autoclave. All sterilized packs shall contain either a sterilized indicator or internal temperature indicator. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.
4. 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.
5. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. 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. All Instruments must be stored in the Instrument Storage Area in a manner so as to prevent Contamination.
6. 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.

J. Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units:

1. The Ultrasonic Cleaning Unit and Autoclave or Sterilization Unit shall be used and maintained according to manufacturer's specifications. Each Ultrasonic Cleaning Unit and Autoclave shall be emptied and thoroughly cleaned and disinfected at least once each day that the unit is used.
2. An independent commercial testing laboratory contracted by the operator or body art practitioner or both shall perform monthly biological spore testing of the Autoclave. A provision shall be included in the contract between the operator or body art practitioner or both with the commercial testing laboratory requiring the commercial testing facility to notify the Board of any failure of the Autoclave to eradicate all living organisms, including spores.
3. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

K. Waste Handling and Hauling:

1. Waste Removal

- i. All Solid Waste and Contaminated Waste shall be removed from the body art establishment on a daily basis and placed in an approved secured receptacle for pickup and removal. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030.
- ii. Contaminated waste 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".
- iii. 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.

2. Waste Receptacles

- i. All stored Contaminated Waste in solid form and sharps shall be disposed of through use of an approved waste hauler in accordance with the provision of 105 CMR 480.000 and all applicable state and federal and local laws and regulation
- ii. At least one covered waste receptacle shall be provided in each operator area and in each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.

3. Body Art Establishments shall provide in writing to the Board of Health a detailed outline of Disposal Practices and shall include the method of disposal for blood products and for sharps, as well as a contract with a licensed contaminated waste hauler.

L. Establishment Maintenance:

1. 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.
2. 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.
3. 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 may cause potential contamination of work surfaces.
4. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.
5. The establishment shall be well-ventilated and provided with adequate artificial light.
6. A separate, readily accessible hand-sink, within the work space and within ten (10) feet of the operation being performed, with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, disposable paper towels, and a waste receptacle 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 a body art establishment. Every bathroom, all plumbing and all plumbing fixtures shall be kept clean, fully operative, and in good repair.
8. All surfaces in a Workstation which come in contact with a Client or which become Contaminated or which may reasonably have become Contaminated shall be cleaned with the appropriate cleaning compound immediately following the conduct of Body Art upon a Client. The Workstation, including, but not limited to:
 - i. The Client and Practitioners' chairs,
 - ii. Table
 - iii. Tray
 - iv. Procedure Surface and similar surfaces shall be thoroughly sanitized with an approved disinfectant immediately before and immediately after the conduct of Body Art upon a Client.

M. Record Keeping:

1. The establishment shall maintain the following records in a secure place for a minimum of three (3) years unless otherwise noted, and such records shall be made available to the Board of Health upon request:
 - i. Establishment information, which shall include:
 - a. Establishment name;
 - b. hours of operation;
 - c. owner/operators name and address;
 - d. a complete description of all body art procedures performed;
 - e. an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if available. Invoices or packing slips shall satisfy this requirement;
 - f. Permits and licenses required by this Body Art Regulation;
 - g. a Material Safety Data Sheet, when available, for each ink and dye used by the establishment; and
 - h. Testing results from monthly biological spore testing and autoclave pursuant to § J.2.
 - ii. Employee, including employees and general contractors, information, which shall include:
 - a. full names and exact duties;
 - b. date of birth;
 - c. home address;
 - d. photo identification;
 - e. home/work telephone numbers;
 - f. dates of employment at the Body Art Establishment;
 - g. Hepatitis B vaccination status or declination notification
 - iii. Client information, pursuant to § F.3 of this regulation, shall be kept confidential at all times.
 - iv. A copy of the Exposure Control Plan, as well as documentation to verify training of Exposure Control Plan to all employees shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request. The disposal or destruction of these reports is prohibited.
 - v. A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board with a copy to the injured client within five (5) business 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; and,
 - e. any other information considered relevant to the situation.

- vi. The body art establishment shall keep updated and original copy of all related Records to the produced, stored, and disposed Contaminated Waste including waste hauler manifests for transportation and final disposal.
- vii. One copy of the most current version of this Body Art Regulation and any State regulations concerning the practice of Body Art.

N. Grounds for Denial or Suspension of Permit:

1. The Board may deny or suspend a permit on any of the following grounds:
 - i. Failure to conform to the requirements of the Board's regulations;
 - ii. Any actions or omissions which would indicate that the health or safety of the public would be at risk should a permit be approved;
 - iii. Any previous violation of the Board's regulations;
 - iv. Any attempt to practice or obtain a permit through fraud, deceit, or misrepresentation;
 - v. criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - vi. other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice body art;
 - vii. practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - viii. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - ix. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 - x. having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulation;
 - xi. refusing to practice body art on a person because of such person's race, creed, color, gender, age, disability, national origin, or sexual orientation;
 - xii. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 - xiii. continuing to practice while/his/her permit is lapsed, suspended, or revoked.
2. Applicants denied a permit may reapply any time after denial.
3. The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.

O. Procedure for Hearings:

1. Suspension of a Permit.
 - i. Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.
 - a. Such a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.
 - b. In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare.

The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

2. Denial, Revocation, or Refusal to Renew a Permit

- i. A permit may be denied, revoked or refused renewal only after a hearing conducted by the Board.
- ii. If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to The Board's regulations, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq.,
- iii. Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

P. Unauthorized Practice of Body Art:

The Board shall refer to the appropriate District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention.

Q. Severability:

If any rule or provision contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules and provisions will not be so affected.

R. Effective Date:

The Bourne Board of Health originally adopted "105 CMR 124.000: Regulations for Body Art Establishments" on December 27, 2000 and revised on January 19, 2011. On October 23, 2019, the Bourne Board of Health held a public meeting and approved the additions and amendments contained herein. This regulation shall take effect on November 1, 2019 upon publication and supersedes those versions previously approved by the Board of Health.

-The Bourne Board of Health

Kathleen Peterson

Kathleen Peterson
Chair

Stanley Andrews

Stanley Andrews
Vice-Chairman

Donald Uitti

Donald Uitti
Member

Galon Barlow Jr.

Galon Barlow Jr.
Member

Kelly Mastria

Kelly Mastria
Member