

City of Cambridge
Department of Health and Hospitals
REGULATION OF BODY ART

Rules and Regulations promulgated by the Commissioner of Health and Hospitals on January 31, 2001 and revised on July 1, 2003 pursuant to General Laws, Chap. 111, §31 for the granting of licenses to practice Body Art in the City of Cambridge.

I. Rationale

1.1 The City of Cambridge is promulgating rules and regulations in the form of this Body Art Regulation which provide minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment wherein Body Art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment wherein Body Art activities are to be performed and the Sterilization of Instruments to be used in the conduct of Body Art. By enacting this Body Art Regulation, the City of Cambridge has determined that these rules and regulations are necessary to protect the public's health by preventing diseases and the transmission of diseases, including, but not limited to, hepatitis B and/or human immunodeficiency virus (HIV/AIDS).

1.2 Effective January 31, 2001, and revised June 1, 2003, this Body Art Regulation establishes a requirement and a procedure for registration with the Commissioner of Health and Hospitals of the City of Cambridge of all persons performing such Body Art activities, and for each establishment in which such activities are performed. This Regulation also establishes a requirement for minimal training standards for such practitioners including requirements for training in the prevention of disease transmission and for knowledge of anatomy and physiology. It also provides for the regular inspection of establishments wherein Body Art activities are to be performed and contains enforcement provisions including but not limited to revocation of the registration of any person or establishment deemed in violation of this Regulation or any rules promulgated hereunder.

1.3 This Body Art Regulation provides for an annual fee to be paid by a person and establishment registered under this Body Art Regulation. This fee is intended to help defray the cost to the City of Cambridge of the administration of the requirements of this Body Art Regulation.

II. Definitions

The following terms used in this Regulation, unless the context otherwise requires, shall have the following meaning:

2.1 AFTERCARE INSTRUCTIONS shall mean written instructions, approved by the Department, given to a person upon whom one or more Body Art activities have been performed, specific to the Body Art procedure(s) rendered or performed, concerning the proper care to be given to the area of the body upon which the Body Art has been performed, and concerning the surrounding area of the body.

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

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

2.4 AUTOCLAVING shall mean the process which results in the destruction of all forms of microbial life - including highly resistant bacterial spores - by the use of an Autoclave for a minimum of thirty (30) minutes at 17 pounds of pressure (PSI) at a temperature of 250 degrees Fahrenheit.

2.5 BODY ART shall mean the practice of physical body adornment, alteration or modification by means including, but not limited to, piercing, tattooing, branding, braiding, beading/implantation or scarification, also known as scarring.

2.6 BODY ART ESTABLISHMENT shall mean any facility that has been inspected and approved by the Department for use in conducting Body Art activities and for which a current Permit is issued by the Department in accordance with this Body Art Regulation.

2.7 BODY ART REGULATION shall mean the Rules and Regulations promulgated by the Commissioner of Health and Hospitals on January 31, 2001 pursuant to Chapter 2.16 of the Cambridge Municipal Code, as amended from time to time, and M.G.L. c. 111, §31.

2.8 BODY ART PRACTITIONER shall mean a person whom has received a License to perform Body Art activities from the Department pursuant to this Body Art Regulation.

2.9 BODY ART PRACTITIONER LICENSE shall mean a License issued by the Department to a person qualified to engage in the practice of Body Art in accordance with this Body Art Regulation.

2.10 BODY PIERCING shall refer to the form of Body Art requiring or consisting of the puncturing or penetration of the skin or of a membrane of a person for the purpose of the temporary or permanent placement or insertion of jewelry or other adornment or device therein.

2.11 BRAIDING shall refer to the form of Body Art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

2.12 BRANDING shall refer to the form of Body Art consisting of or requiring the inducement of a burn and/or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.

2.13 CLEANING AREA shall mean the area in a Body Art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of Body Art.

2.14 COMMISSIONER OF HEALTH AND HOSPITALS shall mean the Commissioner of Health and Hospitals of the City of Cambridge established in accordance with Massachusetts General Law chapter 111 section 26D.

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

2.16 CONTAMINATED WASTE shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in 29 Code of Federal Regulation part 1910.1030, as defined in 105 Code of Massachusetts Regulation 480.00 et seq, or in this Body Art Regulation.

2.17 COSMETIC TATTOOING, also known as permanent cosmetics, micro pigment implantation 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.

2.18 CUSTOMER OR CLIENT shall mean a person upon whom one or more Body Art activities is/are to be performed, and shall include a Minor Client.

2.19 CUSTOMER WAITING AREA shall mean the area in a Body Art establishment for use and occupation by persons and clients prior to and after the conduct of Body Art.

2.20 DEPARTMENT shall mean the Cambridge Health Department or the Commissioner of Health and Hospitals, established in accordance with Massachusetts General Law chapter 111 section 26D and in accordance with Chapter 2.16 of the Cambridge Municipal Code.

2.21 DISINFECT shall mean the destruction of pathogenic microorganisms using a Liquid Chemical Germicide.

2.22 DISINFECTANT shall mean the same as Liquid Chemical Germicide.

2.23 DERMIS shall mean the deeper, thicker portion on the skin lying beneath the epidermis, to include the subcutaneous layer.

2.24 EAR PIERCING shall mean the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer instructions.

2.25 EPIDERMIS shall mean the outer layer of skin, which is composed of four recognizable layers of cells usually, a total of about 0.1 mm thick.

2.26 EQUIPMENT shall mean all machinery, fixtures, containers, vessels, tools, devices, implements, furniture, display cases, storage units, sinks, and all other apparatus and appurtenances used in connection with the operation of a Body Art establishment.

2.27 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.

2.28 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.

2.29 EXPOSURE INCIDENT REPORT shall mean a written report detailing the circumstances of an Exposure.

2.30 GERMICIDE or GERMICIDAL SOLUTION shall mean the same as Liquid Chemical Germicide.

2.31 HAND SINK shall mean a sink supplied with hot and cold potable water under pressure, which is used solely for washing hands, arms, or other portions of the body.

2.32 HOT WATER shall mean water, which is heated to attain and maintain a temperature of between 110 and 130 degrees F.

2.33 INFECTIOUS WASTE shall mean the same as Contaminated Waste.

2.34 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.

2.35 INSTRUMENT or INSTRUMENT USED FOR BODY ART 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.

2.36 INVASIVE shall describe a procedure causing entry into the body either by incision or by the insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

2.37 JEWELRY shall mean any device or adornment inserted into a pierced or incised area or portion of the body.

2.38 LICENSE shall mean a document issued by the Department pursuant to this Body Art Regulation authorizing a person to conduct allowed Body Art procedures in the City of Cambridge.

2.39 LIQUID CHEMICAL GERMICIDE shall mean a substance registered with the United States Environmental Protection Agency for use in the destruction of pathogenic microorganisms or an approximate 1:100 dilution of household chlorine bleach in clean water mixed fresh daily.

2.40 MINOR or MINOR CLIENT shall mean a person of less than 18 years of age as of that person's last birth date.

2.41 MOBILE BODY ART ESTABLISHMENT shall mean any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat one desires to or actually does conduct Body Art procedures, excepting only a Licensed Body Art Establishment.

2.42 OPERATOR shall mean any person alone or jointly with other persons who owns, controls, operates or manages a Body Art establishment.

2.43 PARENTERAL shall mean the invasion of the skin barrier or mucous membranes.

2.44 PERMIT shall mean a document issued by the Department pursuant to this Body Art Regulation authorizing the use of an establishment for the conducting of Body Art activities.

2.45 PHYSICIAN shall mean a person licensed by the Commonwealth of Massachusetts in accordance with Massachusetts General Law chapter 112 section 2.

2.46 PROCEDURE SURFACE shall mean any surface of an inanimate object that contacts an unclothed part of a person upon whom body art is to be performed.

2.47 PROHIBITED FORMS OF BODY ART shall refer to those forms of Body Art prohibited under this Body Art Regulation and set forth in Section XII and Section 5.12 hereof.

2.48 SANITIZE shall mean the process of reducing the number of microorganisms on a surface to a safe level using a Liquid Chemical Germicide.

2.49 SANITIZER shall mean the same as Liquid Chemical Germicide.

2.50 SCARIFICATION, also known as scarring, shall refer to that form of Body Art that requires the use of an instrument to cut a design into the skin to produce a scar.

2.51 SHARPS shall mean any object (sterile or not) that may purposefully or accidentally cut or penetrate the skin or mucosa of a person including, but not limited to, needles, scalpel blades, razor blades and lancets.

2.52 SHARP'S CONTAINER shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation or disposal and is labeled with the International Biohazard Symbol.

2.53 SINGLE USE shall mean products or items that are intended for one-time, one-person use and are to be disposed of after such use 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.

2.54 STERILIZATION UNIT shall mean a unit designed to and which is effective at killing all microorganisms, including bacterial spores and which is approved by the Department for use for Sterilization in a Body Art Establishment.

2.55 STERILIZE shall mean to effectively kill all microorganisms, including bacterial spores.

2.56 TATTOO shall refer to the form of Body Art consisting of the injection of ink, dye or other medium to form or create an indelible mark, figure or decorative design in the subcutaneous portion of the skin.

2.57 TATTOOING shall mean the act or process of creating a tattoo.

2.58 TATTOO GUN shall mean an electric, vertically vibrating tool used for tattooing.

2.59 TATTOO INKS/PIGMENTS/DYES or 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.

2.60 TEMPORARY BODY ART ESTABLISHMENT shall mean the same as Mobile Body Art Establishment.

2.61 THREE DIMENSIONAL "3D" BODY ART or BEADING or IMPLANTATION shall refer to the form of Body Art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

2.62 ULTRASONIC CLEANING UNIT shall mean a unit approved by the Department and physically large enough to fully submerge Instruments in liquid, which unit removes all foreign matter from the Instruments by means of high frequency oscillations transmitted through the contained liquid.

2.63 UNIVERSAL PRECAUTIONS or STANDARD PRECAUTIONS shall mean the set of guidelines and controls, published by the Center for Disease Control 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 by the

Center for Disease Control (CDC) 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 Morbidity and Mortality Weekly Report July 12, 1991, Vol. 40, No. RR-8, each as amended or updated. 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.

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

III. Licenses, Permits, and Registrations

3.1 Body Art Practitioner License Required

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner License issued by the Department pursuant to this Body Art Regulation.

3.2 Body Art Establishment Permit Required

No person shall operate an establishment for the conduct of a business consisting of or including the performance of one or more Body Art activities upon the person of another without a valid Permit to operate such establishment issued by the Department in accordance with this Body Art Regulation.

3.3 City Clerk - Registration

The requirements of this Body Art Regulation to obtain a Body Art Practitioner License and a Body Art Establishment Permit are separate from and in addition to the requirements of Massachusetts General Law chapter 110 § 5.

3.4 Commonwealth of Massachusetts - Registration or Licensing

The requirements of this Body Art Regulation to obtain a Body Art Practitioner License and/or a Body Art Establishment Permit are separate from and in addition to any similar requirements that may be mandated by the Commonwealth of Massachusetts.

IV. Exemptions

4.1 Physicians

Physicians who practice Body Art activities as a part of patient treatment are exempt from the provisions of this Body Art Regulation so long as such Body Art activities are performed in a medically acceptable manner.

4.2 Earlobe Piercing Using Stud and Clasp Ear Piercing System

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 so-called piercing gun, are exempt from the provisions of this Body Art Regulation.

V. Body Art Practitioner

5.1 Application - Registration - Body Art Practitioner License

Body Art Practitioner License - Compliance with Minimal Training Requirements

Body Art Practitioner – Temporary License

5.4 Hepatitis B Vaccination Status - Disclosure

5.5 Hygiene

5.6 Minimal Training Requirements

5.7 Body Art Practitioner License - Consent to Comply With Body Art Regulation

5.8 Body Art Practitioner License - Department Authorized to Issue

5.9 Body Art Practitioner License - Acting Within Scope of License

5.10 Body Art Practitioner License - Posting Requirement

5.11 Body Art Practitioner - Impairment by Drugs or Alcohol

5.12 Restriction of Certain Body Art Activities

5.13 Sterile Conditions

5.14 Use of Licensed Facility

5.15 Body Art Practitioner - Use of Mobile or Temporary Body Art Establishment - Prohibited

5.1 Application -Registration - Body Art Practitioner License

Any person seeking registration under this Body Art Regulation so as to obtain a Body Art Practitioner License shall submit a completed application provided by the Department and shall pay to the City of Cambridge a fee to be determined by the Department. A Body Art Practitioner License shall be valid for no more than one year. The Department may renew a Body Art Practitioner License under this Body Art Regulation and each applicant for such renewal shall pay to the City of Cambridge a renewal fee to be determined by the Department. All Body Art Practitioner Licenses shall expire on March 31 of the year of issuance.

5.2 Application – Body Art Practitioner License – Compliance with Body Art Regulation Requirements

An applicant for a Body Art Practitioner License shall demonstrate to the Department his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Regulation relative to the form of Body Art activities for which such applicant seeks a Body Art Practitioner License prior to the issuance or renewal of a Body Art Practitioner License by the Department.

5.3 Body Art Practitioner – Temporary License

The Department may issue a thirty (30) day temporary license to an individual holding a license or similar certificate or registration to engage in the practice of micropigmentation, tattooing and body piercing issued under the jurisdiction of another

city, county, or state. Such temporary license will allow a person to practice micropigmentation, tattooing and/or body piercing in the City of Cambridge under the direct supervision of a body art practitioner holding a valid Body Art Practitioner license issued by the Department. The issuance of a Temporary Body Art Practitioner license is conditioned upon the applicant demonstrating the following:

The applicant shall provide to the department evidence of satisfaction of the training requirements outlined in section 5.6(1)(a) – (c).

An application fee paid to the department in the amount of \$25.

A copy of the license or similar certificate issued by the city or town where the practitioner is licensed.

No visiting body art practitioner may receive a Temporary Practitioner license more than two times per year.

No visiting body art practitioner shall practice body art in the City of Cambridge without a Temporary Practitioner license issued by the Department.

5.4 Hepatitis B Vaccination Status – Disclosure

An applicant for a Body Art Practitioner License shall provide to the Department, and shall provide to the owner of any Body Art Establishment in which the applicant intends to perform or in which he does perform Body Art activity, valid documentation of his Hepatitis B Virus (HBV) vaccination status stating:

Laboratory evidence of immunity;

Documentation stating the vaccine is contraindicated for medical reasons.

Contraindication requires a dated and signed licensed health care professional's statement specifying the name of the Body Art Practitioner License applicant employee and that the vaccine cannot be given; or,

Signed certificate of vaccination declination of HBV for medical, religious or personal reasons.

5.5 Hygiene

Every Body Art Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting Body Art activity. 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.

5.6 Minimal Training Requirements

Every applicant for a Body Art Practitioner License or a renewal of a Body Art Practitioner License, in order to be qualified for such License, shall provide to the Department evidence of satisfaction of the following minimal training requirements: Completion of a course in Anatomy and Physiology with a grade of C or better from an accredited, post-secondary institution. This course must include instruction on the integumentary system (skin). Such other course or program as the Department shall deem appropriate and acceptable may be substituted for the course in Anatomy and Physiology.

For all Body Art Practitioners, the successful completion of a course on Prevention of Disease Transmission and Blood Borne Pathogens compliant with the OSHA guidelines contained in 29 CFR 1910.1030 *et seq* as amended from time to time. Training provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Department for approval.

Current certification in Basic First Aid and Advanced Cardio-Pulmonary Resuscitation.

Evidence satisfactory to the Department of at least two years actual experience in the practice of performing Body Art activities of the kind for which the applicant seeks a Body Art Practitioner License to perform, whether such experience was obtained within or outside of the Commonwealth, or evidence of a completed apprenticeship program as approved by the Department. Two years experience is defined as 2400 hours of actual experience.

5.7 Body Art Practitioner License - Consent to Comply With Body Art Regulation

An applicant for a Body Art Practitioner License shall sign a statement provided by the Department consenting to and agreeing to abide by all of the provisions of this Body Art Regulation.

5.8 License - Department Authorized to Issue

If an applicant for a Body Art Practitioner License demonstrates to the Department compliance with all relevant provisions of this Body Art Regulation, the Department is hereby authorized to issue a Body Art Practitioner License pursuant to the provisions of this Body Art Regulation.

5.9 Body Art Practitioner License - Acting Within Scope of License

A Body Art Practitioner shall only perform those forms of Body Art for which he/she holds a Body Art Practitioner License issued by the Department.

5.10 Body Art Practitioner License - Posting Requirement

A Body Art Practitioner and/or Operator shall post in an area of the Body Art Establishment accessible to the Department and to Clients the original of the current Body Art Practitioner License of the Body Art Practitioner.

5.11 Body Art Practitioner - Impairment by Drugs or Alcohol

No Body Art Practitioner shall conduct any form of Body Art activity while under the influence of alcohol or drugs.

5.12 Restriction of Certain Body Art Activities

No Body Art Practitioner shall perform the following activities with or without parental consent:

- (1) Tattoo a Minor Client;
- (2) Brand a Minor Client;
- (3) Scar or perform Scarification upon a Minor Client;
- (4) Perform micropigmentation upon a minor client;
- (5) Pierce the genitalia of a Minor Client;
- (6) Perform any other piercings on a minor client without the written consent of the client's parent or legal guardian. See Section 7.2 (C)(3)
- (7) Pierce a Client under 14 years of age - with the sole exception of Ear Piercing; or
- (8) Perform or engage in any of the activities prohibited under section XII of this Body Art Regulation.

5.13 Sterile Conditions

A Body Art Practitioner shall only conduct Body Art activities under Sterile conditions.

5.14 Use of Licensed Facility

A Body Art Practitioner shall only conduct Body Art activities within a facility with a current Body Art Establishment Permit, and which Establishment is in compliance with all provisions of the Body Art Regulation.

5.15 Body Art Practitioner - Use of Mobile or Temporary Body Art Establishment - Prohibited

No Body Art Practitioner shall conduct any form of Body Art activity in a Mobile or Temporary Body Art Establishment.

VI. Apprenticeship Program

6.1 Apprenticeship Program - Commissioner of Health and Hospitals - Authorized to Establish

6.2 Compliance with this Body Art Regulation

6.3 Definitions

6.4 Apprenticeship Program - Minimum Requirements

6.5 Apprenticeship License - Department Authorized to Issue

6.6 Clients - Notice and Consent

6.1 Apprenticeship Program - Commissioner of Health and Hospitals - Authorized to Establish

The Department, pursuant to and in accordance with the authority to promulgate rules and regulations for the protection of the public health granted in Massachusetts General Law chapter 111 section 31, and pursuant to the authority granted hereunder, is hereby empowered and authorized to establish a Body Art Practitioner License Apprenticeship Program.

6.2 Compliance with this Body Art Regulation

Any Body Art Practitioner License Apprenticeship Program established under the authority of section 6.1 of this Body Art Regulation shall require that all participants in such program adhere to and abide by all relevant provisions of this Body Art Regulation excepting only sections 5.6(d).

6.3 Definition

For the purposes of 6.2 of this Body Art Regulation and, where the context so requires, for purposes of the Body Art Practitioner License Apprenticeship Program established by the Department pursuant to section 6.1 of this Body Art Regulation, the term “Body Art Practitioner” shall mean “Body Art Practitioner Apprentice,” and the term “Body Art Practitioner License” shall mean “Body Art Practitioner Apprentice License.”

6.4 Apprenticeship Program - Minimum Requirements

As a minimum requirement of the Body Art Practitioner License Apprenticeship Program, the Department shall require that each participant in such program be required to complete the requirements of section 5.6 (1)(a) through (c) inclusive of

this Body Art Regulation prior to a participant in such program conducting any form of Body Art activity upon a Client or the person of another.

Only a Practitioner that has been professionally licensed for three years and can show evidence of full time experience during that time, whether such experience was obtained within or outside the Commonwealth shall supervise an apprentice.

6.5 Body Art Practitioner Apprentice License – Department Authorized to Issue

The Department is hereby authorized to issue a Body Art Practitioner Apprentice License to participants in the Body Art Practitioner License Apprenticeship Program established pursuant to section 6.1 of this Body Art Regulation provided each such participant qualifies for the same pursuant to the provisions of this Body Art Regulation and the Body Art Practitioner License Apprenticeship Program.

6.6 Clients - Notice and Consent

Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, that Client shall be advised that the person to conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.

Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, such person must obtain the Client's written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity required pursuant to section 7.2 of this Body Art Regulation and such written consent shall be maintained therewith.

VII. Customers / Clients

7.1 Application and Consent Form for Body Art Activity -Requirement

7.2 Application and Consent Form for Body Art Activity - Content

7.3 Disclosure of Certain Health Related Information

7.4 Impairment by Drugs or Alcohol

7.5 Aftercare Instructions - Requirement

7.6 Aftercare Instructions - Minimum Content

7.7 Age Restriction for Certain Body Art Activities

7.8 Rash, Lesion or Visible Sign of Infection

7.1 Application and Consent Form for Body Art Activity- Requirement

Every Client shall complete an application and consent form approved by the Department prior to having any Body Art activity performed upon or to their body.

7.2 Application and Consent Form for Body Art Activity - Content

Every application and consent form, required by Section 7.1 of this Body Art Regulation, shall contain a minimum of the following:

General information regarding Body Art, including, at a minimum, the following statements:

(a) Tattoos should be considered permanent; and

The removal of Tattoos and Scars would require surgery or other medical procedures that may result in scarring or additional scarring of the skin.

- (2) If Micropigmentation is performed the following must also be included
 - (a) Micropigmentation is a form of tattooing and should be considered as such for the purposes of this consent form;
- (3) Information as to the side effects of Body Art, including, but not limited to:
 - possible hypertrophic scarring;
 - possible adverse reaction to ink/dye/pigment;
 - possible change in color of ink/dye/pigment over time;
 - a decreased ability of physician to locate skin melanoma in regions concealed by Tattoos, Brands, Scars and other forms of Body Art;
 - possible febrile illness;
 - possible tetanus;
 - possible systemic infection and;
 - possible keloid formation
- (4) Client information, including:
 - (1) Name;
 - (2) Age;
 - (3) 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 relationship to the Minor Client, and the consent to the conduct of the contemplated Body Art activity upon the Minor Client;
 - (4) A brief description of the Body Art activity to be performed.
 - (5) Instructions requiring the Client to adhere to the Exposure Control Plan as such Plan relates to the Client's conduct in the Body Art Establishment;
 - (6) The phone number of the Department and instructions for the Client, or in the case of a Minor Client - the Minor Client and his/her Parent or Legal Guardian, to contact the Department with any questions or concerns regarding safety, Sanitization or Sterilization procedures;
 - (7) The name of the Body Art Practitioner who is to conduct the Body Art upon the Client or Minor Client and that Practitioner's Department license number;
 - (8) Signature of Client;
 - (9) In the case of a Minor Client, the signature of Client's parent or legal guardian. The parent or legal guardian shall sign the consent form in the presence of the Body Art Practitioner;
 - (10) The signature of Body Art Practitioner;
 - (11) The date(s) of all signature(s).

7.3 Disclosure of Certain Health Related Information

A Client shall inform the Body Art Practitioner of any known chronic medical or communicable conditions, including, but not limited to the following:

Diabetes:

History of hemophilia (bleeding);

History of skin disease, skin lesions or skin sensitivities to soap, Disinfectants, etc.;

History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;

History of epilepsy, seizures, fainting or narcolepsy;

The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting.

History of or suspicion of adverse reaction to latex or products containing latex.
History of keloid formation

A Client shall inform the Body Art Practitioner of a known pregnancy or possibility of pregnancy.

The Body Art Practitioner shall inform the client, verbally and in writing that the above health conditions may increase health risks associated with receiving a body art procedure.

The Body Art Practitioner shall require the Client to sign a release form confirming that the above information was obtained or attempted to be obtained and the Client refused to disclose the same.

7.4 Impairment by Drugs or Alcohol

No person shall receive any form of Body Art activity who is under the influence of drugs or alcohol.

7.5 Aftercare Instructions

All Clients shall obtain, read and follow the Department approved Aftercare Instructions appropriate for the form of Body Art conducted upon such person.

7.6 Aftercare Instructions - Minimum Content

Aftercare Instructions shall be approved by the Department and shall include, at a minimum the following:

- (1) Responsibilities and proper 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 possible signs of infection occur. Examples are unexpected redness, tenderness or swelling at the site of the body art procedure, any rash, fever after the procedure, any unexpected drainage at or from the site of the body art procedure.

7.7 Age Requirements for Certain Body Art Activities-

- (1) No Minor Client shall receive a Tattoo.
- (2) No Minor Client shall be Branded.
- (3) No Minor Client shall be Scarred.
- (4) No minor client shall receive a cosmetic tattoo (micropigmentation).
- (5) No minor client may be pierced without the written consent of his/her parent or legal guardian. See Section 7.2 (C)(3)
- (6) No Minor Client shall have his or her genitalia pierced.
- (7) No Minor Client under 14 years of age shall be pierced with the sole exception of Ear Piercing.

7.8 Rash, Lesion or Visible Signs of Infection

The skin area or mucosa of a Client to receive any form of Body Art activity shall be free of rash, any lesion or from any visible sign of infection.

VIII. Body Art Establishments

Application - Registration - Body Art Establishment Permit

Zoning

Plans

Workstation

Separate Areas

Walls-Floors-Ceilings

Lighting and Ventilation

Hand Washing Sinks

Instrument Sinks

Bathroom Requirement

Exposure Control Plan - Requirement

Exposure Control Plan - Submission

8.13 Telephone Access - Emergency Communication

8.14 Body Art Establishment – Liability Insurance

8.15 Body Art Establishment - Other Activities

8.16 Body Art Establishment - Permit - Department Authorized to Issue

8.17 Body Art Establishment - Permit - Posting Requirement

8.18 Mobile or Temporary Body Art Establishment

8.19 Health of Body Art Establishment Employees

8.1 Application - Registration - Body Art Establishment Permit

Any person seeking registration under this Body Art Regulation so as to obtain a Body Art Establishment Permit shall submit a completed application provided by the Department and shall pay to the City of Cambridge a fee to be determined by the Department. A Body Art Establishment Permit shall be valid for no more than one year. The Department may renew a Body Art Establishment Permit under this Body Art Regulation and each applicant for such renewal shall pay to the City of Cambridge a renewal fee to be determined by the Department. All Body Art Establishment Permits shall expire on May 31 of the year of issuance.

8.2 Zoning

No Body Art facility or Body Art Establishment shall be located in any area except as allowed in the Cambridge Zoning Ordinance.

8.3 Plans

Every Operator or applicant for a Body Art Establishment Permit shall submit to the Department scaled plans and specifications of the proposed facility wherein any Body Art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Regulation. The operator should submit the plans to the Department prior to applying for the Certificate of Occupancy. The Department may require an on-site inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Body Art Regulation prior to the issuance by the Department of a Body Art Establishment Permit pursuant to this Body Art Regulation.

Prior to issuance of a permit to operate, the applicant must provide a copy of a current Certificate of Occupancy (CO) from the City of Cambridge Inspectional Services Department in order to show that the facility and fixtures are in compliance with the

Zoning Ordinance and State Building Code and related Codes (State Plumbing and Gas Code, State Electrical Code, and State Access Regulations).

8.4 Workstation

Every Workstation shall occupy no less than 60 square feet of floor area.

Each Body Art Establishment shall have at least one Workstation.

The area within each Workstation shall be capable of being completely screened from view from any person outside such Workstation.

A Workstation shall be used for no other purpose.

Each Workstation shall be separated from any other area of the Body Art Facility, including other Workstations within such Body Art Facility, by a wall or other solid barrier extending from the floor to a minimum height of 8 feet or to the ceiling of the establishment.

A Workstation shall be maintained in a clean and Sterile condition.

8.5 Separate Areas

Every Body Art Establishment shall have therein a Cleaning Area. Every Cleaning Area shall have an area for the placement and use of an Autoclave or other Sterilization Unit located or positioned so as to be a minimum of 36 inches from a required Ultrasonic Cleaning Unit.

(a) The cleaning Area shall be used for no other purpose.

Every Body Art Establishment shall have therein an Instrument Storage Area exclusive of the Cleaning Area. The Instrument Storage Area shall be equipped with cabinets for the storage of all Instruments and Equipment. The required cabinets shall be located a sufficient distance from the Cleaning Area so as to prevent Contamination of the Instruments and Equipment stored therein.

Every Body Art Establishment shall have therein a Customer Waiting Area exclusive of and separate from any Workstation, Instrument Storage Area or Cleaning Area.

8.6 Walls – Floors – Ceilings

Every Workstation, Instrument Storage Area, toilet room, and Cleaning Area shall be constructed and maintained in an acceptable manner so as to provide a durable, smooth, nonabsorbent and washable surface.

All such floors, walls and ceilings shall be light-colored.

8.7 Lighting and Ventilation

Every Workstation shall be properly ventilated and have adequate lighting maintained at all times during the conducting of Body Art Activities.

Every Workstation, Cleaning Area and every area in a Body Art Establishment where linens, Instruments, Sharps or other Equipment are exposed, Sanitized or Sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses or globes of shatterproof material.

8.8 Hand Washing Sinks

A Hand Sink shall be provided at each Workstation. These are in addition to the required sinks in the bathroom and clean room.

A Hand Sink shall not be used as a Janitorial Sink.

8.9 Instrument Sink

Every Cleaning Area shall have a sink used exclusively for the cleaning of Instruments.

8.10 Bathroom Requirement

There shall be a minimum of one bathroom containing a toilet and sink. The bathroom shall be provided with toilet paper, liquid hand soap and paper towels in a fixed dispenser. A body art establishment permanently located within a shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate bathroom within such body art establishment if a Department approved bathroom is located in the retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.

8.11 Exposure Control Plan – Requirement

Each Operator shall create, update as needed, and comply with an Exposure Control Plan.

8.12 Exposure Control Plan - Submission.

The Exposure Control Plan for a Body Art Establishment shall be submitted by the Operator to the Department 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 *et seq.*, as amended from time to time.

A copy of the Body Art Establishment's Exposure Control Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Department upon request.

8.13 Telephone Access - Emergency Communication

A Body Art Establishment shall be required to have a telephone in good working order and easily accessible to all employees and Clients during all hours of operation for the purpose of contacting police, fire or emergency medical assistance or ambulance services in the event of an emergency or perceived emergency. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency telephone numbers and the number of the Department.

8.14 Body Art Establishment – Liability Insurance

A Body Art Establishment shall be required to demonstrate Liability Insurance coverage for the Body Art Establishment and each Body Art Practitioner from an approved provider for a minimum of \$1,000,000.

8.15 Body Art Establishment - Other Activities - Restrictions

No Operator shall permit the use of a Body Art Establishment for any other use which, in the opinion of the Department, may cause the contamination of Instruments, Equipment, a Procedure Surface or Workstation or in any way contributes to an exposure to bloodborne pathogens.

8.16 Body Art Establishment - Permit - Department Authorized to Issue

If an applicant for a Body Art Establishment Permit demonstrates to the Department compliance with all relevant provisions of this Body Art Regulation, the Department is

hereby authorized to issue a Body Art Establishment Permit pursuant to the provisions of this Body Art Regulation.

8.17 Body Art Establishment - Permit - Posting Requirement

The Operator of a Body Art Establishment shall post in an area of the Body Art Establishment accessible to the Department and to Clients the original of the current Body Art Establishment Permit issued by the Department.

8.18 Mobile or Temporary Body Art Establishment

No person shall establish or operate a Mobile or Temporary Body Art Establishment.

8.19 Health of Body Art Establishment Employees

No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of, or in any capacity in, a Body Art Establishment which would create a likelihood that that person could Contaminate Equipment, Instruments, supplies, Procedure Surfaces, Workstations or otherwise compromise or could reasonably be expected to compromise the Sterility of the Body Art Establishment with body substances or pathogenic organisms.

IX. Instruments and Equipment

9.1 Equipment and Furnishings

9.2 Sanitizing and Sterilization Units

9.3 Waste Receptacles

9.4 Linens

9.5 Rotary Pens

9.6 Ink – Dye - Pigment

9.7 Inserted Objects – Jewelry

9.8 Single Use Equipment and Instruments

9.9 Prohibited Instruments and Materials

9.1 Equipment and Furnishings

The Procedure Surface and the surface of all furniture and counter tops located in a Workstation, Instrument Storage Area and Cleaning Area shall be made of materials that are, or shall be treated so as to be, smooth, non-absorbent, non-porous, easily

9.2 Sanitizing and Sterilization Units

(1) Every Body Art Establishment shall have at a minimum the following:

One or more Ultrasonic Cleaning Units sold for cleaning purposes under approval of the U.S. Food and Drug Administration. Every Ultrasonic Cleaning Unit shall be clearly labeled “Biohazardous” and shall be installed or placed in the Cleaning Area at a minimum distance of 36 inches from the required Autoclave or other Sterilization Unit.

One or more Autoclave or other Sterilization Unit sold for medical Sterilization purposes under approval of the U.S. Food and Drug Administration; and,

(2) 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.

9.3 Waste Receptacles

Every Workstation shall have a foot-operated, covered, cleanable, waste receptacle for disposal of trash and other debris.

Every Workstation shall have an approved Sharps Container 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.

9.4 Linens

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.

9.5 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.

9.6 Inks – Dyes – Pigments

All Inks, Dyes and Pigments used in the conduct of Body Art shall be specifically designed for that purpose, properly labeled as to its ingredients and shall not be adulterated or contaminated in any way. The mixing of such Inks, Dyes or Pigments or the dilution of the same with potable sterile water is acceptable, unless prohibited or not recommended by the product manufacturer.

9.7 Inserted Objects - Jewelry

Jewelry shall be Sterilized, free from polishing compounds, free from nicks, scratches, burrs or irregular surface conditions.

Jewelry of 16 Gage girth or thicker shall not have raised external threads or threading.

Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client.

The use of previously worn Jewelry or Jewelry brought into the Body Art Establishment by the Client is prohibited.

Only Jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, American Society for Testing and Material Standards F-136-98, platinum, sterling silver or other materials considered by the Department to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

9.8 Single Use Equipment and Instruments

Equipment, Instruments and supplies intended for single-use shall not be used more than one time. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.

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.

Hollow bore needles or needles with cannula shall not be reused.

9.9 Prohibited Instruments and Materials

No Operator, Body Art Practitioner or other person shall utilize or have available in a Body Art Establishment any:

- (1) Instruments or materials, such as styptic pencils or devices, alum, or any similar material, used to check the flow of blood;
- (2) Liquid sterilants for the attempted sterilization of any re-usable Instrument or component;
- (3) 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;
- (4) Multiple-use Instruments or components that are designed in such a manner that restrict or prevent proper washing, cleaning or Sterilization;
- (5) Drugs, chemicals or agents that require a licensed medical practitioner's authorization for use, application or dispensation;
- (6) Suturing kits or suturing devices, scalpels, biopsy or dermal punches, cauterizing tools or devices, or other tools, devices or instruments used for or in conjunction with any Prohibited Body Art Activity, and not otherwise properly used for any allowed Body Art activity;
- (7) Piercing needles or piercing tapers for the sale or use by one not a Body Art Practitioner; or
- (8) Needles used in the practice of "play piercing," so-called.

X. General Requirements

10.1 Animals

10.2 Smoking, Eating and Drinking - Prohibited

10.3 Disease Transmission

Exposure Incident Report

Injury Report

Record Maintenance

Establishment Maintenance

Bathroom and Plumbing Maintenance

Equipment and Instrument Maintenance

Contaminated Instruments

Instrument Storage

Use of Chemicals and Cleansers

Labeling

Linen Storage and Cleaning

Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units

Hauling

10.1 Animals

- (1) No Body Art Practitioner shall conduct any form of Body Art upon an animal.
- (2) No animal, except one actually serving as a guide animal, signal animal or service animal accompanied by a totally or partially blind person or deaf person or a person whose hearing is impaired or handicapped person, shall be allowed in a Body Art

Establishment. Fish aquariums shall be allowed in the waiting rooms and nonprocedural areas.

10.2 Smoking, Eating and Drinking - Prohibited

No person shall smoke, or otherwise use any form of tobacco, 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.

10.3 Disease Transmission

Except as set forth in these regulations, no Operator, Body Art Practitioner or other person shall commit or permit any act that may expose any Client or person to disease or illness or otherwise contaminate any Instrument or area in a Body Art Establishment.

10.4 Exposure Incident Report

An Exposure Incident Report shall be completed by the close of the business day during which an Exposure has or might have taken place by the involved or knowledgeable Body Art Practitioner for every Exposure incident occurring in the conduct of any Body Art activity.

(2) Each Exposure Incident Report shall contain:

A copy of the Application and Consent Form for Body Art activity completed by any Client or Minor Client involved in the Exposure incident;

A full description of the Exposure incident, including the portion of the body involved therein;

Instrument[s] or other Equipment implicated;

A copy of the Body Art Practitioner License of the involved Body Art Practitioner.

Date and time of Exposure;

A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and

Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

10.5 Injury Reports

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 Department within five working days. A copy of the report should also be forwarded to the injured client within five working days of its occurrence knowledge thereof. The report shall include:

the name of the affected client;

the name and location of the body art establishment involved;

the nature of the injury, infection complication or disease;

the name and address of the affected client's health care provider, if any;

any other information considered relevant to the situation.

10.6 Record Maintenance

Every Operator shall have and retain at the Body Art Establishment for inspection by the Department the following information for the time period specified below, to be updated as needed to remain current. All records must be maintained onsite, unless otherwise indicated:

Exposure Control Plan – one copy of the Exposure Control Plan for the Body Art Establishment submitted to the Department;

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, dates of employment at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;

Body Art Practitioner independent operator (non-employee of the Body Art Establishment) 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 the Body Art Establishment; Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;

Client records [two years] – copies of all Application and Consent forms for Body Art activity, the manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any Dye/Ink or Pigment to be used in the Body Art activity; 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. Client information must be stored onsite for the first year following a procedure and may be stored offsite thereafter so long as it is available to the Department or client upon request;

(e) Waste hauler manifests for Contaminated Waste transport and disposal [three years];

(f) Training records [three years] – documentation to verify training of Exposure Control Plan to all employees and Body Art Practitioner independent operator[s] conducting Body Art activity at such establishment;

(g) Commercial biological monitoring [spore] system test results [three years]; and Body Art Regulation – one copy of the most current version of this Body Art Regulation and any State regulations concerning the practice of Body Art.

(3) Every Operator shall have and retain at the Body Art Establishment for inspection by the Department all Exposure Incident Reports permanently. The disposal or destruction of these reports is prohibited.

10.7 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.

10.8 Bathroom and Plumbing Maintenance

Every bathroom, all plumbing and all plumbing fixtures shall be kept clean, fully operative, and in good repair.

10.9 Equipment and Instrument Maintenance

All Instruments, Equipment and Procedure Surfaces 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, and in good repair and free from Contamination.

All Instruments manufactured for performing any specific Body Art activity shall be so designated, used and approved, and shall not be modified, 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.

10.10 Contaminated Instruments

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.

Prior to Sterilization, every such Instrument shall be thoroughly washed by scrubbing with an appropriate Disinfectant and Hot Water in accordance with manufacturer's instructions so as to remove Contamination and foreign matter.

Upon completion of the washing process as set forth in subsection (2) above, every such Instrument shall be cleaned using an Ultrasonic Cleaning Unit in accordance with manufacturer's instructions.

Upon completion of the cleaning process as set forth in subsection (3) 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.

Upon completion of the packaging process as set forth in subsection (4) above, every such Instrument shall be properly Sterilized by properly Autoclaving in an approved Autoclave or Sterilized in another type of Sterilization Unit according to manufacturer's instructions.

If a package becomes wet, is opened or is otherwise compromised so as to allow the possible Contamination of the contents of the package, any Instrument therein shall be deemed Contaminated and shall again be washed, cleaned, packaged and Sterilized as indicated above prior to use.

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.

Every Sterilized package shall be deemed expired thirty (30) days after the date of Sterilization. Every Instrument therein shall again be washed, cleaned, packaged and Sterilized consistent with the provisions of this section prior to use.

Liquid Sterilants shall not be used for the Sterilization of any reusable Instrument.

10.11 Instrument Storage

All Instruments must be stored in the 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 Department.

10.12 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.

10.13 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.

10.14 Linen Storage and Cleaning

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 Department.

Any other protective clothing, garment or clothe items worn during or used during 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. 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.

10.15 Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units

Every Ultrasonic Cleaning Unit and Autoclave or Sterilization Unit shall be used and maintained according to manufacturer's specifications. Each Ultrasonic Cleaning Unit, Autoclave or other Sterilization Unit shall be emptied and thoroughly cleaned and Disinfected at least once each day that the unit is used.

Every Autoclave or 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 week, to monitor the efficacy of the eradication of all living organisms, including spores, by the Autoclave or other Sterilization Unit.

Biological monitoring [spore] system testing of the Autoclave or other Sterilization Unit shall be performed by an independent commercial testing laboratory contracted by the Operator and/or Body Art Practitioner. A provision shall be included in the contact between the Operator and/or Body Art Practitioner with the commercial testing laboratory requiring the commercial testing facility to notify the Department of any failure of the Autoclave or other Sterilization Unit to eradicate all living organisms, including spores.

10.16 Waste Hauling

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.

All Contaminated Waste in solid form and Sharps shall be disposed of through use of an approved waste hauler in accordance with all applicable state and federal and local laws and regulation. The frequency of disposal shall be determined by the Department, but shall be no less than every 90 days.

XI. Conduct of Body Art

11.1 Workstation Sanitizing

11.2 Hand Washing and Use of Gloves
11.3 Instrument and Equipment Preparation
11.4 Use of Workstation
11.5 Use of Instruments, Supplies and Sharps
11.6 Waste Disposal
11.7 Multiple Body Art Activities

11.1 Workstation Sanitizing

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 water and soap or other appropriate cleaning compound immediately following the conduct of Body Art upon a Client.

The Workstation, including, but not limited to the Client's chair, table, tray, 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.

11.2 Hand Washing and Use of Gloves

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.

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. New, clean, single-use non-latex examination gloves shall be used during the preparation for and the conduct of any Body Art activity upon a Client with a known or a suspected latex allergy.

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.

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.

The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

11.3 Instrument and Equipment Preparation

Every Body Art Practitioner shall use linens, properly cleaned in accordance with this regulation, or new single-use drapes, lap cloths, and aprons for each element of Body Art conducted upon a Client.

Every substance used in the conduct of Body Art shall be dispensed from containers so as to prevent Contamination or the possibility of Contamination of the unused portion. Immediately before tattooing a Client, a sufficient quantity of the ink, dye or pigment to be used shall be transferred from its original bottle or container into sterile, single-use disposable cups, caps or containers.

Upon Sanitization of the Workstation, the Instrument tray shall be covered with an uncontaminated single-use paper towel, tray cover or similar material.

Every Instrument required for the conduct of Body Art upon a Client 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.

Sharps Containers shall be easily accessible to the Body Art Practitioner and located as close as is feasible to the immediate area where the Sharps will be used.

11.4 Use of Workstation

The conduct of Body Art shall occur only under Sterile conditions.

Only the Client, the parent or legal guardian of a Minor Client, a companion of the client, the Body Art Practitioner conducting the Body Art and an assistant or apprentice to the Body Art Practitioner - with the express permission of the Client, shall be permitted in the Workstation during the conduct of Body Art.

11.5 Use of Instruments, Supplies and Sharps

All Instruments used in the conduct of Body Art shall be without Contamination, and shall be properly cleaned, Sanitized and Sterilized in accordance with this Body Art Regulation.

All Instruments and other Equipment or supplies used in the conduct of Body Art that are designed or intended for single-use shall only be used once.

All Sharps shall be properly disposed of immediately following use in a Sharps Container.

All products applied to the skin, including Body Art stencils, shall be single-use and shall be used only once.

Products used in the application of Body Art stencils shall be dispensed and applied to the area of the Client upon which the Body Art activity is to be performed with Sterile gauze or other Sterile applicator so as to prevent Contamination of the container and contents of the product in use. The gauze or other applicator shall be used only once.

Only single-use disposable razors shall be used in the conduct of Body Art activities and such single-use disposable razors shall not be used more than one time.

11.6 Waste Disposal

Disposable items such as gloves, wipes, cotton balls, Q-tips, water cups, rinse cups (used alone or in an ultrasonic cleaning unit), drapes, lap cloths, aprons and other single-use items that have come into contact with any person, Client, Workstation, Instrument trays, counters, towels or linens used for the conduct of Body Art, or have otherwise become Contaminated shall be promptly discarded during or upon completion of the conduct of Body Art into an appropriate waste receptacle in accordance with this Body Art Regulation.

11.7 Multiple Body Art Activities

The following shall be deemed to be 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:

Creating two or more Tattoos on different areas of the body of a single Client;

The use of more than one needle or scalpel during the conduct of Body Art upon a single Client; or

Creating one Tattoo and the use of one needle or scalpel on a single Client.

XII. Prohibited Activities

12.1 Piercing Gun - Use

12.2 Particular Body Piercing Prohibition/Restriction

12.3 Tongue Splitting

12.4 Braiding

12.5 Three Dimensional / Implantation

12.6 Tooth Filing

12.7 Cartilage Notching

12.8 Amputation

12.9 Genital Modification

12.10 Introduction of Saline or Other Liquids

12.1 Piercing Gun

Piercing Gun is prohibited at all times.

12.2 Particular Body Piercing - Prohibition/Restriction

The following Body Piercings are hereby prohibited:

- (a) Piercing of the Uvula.
- (b) Piercing of the tracheal area.
- (c) Piercing of the neck.
- (d) Piercing of the ankle.
- (e) Piercing between the ribs or vertebrae.
- (f) Piercing of the web area of the hand or foot.
- (g) Piercing of the lingual frenum (tongue web).
- (h) Piercing of the clitoris.
- (i) Any form of chest or deep muscle piercing - excluding piercing the nipple.
- (j) Piercing of the anus.
- (k) Piercing of an eyelid, whether the top or bottom.
- (l) The form of Body Piercing known as "pocketing."
- (m) Piercing of the gums.
- (n) Piercing or skewering of a testicle.
- (o) So-called "deep" piercing of the penis - meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone.
- (p) So-called "deep" piercing of the scrotum - meaning piercing through the scrotum, or "trans-scrotal" piercing.
- (q) So-called "deep" piercing of the vagina - to include, but not limited to - so-called "triangles."

12.3 Tongue Splitting

The cutting, splitting or other bifurcation of the tongue is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

12.4 Braiding

The Braiding of the skin is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

12.5 Three Dimensional / Implantation

Three Dimensional Body Art, including “beading,” and implantation is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

12.6 Tooth Filing / Fracturing / Removal

The filing or shaping or the intentional fracturing or extraction of a tooth is hereby prohibited unless performed by a dentist licensed by the Commonwealth of Massachusetts.

12.7 Cartilage Modification

The cutting, notching, sculpting or other modification of cartilage is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

12.8 Amputation

The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

12.9 Genital Modification

Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female nullification or other surgical means is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.

12.10 Introduction of Saline or Other Liquids

The introduction of saline solution or other liquid or semi-liquid substance into the body of another for the purpose of causing a modification of the body is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

XIII. Enforcement of Body Art Regulation

13.1 Variance Provision

13.2 Variance Request - Procedure

13.3 Variance - Qualification, Expiration, Revocation, Modification, Suspension

13.4 Violation by a Body Art Practitioner

13.5 Violation by an Operator or in a Body Art Establishment

13.6 Failure to Comply with Orders of Department

13.7 Right to a Hearing

Criminal Prosecution

Fine for Violation - Separate Offense

Non-Criminal Disposition

Severability

Administration and Enforcement

13.1 Variance Provision

A variance may be granted from a particular section or provision of this Body Art Regulation by the Department with respect to a particular case only when, in the sole discretion of the Commissioner of Health and Hospitals:

the enforcement of the subject section or provision would do manifest injustice, and the applicant for a Body Art Practitioner License or Body Art Establishment Permit, as the case may be, has proved to the satisfaction of the Commissioner of Health and Hospitals that the same or greater degree of protection required under this Body Art Regulation can be achieved without the strict application or enforcement of the subject section or provision.

13.2 Variance Request - Procedure

Every request for a variance pursuant to section 13.1 of this Body Art Regulation shall be made in writing to the Commissioner of Health and Hospitals and shall state the specific section or provision from which variance is sought and the need for it.

Every variance granted by the Commissioner of Health and Hospitals shall be in writing and the original of the variance document shall be posted, in the case of a variance relating to a Body Art Practitioner License, with the posting of the Body Art Practitioner License as required by section 5.10 and in the case of a variance relating to a Body Art Establishment Permit, with the posting of the Body Art Establishment Permit as required by section 8.17.

A copy of all variance documents issued by the Department shall be held on file in the office of the Clerk of the City of Cambridge or in the offices of the Department.

A variance document issued by the Department shall contain information so as to reasonably inform the public of the nature of the variance, the need therefore, the specific section or provision of this Body Art Regulation from which variance was granted and the name of the subject Body Art Practitioner or Body Art Establishment.

Information advising as to whether the subject variance is unlimited in time or duration or has a fixed expiration date shall be detailed in all variance documents issued by the Department.

13.3 Variance - Qualification, Expiration, Revocation, Modification, Suspension

Any variance granted by the Commissioner of Health and Hospitals pursuant to section 13.1 of this Body Art Regulation may be subject to such condition qualification, expiration, revocation, modification or suspension as the Commissioner of Health and Hospitals, in his or her sole discretion, shall deem appropriate.

13.4 Violation by a Body Art Practitioner

A Body Art Practitioner License shall be suspended by the Department immediately upon written notice of such suspension to the subject Body Art Practitioner when, in his or her sole discretion, the Commissioner of Health and Hospitals, has reason to believe that, due to a condition or practice of the subject Body Art Practitioner, an imminent threat to the public health and/or welfare exists.

When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Commissioner of Health and Hospitals, the Commissioner of Health and Hospitals may terminate the suspension of the Body Art Practitioner License of the subject Body Art Practitioner and reinstate the same upon written notice to the subject Body Art Practitioner and the Body Art Practitioner License of such Body Art Practitioner shall remain in full force and effect

until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof by the Commissioner of Health and Hospitals.

In all other instances of a violation of this Body Art Regulation by a Body Art Practitioner, the Department shall serve upon the subject Body Art Practitioner a written order of notice detailing the condition, event or practice determined by the Commissioner of Health and Hospitals to be in violation of this Body Art Regulation and such written order of notice shall instruct the Body Art Practitioner that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Commissioner of Health and Hospitals.

Should a Body Art Practitioner, subject to an order of notice pursuant to section 13.4 (3) fail to abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Commissioner of Health and Hospitals may suspend, terminate, revoke or modify the License held by such Body Art Practitioner, subject to the hearing provisions of Section 13.7.

13.5 Violation by an Operator or in a Body Art Establishment

A Body Art Establishment Permit shall be suspended by the Department immediately upon written notice of such suspension to the subject Operator when, in the sole discretion of the Commissioner of Health and Hospitals, due to a condition of or practice in the Body Art Establishment, the Commissioner of Health and Hospitals has reason to believe that an imminent threat to the public health and/or welfare exists.

When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Commissioner of Health and Hospitals, the Commissioner of Health and Hospitals may terminate the suspension of the Body Art Establishment Permit of the subject Operator and reinstate the same upon written notice to the subject Operator and the Body Art Establishment Permit of such Body Art Establishment shall remain in full force an effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof by the Commissioner of Health and Hospitals.

In all other instances of a violation of this Body Art Regulation by an Operator or in a Body Art Establishment, the Department shall serve upon the subject Operator written order of notice detailing the condition, event or practice determined by the Commissioner of Health and Hospitals to be in violation of this Body Art Regulation and such order of notice shall instruct the Operator that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Commissioner of Health and Hospitals.

Should an Operator, subject to an order of notice pursuant to section 13.5 (3) fail to abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Commissioner of Health and Hospitals may suspend, terminate, revoke or modify the Body Art Establishment Permit held by such Operator, subject to the hearing provisions of Section 13.7.

13.6 Failure to Comply with Orders of the Department

Whenever a Body Art Practitioner or Operator has failed, to the satisfaction of the Department, to comply with an order of notice issued by the Department pursuant to the provisions of this Body Art Regulation, the Commissioner of Health and Hospitals may suspend the Body Art Practitioner License of the subject Body Art Practitioner or the Body Art Establishment Permit of the subject Operator until such time as the subject

Body Art Practitioner or Operation has complied with the order of notice to the satisfaction of the Department.

13.7 Right to a Hearing

No license or permit granted under these regulations, whether for the individual practitioners or for the establishments may be suspended or revoked without a hearing except in cases of emergency or where a substantial risk to the public health exists as determined by the Commissioner. In such cases, a hearing will be conducted within a reasonable time after the suspension has taken place.

Prior to a hearing on the license suspension or revocation, the licensee shall be notified in writing of the proposed action and hearing, including the date, time and location of the hearing.

At the hearing the petitioner shall be given an opportunity to be heard. After the hearing, the Commissioner shall notify the licensee in writing of the decision.

13.8 Criminal Prosecution

The Department 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.

13.9 Fine for Violation - Each Day a Separate Offense

The fine for a violation of any provision of this Body Art Regulation shall not exceed \$300 per offense. Each day that a violation continues shall be deemed to be a separate offense.

13.10 Non-Criminal Disposition

In accordance with Massachusetts General Law chapter 40, section 21D, and section 1.24.030 of the Cambridge Municipal Code, as amended from time to time, at the discretion of the Department, whoever violates any provision of this Body Art Regulation, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws chapter 40 section 21D. The enforcing persons shall be the Commissioner of Health and Hospitals and any member of his/her staff.

13.11 Severability

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

13.12 Administration and Enforcement

This Body Art Regulation shall be administered and enforced by the Commissioner of Health and Hospitals of the City of Cambridge established pursuant to Massachusetts General Law chapter 111 section 26B.

Promulgated July 1, 2003

Dennis Keefe, Commissioner