

## **BOARD OF HEALTH REGULATIONS XV BODY ART**

The City of Marlborough is promulgating rules and regulations, which 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's health by preventing diseases, specifically including, but not limited to transmission of hepatitis B and/or human immunodeficiency virus (aids).

In addition, these rules and regulations shall establish procedures for registration with the Marlborough Board of Health (BOH) of all persons performing body art, for the requirement of 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. An annual, non-transferable registration fee set by the City of Marlborough shall be paid by any person or establishment registered under this section.

### Authority

The Board of Health, City of Marlborough in Massachusetts acting under the Authority of Massachusetts General Laws Chapter 111, Section 31, 122 and Chapter 140, Section 51, adopts the following rules and regulations governing the licensing and practice of body art and the operation of an establishment for body art.

### **SECTION 1 - DEFINITION**

- 1: Body Art - shall mean any method of inserting a needle into the body to place jewelry in the perforation produced by the need and/or indelible colors, so as to leave permanent marks or designs. Establishments and/or individuals involved in the piercing or ear(s) (only) using approved ear-piercing guns are subject only to the General Rules and Regulations found under Section 2 of this regulation.
- 2: Body Artist - shall mean 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 guy or needle.
- 3: Body Art Certificate of Registration (Permit) - means issuance of a written instrument authorizing the person named therein to engage in the work of body art.

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- 4: Operator - shall mean any person who owns, controls, operates, conducts or manages any body art establishment, whether actually performing the work of art or not.
- 5: Minor - shall mean any person under the age of eighteen (18).
- 6: Art Studio - shall mean any room or space where piercing or tattooing is practiced or where the business of piercing or tattooing is conducted or any part thereof.
- 7: Antibacterial Solution - means any solution used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.
- 8: Germicidal Solution - means any solution which destroys germs, and is so labeled.
- 9: Sterilization - means holding in an autoclave for thirty (30) minutes, at twenty (20) pounds pressure, at a temperature of 275 degrees Fahrenheit.
- 10: Sanitary - means clean and free of agents of infection or disease.
- 11: Sanitized - means effective bacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.
- 12: BOH - means the Marlborough Board of Health and it's Agent(s).
- 13: Registration - means permit.

SECTION 2 - GENERAL RULES AND REGULATIONS REGARDING BODY ART

- 1: No minors shall receive body art, shall mean any person under the age of eighteen years, unless accompanied by a parent or legal guardian who has signed a consent form.
- 2: No art of the genitalia of minors shall be allowed.
- 3: No piercing or tattooing of animals shall be allowed in body art studios.
- 4: Pre-procedural consultation to discuss body art, its risks and potential complications shall be required with each client. An informed consent form shall be signed by all clients. Clients shall be supplied a copy of the consent form and the consent form shall be kept on file by the body artist for a minimum of 1 year.

- 5: Clients should be told to consult with their physician regarding any medical condition which could be exacerbated by the body art procedures (i.e. hemophilia, open sores, etc.).
- 6: Patrons who admit to or are obviously under the influence of alcohol or other judgment altering drugs shall not receive a body art.
- 7: Body artist shall not be under the influence of any substance, legal or illegal which might impair their judgement or ability to properly perform body art.
- 8: Patrons shall receive verbal and written instructions on the cleaning, use of antiseptics and other specific instructions for each piercing and or tattooing before and after the procedure, including the signs and symptoms of complications.
- 9: Appropriate disinfectants must be used to disinfect the surface of the skin in the area to have the body art, prior to the procedure.
- 10: Infections and adverse reactions of any kind suspected from the application of body art procedure which become known to the body artist shall be reported to the Marlborough Board of Health within 24 hours and the patron referred to a physical for examination.
- 11: Body artists who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA guidelines on the reporting and follow up on needle stick injuries. OSHA guidelines for needle stick follow up shall be posted in employee area. (Code of Federal Regulations 29 CFR 1910.1030(f)).
- 12: It is required that body artist receive the series of Hepatitis B vaccinations and tetanus doses or booster shot. A physicians statement shall be on file with the local Board of Health and on record at the facility for review by the Health Department.
- 13: The gun used for the piercing of ear(s) only must be disinfected with an EPA-approved disinfectant such as madicide or a similar product.
- 14: Failure to comply with any of the above regulations may result in immediate revocation of registration (permit) and or fines per day of violation.

### SECTION 3 - BODY ART REGISTRATION (PERMIT)

- 1: No person, or body artist shall perform body art, display a sign or in any other way advertise or purport to be a body artist unless that person holds a valid certificate of registration, (permit) with the Marlborough Board of Health.
- 2: An applicant for registration or renewal shall pay a fee as established by the Marlborough Board of Health and shall show to the satisfaction of the BOH that the applicant:
  - a. Has complied with the applicable rules of the Marlborough Board of Health.
  - b. Upon application, has provided evidence in the form of a drivers license/state identification card or federal identification card that applicant is not less than 21 years of age. A photocopy of the I.D. shall be on file.
  - c. Upon application, has signed a form consenting to abide by the rules and regulations and recommended procedures on the prevention of disease transmission in body art, sanitation, sterilization, handling of infections, universal body fluid precautions, sharp and biologic waste disposal and wound care as stated in the Federal Register of EPA Rules and Regulations on Blood Borne Pathogens.
  - d. Upon application, shall notify the Marlborough Board of Health in writing of regular address of the place where the person performs or intends to perform body art and shall keep the registration certificate conspicuously posted in the place of business at all times. Body art shall operate only out of facilities licensed to perform body art. Body art shall be required to demonstrate proper sanitary procedures and to develop and submit their policy on infection control to the Marlborough Board of Health.

### SECTION 4 - MINIMAL TRAINING

Body art and their employees must show evidence or current certification and completing of courses in the first two areas below, prior to receipt of a certificate of registration (permit).

- 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 Blood Borne Pathogens, conducted by an instructor trained and sufficiently knowledgeable to teach this OSHA course. Such knowledge shall include the requirements of standards 29 CFR 19010.1030.
- 3: Body art registration (permit) shall expire December 31 of each year.
- 4: The place of business shall meet all other Health department requirements.
- 5: Liability Insurance is strongly recommended for Body Artists.
- 6: Body artists must present evidence of at least one year of apprenticeship experience with no history of their artistry causing short or long term health problems. Apprentices must register with the Health Board when beginning the apprenticeship and have completed items 1 & 2 of section 4.

#### SECTION 5 - FACILITIES AND EQUIPMENT

- 1: Facility
  - a: Facilities must be located in area zoned for this type of business.
  - b: Studio design, furniture, lighting, plumbing, water and sewage must be in accordance with State Codes and local ordinances.
  - c: With the exception of service animals (e.g. guide dogs); no animals should be allowed on the premises.
  - d: The floor and all other surfaces shall be, at all times maintained in a clean condition. The walls and ceiling shall be kept clean in good repair at all times. Light fixtures, decorative materials and similar equipment attached to the walls or ceilings shall be kept clean.
  - e: Adequate ventilation (such as air conditioning, etc.) to keep the area dry and air circulating should be used. "Adequate Ventilation" shall mean a free and unrestricted circulation of fresh air throughout the body art studio and the expulsion of foul or stagnant air). the use of a H.E.P.A. ventilation system is highly recommended.

- f: Convenient, clean, and sanitary toilet and hand washing facilities shall be made accessible to customers. A sign shall be posted in the bathroom which forbids insertion or handling or piercing/jewelry. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair. Single service hand towels or mechanical means for hand drying shall be provided.
- g: In accordance with state regulations proper biologic waste and sharp disposal of single-use items and needles exposed to body fluids shall be required. Only medical grade sharps containers that are puncture-resistant, with tight-fitting-lids acceptable. A contact for "red bag waste" shall be on file with the local Board of Health.
- h: Body artists shall be equipped with appropriate sterilizing equipment (i.e. a working steam autoclave). Autoclaves must be spore tested monthly by independent laboratories to insure they are working adequately.
- i: Body artists shall be equipped with appropriate cleansing equipment (i.e. a working ultrasonic cleaner).

2: WORK AREA

- a: Each body artist's studio shall have a separate work area not used for any other purpose.
- b: No one shall have body art conducted on him or her at any other location in the studio other than the work area.
- c: No customer should be allowed to perform their own piercing/insertions or body artwork anywhere on the premises.
- d: Work areas shall not be used as a corridor for access to other rooms.
- e: The area where body art is to be applied must be performed in a separate room.
- f: The floors, chairs and tabletops where body art equipment and body art work is done should be non-porous. Carpet is not permitted as a floor covering in the work area where the body are is applied.
- g: The work area should be well lighted. Work areas shall have at least fifty (50) foot candles of light measured at the height of the worktable.

- h: Facilities shall be equipped with sinks and basins with hot and cold running water for the exclusive use of the body artist for washing their hands and preparing their clients for body piercing. The bathroom sinks shall not act as the sink for this operation.
- i: A covered waste receptacle with disposable liner bags shall be located in the work area.
- j: No person shall smoke, consume food or drink in the work area.
- k: No other activities (such as hair styling, etc.) shall be performed in any room designated for body art.

## SECTION 6 - OPERATION PROCEDURES FOR STUDIOS FOR BODY ART

### 1. SANITARY PROCEDURES BEFORE BODY ART PROCEDURE.

Body Artist Shall:

- a: Complete all business transactions.
- b: Complete client consent forms and provide a copy to the client.

Regarding Artists Jewelry:

- a: Client and artists should have appropriate size and quality jewelry chosen before the procedure begins.
- b: Only appropriate jewelry should be used in piercing. Appropriate jewelry is made of implant grade, high quality surgical stainless steel (316 E series), solid 14K or 18K gold, niobium, titanium, platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces which might endanger the tissues.
- c: Ear studs or other jewelry designed for ear piercing are not appropriate jewelry for other body parts and must not be used by artist.

### 2. HAND WASHING; GENERAL HEALTH

Before working on each patron, the body artist shall:

- a: Inspect hands for small cuts and abrasions.
- b: Refrain from body art or handling equipment if they have open sores, weeping dermatitis or lesions on hands or arms until the condition has cleared.
- c: Refrain from body art, piercing or tattooing until the condition has cleared, if they have a cold, flu or other communicable disease.
- d: Wash hands, wrists and up to elbows with antibacterial solution.
- e: Dry hands thoroughly with single use disposable towel such as a paper towel or air dry under a heat dryer.
- f: Put on medical-grade latex (or its equivalent) gloves.

#### SECTION 7 - BODY ARTIST PROCEDURES

Body Artist shall:

- a: Set up equipment in front of client.
- b: Sealed autoclave bags containing any equipment required to be sterile, shall be opened in front of the client, and the autoclave bag discarded.
- c: All jewelry contaminated with only airborne pathogens (not previously worn or contaminated) should be disinfected with a non-hazardous hard-surface disinfectant approved by E.P.A. All jewelry contaminated or potentially contaminated with blood borne pathogens (previously worn by another person) should be autoclaved, stored in sterile indicator bags, sealed and dated.
- d: All needles and or indelible colors used in piercing or tattooing must be pre-sterilized, used on one person, in one sitting, for single piercing and immediately disposed of in a medical sharps container.
- e: All forceps, tubes, etc. must be pre-sterilized stored in sterile indicator bags, sealed and dated, used on one person, in one sitting. After one such use, they must be autoclaved and stored in sterile indicator bags, sealed and dated.

SECTION 8 - DISINFECTIONS ROUTINE

Body Artist shall:

- a: Put on fresh (non Latex) gloves for disinfection routine.
- b: Move in such manner to avoid re-contamination of surfaces.
- c: Discard disposable items and remove from areas.
- d: Remove plastic barrier film (if used) and disinfect surface areas, drawer pulls, cabinetry, telephones, lamps, chairs) sinks, ultrasonic tanks, tables, chairs, floor area and any other surfaces that might have become contaminated.
- e: Dispose of single use (disposable) lab cloths.
- f: Remove gloves, wash hands and discard gloves.
- g: Double bag or use bio-hazard bags and discard materials after each client.
- h: Discard materials in medically appropriate manner.
- i: All reusable non-sterilizable implements such as marking pen should be nonporous and disinfected after each use with an EPA approved hard-surface disinfection liquid.
- j: Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants which may disperse pathogens into the air.
- k: Cleansing with ultrasonic cleaners should be the rule for removal of bacitracin or other triple antibiotic solutions, blood and other particles from a used contaminated implement (i.e. jewelry, forceps, insertion tapers, and pliers) followed by steam autoclave.
- l: Steam autoclave must be used on all equipment-that may come in contact with the client or the jewelry (i.e. receiving tubes) rubber bands, insertion tapers, forceps, files, gauge wheels, pliers, etc.). Equipment shall be bagged, dated and sealed and stored in a non-porous, dark dry cool place such as a medical Credenza) etc. Spore indicators shall be used with each load to ensure spore eradication. Instruments shall be autoclaved at a temperature of 273 degrees F under pressure of 20 PSI for 30 minutes from start.

- m: Autoclaves shall be spore tested by independent laboratories at least once every month to induce efficacy. Immersion in cold germicidal solutions provides incomplete sterilization and is inappropriate. Appropriate ear piercing guns should only be used for piercing ear(s) and shall not be used for piercing any other body part.
- n: Iodine, antiseptics and other ointments used shall be applied with single use applicators. Applicators that have touched a client once may not be used to retrieve antiseptics, iodine, etc. from containers and shall be disposed of after single use.
- o: 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. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, 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 cups or caps and their contents shall be discarded.

#### DISPOSAL OF WASTE IN ACCORDANCE WITH INFECTIOUS WASTE REGULATIONS

- 1: Bar setups, piercing needles, razor blades or other sharp instruments which are not to be sterilized shall be disposed of in medically approved sharp containers that are puncture resistant and have tight fitting lids.
- 2: Containers of sharp wastes shall be sent to a facility where they are either incinerated or otherwise rendered non-hazardous.
- 3: Disposable waste shall be placed in easily cleanable, closed containers with tight fitting lids, to prevent leakage or spoilage.
- 4: Waste containers shall be kept closed when not in use.
- 5: Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.
- 6: Only waste haulers licensed by the Marlborough Board of Health may be used for disposal of waste materials.
- 7: A copy of the contract with a waste hauler shall be provided upon request to the Health Agent.

SECTION 8 - MOBILE ESTABLISHMENTS:

- 1: Mobile body art studios shall not be allowed to operate in the City of Marlborough.

SECTION 9 - FEES:

- 1: A registration (permit) fee in the amount established by the City of Marlborough shall be required of all persons registering as body artist.
- 2: Payment of fees shall be made at the Marlborough Board of Health, Walker Building, 255 Main Street, Room 101, Marlborough, MA. CHECKS MADE PAYABLE TO THE CITY OF MARLBOROUGH.
- 3: A registration fee of \$100 per facility is hereby established.

SECTION 10 - ENFORCEMENT PROCEDURES:

The body artist registration shall be suspended immediately upon notice to the holder (without a hearing) when Board of Health has reason to believe that an imminent health hazard exists.

- 1: In all other instances of a violation of the provisions of this administrative regulation the Marlborough Board of Health shall serve the registrant (PERMIT HOLDER) a written notice specifying the violation(s) and afford the registrant or certificate holder a reasonable opportunity to correct the same and or the issuance of a non-criminal ticket and or court complaint.
  - a: Whenever a registration has failed to comply with any written notice issued under the provisions of this administrative regulation the Registration.
  - b: The holder of the body art registration (permit) shall be notified in writing that the registration or certificate 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 ten (10) day period. This does not prohibit the Board of Health to suspend a permit after a hearing.
  - c: Any person whose registration has been suspended may make a request in writing for reinstatement of the registration.

- d: For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the Board of Health in the performance of its duties, or for persons found guilty of any crime related to body art, the body art registration may be permanently revoked after an opportunity for a hearing has been provided.
- e: Every person who shall perform body art without a certificate of registration may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such a manner, shall be three hundred dollars per violation per day.
- f: Body Art of 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 be pierced or tattooed, may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such a manner, shall be three hundred dollars, per violation per day.
- g: TICKET ENFORCEMENT UNDER G.L. c.40s21D:  
  
Board of Health Body Art Regulation
  - Fine allowed - one hundred dollars (\$100)
  - Enforcement Agent - Board of Health
  - Fine Schedule: first offense - twenty-five dollars (\$25); second offense - fifty dollars (\$50); third and subsequent offenses - one hundred dollars (\$100)

## SECTION 11 - SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or work of this ordinance shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations.