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WHEREAS, [xyz]

WHEREAS, [xyz]

WHEREAS, [xyz]

WHEREAS, [xyz]

NOW THEREFORE, the Commissioner of Public Health for the City of Cambridge ("Commissioner") promulgates the following regulation to protect the health of Cambridge residents, workers, students, and visitors.

Section 1. Purpose

The purpose of this regulation is to protect the public health of Cambridge residents, workers, students, and visitors while promoting the healthy and safe practice of body art services through regulation of body art practitioners and establishments.

Cambridge
Public Health
Department

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION OF BODY ART

Section 2. Authority

This regulation is adopted under the authority of M.G.L, c.111 §31 and §122, Chapter 147 of the Acts of 1996 (also codified as M.G.L. c. 111 App. §3-8) and pursuant to any other authority conferred by state or local laws on the Commissioner. Pursuant to this authority, the Commissioner may designate one or more persons to assist the Commissioner to carry out their role in the administration and enforcement of this Regulation.

Section 3. Definitions

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

3.1 ADULT shall mean an individual who is 18 years or older.

3.2 AFTERCARE INSTRUCTIONS shall mean written instructions, approved by the Department, specific to the body art procedure(s) rendered, and given to the client about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

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

3.4 APPRENTICE shall mean a person who has not met all requirements for full licensure in a trade, but is employed to learn that occupation or profession and is registered with a sponsor in an approved apprenticeship program.

3.5 Aseptic Technique shall mean a preventative, barrier-based approach to infection control that combines hygiene, sterile equipment, and environmental controls to safeguard public health during tattooing, piercing, and other body art procedures.

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

3.7 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.

3.8 BIOCOMPATIBLE shall mean the ability of an object to be inserted into a person without eliciting any undesirable local or systemic effects in that person.

3.9 BLOODBORNE PATHOGEN shall mean pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV) [Occupational Safety and Health Administration [OSHA] definition 29cfr 1910.1030(b)].

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

3.11 BODY ART ESTABLISHMENT (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.

3.12 BODY ART ESTABLISHMENT PERMIT shall mean a Permit issued by the Department to a Body Art Establishment qualified to engage in the practice of Body Art in accordance with this Body Art Regulation.

3.13 BODY ART REGULATION shall mean the Rules and Regulations promulgated by the Department for the purpose of governing the practice of Body Art.

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

3.15 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.

3.16 BODY PIERCING shall mean any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

3.17 BRANDING shall mean the process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.

3.18 CLEANING AREA shall mean a room or enclosed area, set apart and used only to clean, decontaminate, and sterilize instruments. This room must be enclosed, not open to the public, and used only for cleaning, sterilization, and related tasks.

3.19 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.

3.20 COMMUNICABLE DISEASES shall mean any infectious diseases that can be transmitted from one person to another through direct or indirect contact, bodily fluids, or environmental exposure.

3.21 CONTAMINATED or CONTAMINATION shall mean the presence or the reasonably anticipated presence of blood, bodily fluids, or other potentially infectious materials on an item or surface.

3.22 CONTAMINATED WASTE shall mean any solid or liquid waste that can present a threat of infection to humans, including body tissue, blood and bodily fluids, wastes that contain blood or other potentially infectious material (OPIM); 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.

3.23 CUSTOMER OR CLIENT shall mean an individual upon whom a body artist performs, intends to perform, or has performed, a body art procedure.

3.24 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.

3.25 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.

3.26 DISINFECT shall mean the destruction of pathogenic and other kinds of microorganisms using a Disinfectant.

3.27 DISINFECTANT shall mean a product that is tuberculocidal and registered by the U.S. Environmental Protection Agency for use in the destruction of pathogenic microorganisms, as indicated on the label for use in disinfection.

3.28 EAR LOBE PIERCING shall mean the puncturing of the lower portion of the exterior ear, or lobe of the ear, located below the helix of the ear.

3.29 EQUIPMENT shall mean all machinery, containers, vessels, tools, devices, implements, furniture, storage areas, and sinks that are used in conjunction with the storage or application of

body art by a body artist, or used within the sterilization/decontamination and disinfection processes

3.30 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.

3.31 EXPOSURE CONTROL PLAN shall mean a plan drafted by an Establishment pursuant to the requirements of the U.S. Occupational Safety and Health Administration to eliminate or minimize the potential for an Exposure.

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

3.33 GLOVES shall mean medical grade or exam grade, sterile or nonsterile, disposable, single-use, fullhand coverings worn for protection against disease transmission.

3.34 HAND SINK shall mean a sink supplied with hot and cold potable water under pressure, which is used solely for washing hands, arms, or prosthetics.

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

3.36 IDENTIFICATION shall mean a government-issued ID card with name, photo, and birthdate.

3.37 INFECTIOUS MATERIAL Shall means a material known or reasonably expected to contain a pathogen. A pathogen is a microorganism (including bacteria, viruses, parasites, and fungi) or other agent, such as a proteinaceous infectious particle (prion) that can cause disease in humans or animals. These materials also include bodily fluids, clinical waste, and biological cultures that can transmit these pathogens.

3.38 INFORMED CONSENT AND MEDICAL RELEASE FORM shall mean a form signed by a client prior to a body art procedure to confirm that he or she agrees to the procedure and is aware of any risks that might be involved.

3.39 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.

3.40 INSTRUMENT or INSTRUMENT USED FOR BODY ART shall mean handpieces, needles, needle bars, forceps, and other tools that could come in contact with a client's body or

could be exposed to bodily fluids during body art procedures.

3.41 INSPECTION shall mean a careful examination, exploration, or evaluation of the body art establishment and the body artist by the Department in compliance with this document.

3.42 JEWELRY shall mean any biocompatible object that is worn through a body piercing.

3.43 LICENSE (PERMIT) shall mean written approval by the Department to operate a body art establishment or to perform body art. Approval is given in accordance with this Body Art Regulation and in addition to any other local, state, or federal requirements.

3.44 LICENSEE (PERMIT HOLDER) shall mean an individual or entity granted the license under state and local ordinance.

3.45 MAINTENANCE shall mean repairs and upkeep of equipment as recommended by the manufacturer.

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

3.47 MOBILE BODY ART ESTABLISHMENT shall mean any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, or movable structure, whereat one desires to or actually does conduct Body Art procedures, excepting only a Licensed Body Art Establishment. Such mobile establishments are prohibited by these regulations.

3.48 MUNICIPAL SOLID WASTE shall mean common trash or garbage that does not meet the definition of contaminated waste.

3.49 NON-CRITICAL VIOLATIONS shall mean those items that are not likely to cause an imminent health danger to the public and/or the practitioner.

3.50 OPERATOR means any person who controls any interest in, operates, or manages a body art establishment and who is responsible for compliance with these regulations, whether or not actually performing body art activities.

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

3.52 PERMANENT COSMETICS shall mean a tattoo, whether permanent, semipermanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips, and other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. This term includes any procedures whether referred to as,

but not limited to, “permanent makeup,” “microdermapigmentation,” “micropigment implantation,” “microblading,” “micro-needling with the use of pigment,” “dermagraphics,” “cosmetic tattooing,” or any other similar procedures and for the purpose of this Body Art Regulations has the same meaning as “tattoo.”

3.53 PERSONNEL shall mean employees, body artists, visiting body artists, contracted body artists, and agents of the body art facility, whether or not actually performing body art activities.

3.54 PERSONAL JEWELRY shall mean any adornment worn on the finger, hand, or wrist, such as bracelets or rings, which are not intended to be worn with a body piercing.

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

3.56 PIERCING GUN shall mean a handheld, spring-loaded tool used to pierce soft tissue (typically earlobes) by using pressure to force a sharp, pointed starter stud directly through the skin.

3.57 PROCEDURE shall mean the act of performing body art.

3.58 PROCEDURE SURFACE shall mean a room, or portion of a room, or any surface of an inanimate object that is designated to be used only to perform body art.

3.59 PROCEDURE SITE shall mean the area or location on the client’s body selected for the placement of body art.

3.60 PRIVACY BARRIERS shall mean a physical or structural feature designed to protect the client’s personal space and maintain confidentiality during the performance of body art procedure.

3.61 PROHIBITED FORMS OF BODY ART shall refer to those forms of Body Art prohibited under this Body Art Regulation and set forth in Section 6 hereof.

3.62 SAFETY DATA SHEET shall mean a document for any potentially harmful chemical that includes information such as the properties of each chemical; the physical hazards, health hazards, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical [as per The Hazard Communication Standard (29 CFR 1910.1200(g))].

3.63 SANITIZE shall mean the process of reducing the number of microorganisms on a surface to a safe level using a Disinfectant.

3.64 SCARIFICATION shall mean the process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.

3.65 SHARPS shall mean any objects that can purposely or accidentally cut or penetrate the skin or mucosa, including but not limited to presterilized, single-use needles; scalpel blades; and razor blades.

3.66 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.

3.67 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.

3.68 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.

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

3.70 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.

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

3.72 TATTOO INKS/PIGMENTS/DYES or INKS/PIGMENTS/DYES shall mean the metal or salt-based substance that is specifically manufactured for performing body art procedures and injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

3.73 TEMPORARY BODY ART ESTABLISHMENT shall mean any location, place, facility or business, whereby an operator has been granted a permit to practice body art by the Department for no more than a period of seven consecutive days. The term Temporary Body Art Establishment does not include a Mobile Body Art Establishment.

3.74 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.

3.75 UNIVERSAL PRECAUTIONS or STANDARD PRECAUTIONS shall mean a set of infection control practices used to prevent transmission of diseases that can be acquired by contact with blood, body fluids, nonintact skin (including rashes), and mucous membranes. 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.

3.76 WORKSTATION shall mean an area within a Body Art Facility designated for use in the conduct of Body Art activities. The workstation includes but is not limited to the client chair or table, counter, mayo stand, instrument tray, storage drawer, and practitioner's chair.

Section 4. Required Licenses, Permits, and Registrations

4.1 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 or Apprentice Body Art License issued by the Department pursuant to this Body Art Regulation.

4.2 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.

4.3 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.

4.4 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.

4.5 Consent to Comply with Body Art Regulations

An applicant for a Body Art Practitioner License or Body Art Establishment Permit shall sign a statement provided by the Department consenting to and agreeing to abide by all of the provisions of this Body Art Regulation, including all rules and guidelines promulgated by the Department.

Section 5. Exemptions

5.1 Physicians

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION OF BODY ART

Physicians licensed in accordance with MGL c 112 S2 or dentists registered with the Board of Registration in Dentistry who perform body art procedures as part of patient treatment are exempt from these regulations so long as such Body Art activities are performed in a medically acceptable manner.

Section 6. Prohibited Activities

- It is prohibited to operate as a body art establishment or body artist without first obtaining all necessary licenses and approvals from the Department.
- It is prohibited to obtain or attempt to obtain any Body Art Establishment or Body Art Practitioner license by means of fraud, misrepresentation, or concealment.
- It is prohibited to perform body art in a Mobile Body Art Establishment, or any location not permitted as a Body Art Establishment.
- It is prohibited to perform body art while under the influence of alcohol or drugs.
- It is prohibited to perform body art on a person who, at the discretion of the artist, is visibly impaired or under the influence of alcohol or other drugs.
- Videotaping, photographing, or other recording, to include but not limited to live social media streaming, of body art, whether during or after the procedure, is prohibited without the Client's consent. If the Client is a Minor, consent from the Parent or Legal Guardian is also required.
- Convicted sex offenders shall not be permitted to practice as body artists without the supervision of another worker.
- The use of a Piercing Gun is prohibited at all times.
- It is prohibited to use potable water for the dilution of inks or pigments. Only distilled or sterile water, or dilutants manufactured specifically for the purpose of performing Body Art, may be used for these purposes.

6.1 Age Restrictions

- It is prohibited to perform tattoos or micropigmentation/permanent cosmetics on clients under the age of 18, even with parental consent.
- It is prohibited to pierce a Minor Client under the age of 14 except for piercing of the ear lobe with written consent, given in person, by the client's parent or legal guardian.
- Piercing of a Minor Client between the ages of 14 and 17 may only be performed with the written consent, given in person, by the client's parent or legal guardian except that piercings of the genitals or nipples are prohibited.
- Body art practices on clients ages 18 and older are limited by the list of specific prohibited practices detailed in Section 6.

6.2 Restriction of Certain Body Art Activities

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION OF BODY ART

The following practices may not be performed under the authority of a body artist practitioner license as they are medical procedures to be done by a professional licensed by the Board of Registration in Medicine, Massachusetts Department of Public Health, or other regulatory body.

1. Subdermal (fully under the skin) and transdermal implants other than so-called microdermal implants with a base or anchor size less than 10mm performed using a single needle or dermal punch (prohibited as medical because it involves 'cutting into tissue')
2. Tongue splitting (cutting into tissue)
3. Braiding (involves extensive cutting into tissue)
4. Amputations (cutting/removal of tissue/digits)
5. Tooth filing (dental practice)
6. Piercing or cutting of the lingual frenum (tongue web)
7. Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female nullification or other surgical means.
8. Cartilage notching (cutting tissue)
9. Introduction of saline or other liquids
10. Laser tattoo removal unless registered with the Massachusetts Radiation Control Program and a Laser Safety Officer has been designated.
11. Coloring or other modification of the eyes
12. Piercings below the dermal layer that involve muscle or other tissues/organs
13. No body art practitioner shall conduct any form of body art upon an animal.

6.3 Other Prohibited Body Art Practices

The following practices may not be practiced by body artists under any circumstances due to the acute risk to health associated with said practices.

(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.
(h) Piercing of the clitoris.
(i) Any form of chest or deep muscle piercing - excluding piercing the nipple.
(j) Piercing of the anus.
(k) Branding
(l) Scarification

Section 7. Body Art Practitioner Requirements and Professional Standards

7.1 Sterile Conditions

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

7.2 Minimum Age

Body Art Practitioners must be a minimum of 18 years of age.

7.3 Licensed Establishment

It is unlawful for any person to perform body art procedures unless such procedures are performed in a Body Art Establishment with a current active Body Art Establishment permit.

7.4 Hygiene

Every body art practitioner shall maintain a high degree of personal cleanliness and conform to hygienic practices. Body Art Practitioners must maintain hair, skin, and clean clothes that are free of visible particulate matter and debris. 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. The body artist must keep fingernails short with smooth, filed edges to allow thorough cleaning and prevent glove tears. Body Artists with long hair must have hair tied back during Body Art activities. Body Artists must wear close toed shoes while performing Body Art.

7.5 Personal Care

Body Art Practitioners must be free of any open wound that cannot be covered, any visible rash or lesion, visible infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedure.

7.6 Personal Jewelry

Except for a plain ring such as a wedding band and medical information jewelry, wearing Personal Jewelry on fingers, hands, and wrists while performing a body art procedure is prohibited.

7.7 Proper Hand Washing Procedure

Before performing body art procedures, Body Art Practitioners must thoroughly wash their hands in a hand washing sink as specified under Section 14.2 and according to the hand washing procedure below. If a surrogate prosthetic device is being worn, manufacturer recommendations for washing shall be followed.

1. Remove all jewelry on fingers, hands, and wrists.
2. Turn on warm water, wet hands, and apply soap.
3. Rubbing hands together, make a soapy lather.
4. Including all fingers, wash fingers, between fingers, thumbs, nails, cuticles, wrists, palm to palm, and the top of hands for at least 20 seconds per CDC hand washing guidelines.
5. Rinse hands with fingers pointed up toward the faucet and rinse down to wrists.
6. Dry with a clean disposable towel.
7. Use a new clean disposable towel to turn off the handles of the sink.

This shall be done as often as necessary to remove contaminants.

7.8 Eating & Drinking

Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure or for administration of medical aid. No food or beverage may be placed or stored in the procedure area where body art equipment (inks, tattoo machine, piercing needles, etc.) are placed for use during the procedure. Gloves must be changed after providing food or beverage to a client.

7.9 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. No Body Art Practitioner shall conduct any form of Body Art activity on a client who is under the influence of alcohol or drugs.

7.10 Incident Report

An Incident Report shall be completed by an involved or knowledgeable Body Art Practitioner by the close of the business day during which an exposure, injury, or infection has or might have taken place in the conduct of any Body Art activity or the day on which an injury or infection from previous body art is reported to the establishment. These reports must be kept on-site, within the Body Art Establishment, per Section 13.2 of this Body Art Regulation. A copy of the Incident Report must be forwarded by the Establishment Operator to the Department with a copy to the involved client(s) within five (5) business days of the occurrence or knowledge thereof.

1. Each Incident Report shall contain:
    a. A copy of the Consent Form for Body Art activity completed by any Client or Minor Client involved in the Exposure incident;
    b. A full description of the Exposure incident, including the portion of the body involved therein;
    c. Instrument[s] or other Equipment implicated, including types/colors/brands/lot numbers of inks used in the case of tattoos;
    d. A copy of the Body Art Practitioner License of the involved Body Art Practitioner;
    e. Date and time of Exposure;
    f. A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and
    g. Name, address, and contact information for the client's healthcare provider, if any.

Section 8. Jewelry Standards

8.1 Jewelry Standards

All jewelry used for initial piercings must meet the following standards:

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

2. Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client.
3. Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs or irregular surface conditions.
4. Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.
5. All threaded or press-fit jewelry must have internal tapping (no threads on exterior of posts and barbells).
6. All jewelry used for initial piercing on people older than 14 years must be ASTM F2999 compliant.
7. All jewelry used for initial piercing on people 14 and younger must be ASTM F2923 compliant.
8. All jewelry provided or sold must have a mill certificate indicating ASTM or ISO compliance.

8.2 Jewelry Materials

All jewelry material provided or sold must meet the following standards:

1. Any and all materials that meet the American Society for Testing and Materials (ASTM) and/or the International Organization for Standardization (ISO) standards for implantation. Examples of these include but are not limited to:
    a. Steel that is ASTM F138 compliant or ISO 5832-1 compliant,
    b. Steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant,
    c. Unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant,
    d. Alloyed titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant,
    e. Alloyed titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832-11 compliant,
    f. Any polymer or plastic material that is ISO 10993-6, 10993-10, and/or 10993- 11 compliant and/or meets the U.S. Pharmacopeia (USP) Class VI classification. This includes but is not limited to polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
2. Solid 14-karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Gold jewelry used for the initial piercing may not be:
    a. Plated, unless using materials approved by this standard over solid 14-karat or higher yellow, white, or rose gold that is nickel and cadmium free,
    b. Gold filled, or
    c. Gold overlay/vermeil.
3. Solid unalloyed or alloyed platinum that is nickel free and cadmium free.
4. Unalloyed niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
    a. Commercial grade 2 niobium and

   b. Commercial grade 4 niobium that contains 1% zirconium.
5. Glass that is lead free. This includes but is not limited to:
   a. Fused quartz,
   b. Borosilicate, and
   c. Soda-lime.

Section 9. Disinfection and Sterilization Procedures

9.1 Surface Requirements

All surfaces used in the body art procedure must be smooth; free of nicks, cuts, and tears; easily cleanable; and nonporous. Surfaces must be cleaned and then disinfected with an EPA registered tuberculocidal disinfectant prior to and after the body art procedure.

9.2 Barriers

All surfaces of equipment and furnishings that come into contact with the body artist during a body art procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each client.

9.3 Proper Equipment Usage

All equipment used to clean and sterilize body art materials and reusable instruments must be suitable for their intended use. The equipment and devices must be used, cleaned, and maintained according to the manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the equipment must be available for inspection by the Department when available from the supplier.

9.4 Personal Protective Equipment

When participating in any disinfection or sterilization procedures, individuals must wear personal protective equipment (PPE) that will provide adequate protection to exposure, or potential exposure, to blood and other potentially infectious materials (OPIM).

9.5 Instrument Reuse

All reusable instruments are to be decontaminated and sterilized after each use in the sterilization room or sterilization area.

9.6 Reusable Instrument Sterilization

After being cleaned using an ultrasonic cleaner, all reusable instruments used for body art must be sterilized by one of the below methods:

1. Contained in sterilization packaging and subsequently sterilized, with the date and cycle number noted on packaging or indicator strips.
   a. This information must match up with the sterilization log.
   b. All sterilization packaging must have a color-changing chemical indicator.
2. Unwrapped and subsequently sterilized, stored, and sterilized again immediately prior to use.

3. Afterward, sterilized instruments must be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments.

All non-disposable instruments used for body art, including all reusable solid core needles, pins and styles, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic cleaning unit operated in accordance with the manufacturer's instructions.

9.7 Sterilization Room/Autoclave Requirements

An autoclave, ultrasonic cleaner, and sterilization room or sterilization area is not required if the body art establishment uses only pre-sterilized disposable instruments, pre-sterilized body art materials, and presterilized equipment. Ultrasonic cleaners and autoclaves must be labeled with the International Biohazard Symbol.

If there is an autoclave, the establishment shall have a separate cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum distance of 36 inches from the required ultrasonic cleaning unit.

The type of autoclave a body artist must use is an FDA approved Class B or Class S autoclave.

The autoclave and ultrasonic cleaner shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board of Health. Autoclaves shall be located away from workstations or areas frequented by the public, separated by solid walls extending from the floor to the minimum of either the ceiling height or eight (8) feet.

9.8 Instrument Storage

All instruments used for body art procedures must remain stored a) in sterile packages and marked with the cycle number until just prior to a body art procedure, or b) cleanly in containers and ready for sterilization immediately prior to the procedure.

9.9 Sterile Instrument Packaging

Sterile instruments and body art materials must not be used if the package has been compromised. Sterile instruments and body art materials must not be used after the expiration date without first reprocessing and resterilizing. Body art instruments and materials must be disposed of in an appropriate container.

9.10 Autoclave Spore Testing

Each holder of a license to operate a body art establishment must demonstrate that the autoclave used is capable of attaining sterilization by monthly biological monitoring (spore testing). These tests must be verified by an independent laboratory. The license must not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Department. These test records should be retained for a minimum of three years. Records must be kept on the

premises for a minimum of one year. All three years of records must be available to the Department upon request. The most recent test must be made available to the public upon request.

Body artists should use Class 5 Integrating Indicators (or Class 6) inside every sterilization pouch to confirm that time, temperature, and steam pressure reached necessary levels, mimicking biological spore tests. Combined with daily external process indicators (tape) and weekly biological tests, this ensures compliance with safety standards (ISO 11140-1) and provides immediate, accurate, and reliable sterilization monitoring .

9.11 Procedure for Positive Spore Test

The body art facility must follow the procedure outlined below for responding to a positive spore test if the mechanical (e.g., time, temperature, pressure) and chemical (internal or external) indicators suggest that the autoclave is functioning properly. A single positive spore test result likely does not indicate autoclave malfunction. However, the autoclave should be removed from service and sterilization operating procedures reviewed to determine if operator error could be responsible.

1. In the sterilization log, document procedures taken to remedy the situation.
2. Remove the autoclave from service and review sterilization procedures (e.g., work practices and use of mechanical and chemical indicators) to determine whether operator error could be responsible for the positive spore test.
3. Recall, to the extent possible, and reprocess all items processed since the last negative spore test in a separate autoclave that has negative spore test results.
4. Retest the autoclave by using spore tests, mechanical, and chemical indicators after correcting any identified procedural problems.
5. If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the autoclave back in service.
6. The following are required if the repeat spore test is positive:
    a. Do not use the autoclave until it has been inspected or repaired and the exact reason for the positive test has been determined. This work should be done by a factory authorized service professional, who is certified to repair and maintain the specific autoclave that is being worked on.
    b. An autoclave shall pass a spore test before being put back into service after repairing or relocating.
7. Maintain sterilization records (i.e., sterilization cycles, maintenance, and spore tests) in accordance with this Regulation.

Section 10. Preparation and Care of the Procedure Site

10.1 Skin Health

Any surface of the skin or mucosa to receive a body art procedure must be intact and free from suspected abnormalities of the skin or mucosa such as, but not limited to, suspected rash, visible

infection, sunburn. Clients with inflammatory skin conditions or other conditions such as scars, stretch marks, or bruising, must be advised of the additional risk associated with the procedure.

10.2 Glove Usage

1. Prior to, during, and after a body art procedure, the body artist must wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated. This includes but is not limited to:
    a. When setting up the procedure area. This setup includes touching containers, ink bottles, barrier films, exteriors of sterile packaging, and while assembling tattoo machines and needles.
    b. When prepping skin, applying stencils, or drawing designs on the skin.
    c. Once the procedure is completed, cleaning, applying aftercare, or bandaging to the procedure site.
    d. When tearing down and disinfecting the procedure area.
2. The body artist shall wear gloves when coming into contact with the client while preparing for or performing the procedure. The gloves shall be immediately discarded and the body artist's hands must be washed after the completion of each procedure, and/or when gloves worn for procedures are torn, punctured, or otherwise compromised, or at any other time when necessary to prevent cross-contamination.

10.3 Antiseptic Use

Before a body art procedure is performed, the procedure site must be prepped with an antiseptic in accordance with the manufacturer's instructions.

10.4 Shaving

If shaving is necessary, it must be done before skin prep, and a single-use disposable razor must be used. After use, razors must be placed immediately into a sharps container.

10.5 Bleeding

In the event of bleeding, all products used to stop the flow of blood or to absorb blood must be a clean, sanitary, single-use item that is disposed of immediately after use in appropriate covered containers.

10.6 Single-Use Items

Any single-use items that contact the client must meet the requirements outlined in Section 12.

10.7 Product Disposal

Any products portioned out for the client must be discarded upon completion of the body art procedure.

Section 11. Informed Consent and Medical Release Forms

11.1 Consent Form Requirement

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION OF BODY ART

Every Client must complete a consent and medical release form(s) approved by the Department prior to having any Body Art activity performed upon or to their body. These forms must be in written and/or digital format. A physical and/or digital copy of this form(s) must be offered to the client.

11.2 General Information

Every consent form, required by Section 11.1 of this Body Art Regulation, shall contain a minimum of the following:

1. General information regarding Body Art that includes, at a minimum, the following statements:
    a. Tattoos should be considered permanent; and
    b. 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 / Permanent Makeup is performed the following must also be included:
    a. "Micropigmentation / Permanent Makeup is a form of tattooing and should be considered as such for the purposes of this consent form."

11.3 Risk Notification

1. A risk notification section that provides information detailing the risks and possible consequences of a body art procedure and must include (but is not limited to) the following statements:
    a. "Body art can cause swelling, bruising, discomfort, bleeding, and pain."
    b. "Body art can cause allergic reactions."
    b. "Body art can cause irreversible changes to the human body."
    c. "Body art has a risk of infection."

11.4 Client Evaluation and Medical Release

A client evaluation section that asks the following questions to evaluate the client's condition for receiving body art. 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.

1. This section must include the following statement: "Consult a physician prior to the procedure if you have any concerns about any of the questions below:"
    a. Have you eaten within the past 4 hours?
    b. Are you under the influence of drugs or alcohol?
    c. Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (aspirin, ibuprofen, etc.) in the last 24 hours?
    d. Have you ingested any medication that can inhibit the ability to heal a skin wound?
    e. Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?
    f. Do you have hemophilia or any other bleeding or blood clotting disorders that could interfere with the body art procedure?

g. Do you have epilepsy, a history of seizure, fainting, narcolepsy, or other conditions that could interfere with the body art procedure?
h. Do you have a history of any diseases, including skin diseases, that might inhibit the healing of the body art procedure?
i. Do you have any communicable diseases that could be transferred to another person during the procedure?
j. Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that could interfere with the body art procedure?
k. Do you have a history of keloid scarring?
l. Are you or have you been pregnant within the last 3 months?

2. Client information, including:
    a. Name;
    b. Date of Birth;
    c. A brief description of the Body Art activity to be performed.
    d. 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;
    d. The phone number of the Department and instructions to direct Clients to contact the Department with any questions or concerns regarding safety, sanitization, or sterilization procedures;
    e. The name of the Body Art Practitioner who is to conduct the Body Art and that Practitioner's Department license number;
    f. Signature of Client (Must be the Signature of a Parent or Legal Guardian if the Client is a Minor);
    g. Copy of the valid government-issued photo ID of the client or parent/guardian of a minor client.
3. Additional Information for Minor Clients
    a. In the case of a Minor Client, the following information must be recorded: 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.
    b. The Parent or Legal Guardian must present identification to the Body Art Practitioner.
    c. The Parent or Legal Guardian must be present in the procedure area at the time of the procedure.
    d. Consent of the Parent or Legal Guardian to the conduct of the contemplated Body Art activity upon the Minor Client must be documented.
    e. The signature of the Minor Client's Parent or Legal Guardian must also be recorded.
4. Procedure Information
    a. Date of body art procedure;

b. Manufacture model/batch number of inks or jewelry used as applicable;
c. The signature of Body Art Practitioner;
d. The date(s) of all signature(s).

11.5 Informed Consent

An informed consent statement, including a signature obtained from the customer, must confirm at a minimum that the Client:

1. Is voluntarily obtaining services of their own free will and volition;
2. Has had the opportunity to read and understand the document;
3. Has had the opportunity to ask questions about the procedure, and;
4. Has received and understands written and verbal aftercare instructions.

11.6 Aftercare Instructions

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

11.7 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.
5. Name, address, and telephone number of the establishment.
6. Department contact information to report complaints or adverse events.

11.8 Copy of Forms

The Client, and/or Minor Client and Parent or Legal Guardian, must be offered a copy of the completed consent and medical release form in written and / or digital format.

11.9 Body Artist Procedure Record

Each Body Artist must record the following information about the body art procedures administered which may be incorporated into the client consent form:

1. The following information about the body art procedure must be written down:
    a. Type of body art procedure;
    b. Location on body;
    c. Design, if applicable;

   d. Jewelry styles and sizes if applicable;
   e. Expiration dates, brands, and colors of all inks, and pigments used in the Body Art Procedure;
   f. Date and time of Body Art Procedure, and;
   g. Any complications that occurred during the body art procedure.
2. The following information from the body artist must be written down
   a. First and last name, and
   b. Signature.

Section 12. Requirements for Single-Use Items

12.1 Standard Practices

1. Single-use items must not be used on more than one client for any reason.
2. After use, all single-use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.

12.2 Required Single-Use Equipment

1. All sharp products applied to prepare the skin prior to procedure, or products used during the procedure, must be single-use and disposable. This includes:
   a. Body art stencils
   b. Gauze,
   c. Razors,
   d. Any other items that may break the skin or come into contact with blood or bodily fluids

   Products used to impart designs on the intact skin prior to the procedure are not included under this section.
2. Hollow bore needles or needles must be single-use and shall not be reused.
3. Products used in the application of stencils must be dispensed and applied on the area to be tattooed with a suitable clean, single-use product and used in a manner to prevent contamination of the original container and its contents. All inks, dyes, pigments, dilutants, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
4. The clean, single-use product must be used only once and then discarded.
5. Inks, dyes or pigments may be mixed and may only be diluted with distilled water or dilutants manufactured specifically for the purpose of performing Body Art. Immediately before a tattoo is applied, the quality of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
6. Rotary Pens, if used in body art activity, 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.

12.3 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 stop a cut from bleeding;
2. Liquid sterilants and UV sterilizers for the attempted sterilization of any re-usable Instrument or component;
3. Multiple-use Instruments or components that come in contact with the client and are designed in such a manner that restrict or prevent proper washing, cleaning or Sterilization;
4. Drugs, chemicals or agents that require a licensed medical practitioner's authorization for use, application or dispensation;
5. 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;
6. Body art equipment including but not limited to tattooing machines and tattooing needles or piercing tapers for the sale or use by anyone not a Body Art Practitioner; or ;
7. Needles used in the practice of "play piercing," so-called.
8. Piercing guns.

Section 13. Body Art Establishment Documentation Requirements

13.1 Client Records

1. Client records required by this Body Art Regulation must be kept in print or digital format for three years and be available to the Department upon request. The files must be stored to prevent access from unauthorized personnel (e.g., a locked file cabinet, locked room, password-protected files).
2. Client records, at a minimum, shall include:
    a. Customer informed consent and medical release form(s)
    b. Any Incident Report associated with the affected Client
    c. Body Art Procedure Record as outlined in section 11.9

13.2 Exposure Incident Reports

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. These reports shall comply with the requirements outlined in Section 7.10 of this Body Art Regulation.

13.3 Autoclave spore testing and function reports
The results of commercial biological monitoring (spore) system test results shall be maintained and kept for three years.

13.4 Mill Certificates
Mill Certificates for all jewelry sold in the establishment shall be kept onsite and made available to the Department upon request. Such certificates may be kept digitally.

13.5 Safety Data Sheets
For all chemical products used in the establishment, Safety Data Sheets shall be be kept onsite and made available to the Department upon request. Such certificates may be kept digitally.

13.6 Waste Hauler Manifests
Waste hauler manifests for Contaminated Waste transport and disposal, or equivalent documentation approved by the Department demonstrating appropriate transport and disposal of Contaminated Waste, shall be kept for three years. The waste hauler contract, or equivalent documentation approved by the Department, shall be available to the Department upon request.

13.7 Exposure Control Plan:
Each Body Art Facility Operator must establish and comply with an Exposure Control Plan.
This written Exposure Control Plan shall aim to eliminate or minimize personnel exposure to blood or OPIM; protect customers; safely handle, store, and dispose of regulated waste; disinfect and sterilize reusable tools and equipment; and reduce the risk of cross-contamination in the Body Art Establishment.
The Exposure Control Plan must be submitted to the Department for review and re-submitted should any changes be made.

13.8 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, as well as the licenses for all Body Artists working within the establishment. A public health informational and safety notice including the Department contact phone number and/or email address shall be prominently posted and visible to the public in the customer waiting or main entry area of the establishment.

13.9 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.

13.10 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. A map of the facility shall be displayed to indicate the location of all exits.

13.11 Certificate of Occupancy

The certificate of occupancy shall be prominently posted and visible to the public in the customer waiting or main entry area of the establishment.

13.12 Body Art Regulation

A copy of this Body Art Regulation must be made available to the public upon request.

Section 14. Body Art Establishment Requirements and Professional Standards

14.1 Body Art Establishment Permit

Body Art Permits shall be valid for a period of no greater than one (1) year. The date of expiry of a Body Art Permits shall be set by the Department. A renewal application shall be submitted at least 30 days prior to the expiry date.

14.2 Body Art Establishment Permit, Operations, and Location

1. Any person seeking to operate an establishment providing Body Art services either with or without charge must maintain a valid Body Art Establishment Permit issued by the Department.
2. Unless otherwise ordered or approved by the Department, each body art establishment shall be constructed, operated, and maintained to meet the minimum requirements as established by the Department.
3. 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.
4. No Body Art Establishment shall be located in any area except as allowed by Zoning Code. Prior to the issuance of a Body Art Establishment permit to operate, the applicant must provide a copy of a current Certificate of Occupancy from the city showing that the facility and fixtures are in compliance with City Ordinances, State Building Code, and related Codes (State Plumbing and Gas Code, State Electrical Code, and State Access Regulations) and that 'Body Art' is an allowed use.
5. No animals, except for service animals accompanying individuals with disabilities for whom the animals are trained to perform assistive tasks, shall be allowed in a body art establishment.
6. The Body Art Establishment shall be responsible for the conduct of all Body Artists practicing within the establishment.

7. A Temporary Body Art Establishment permit may only be obtained by the operator of a licensed body art establishment after submitting an application for establishment of a temporary facility. Such application must contain the location, the operating days, hours of operation of the temporary facility, and the plans/description of the temporary facility.
8. No permit for a temporary body art establishment may be issued for more than seven (7) consecutive days. An applicant for a Temporary Body Art Establishment permit shall not receive more than two consecutive seven (7) day permits during a 30-day period.

14.3 Physical Floorplan

Every operator or applicant for a Body Art Establishment permit shall submit to the Department scaled floorplans and specifications of the establishment approved by the city's Inspectional Services Department at a location allowed by the Zoning Commission wherein any Body Art activity is intended to be conducted demonstrating compliance of the facility with this Body Art Regulation. 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 of the Body Art Establishment permit pursuant to this Body Art Regulation.

The Body Art Establishment must include and show on the submitted floorplan:

1. Adequate lighting and ventilation.
2. A customer waiting area or retail space separate from the body art workstations.
3. A bathroom accessible to clients and artists that includes toilet(s), sink(s) with hot and cold running water under pressure, hand soap, and paper towels or hand dryer.
4. One or more Workstations at which body art procedures are practiced.
    a. All Workstations must be separate from the instrument cleaning area by solid walls extending from the floor to the minimum of either the ceiling height or eight (8) feet.
    b. All Workstations must be a minimum of 45 square feet in size, and kept in an uncluttered state.
    c. All surfaces, including walls and floors, must be non-porous, sanitizable, and kept clean and sanitary.
    d. Each Workstation must be separated from other workstations and non-workstation areas of the establishment by:
        i. Solid walls extending from the floor to the minimum of either the ceiling height or eight (8) feet, or
        ii. Half walls of forty two (42) inches or more in height and five (5) feet of horizontal separation, with privacy barriers available upon client request, or
        iii. Eight (8) feet of horizontal separation, with privacy barriers available upon client request.
    e. Each Workstation must have a readily accessible Hand Sink providing hot and cold running water under pressure that may be reached during the procedure without touching another surface, such as a door handle or curtain. Portable hand sinks shall not be permitted except in Temporary Body Art Establishments. There must be at

least one Hand Sink per every two Workstations. Such sink(s) shall not also be the bathroom sink(s), janitorial sink(s), or cleaning room sink(s).

f. Every Workstation shall have a foot-operated or motion-sensor-operated, covered, cleanable, lined waste receptacle for disposal of trash and other debris. Waste receptacles must be emptied regularly to maintain sanitary conditions.

g. 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 Medial or Biological Waste, State Sanitary Code, Chapter VIII.

5. All Solid Waste and Contaminated Waste shall be removed from the body art establishment on a daily basis and placed in an approved secured receptacle for pickup and removal.
6. All stored Contaminated Waste in solid form and sharps shall be disposed of through use of an approved waste hauler, or equivalent service approved by the Department, in accordance with the provision of 105 CMR 480.000 and all applicable state and federal and local laws and regulations.
7. Every Body Art Establishment, excepting those which use single-use sharps only, 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.
    b. 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.
8. An Establishment shall have a fully stocked basic first aid kit on the premises and available to all staff at all times. The first aid kit must be easily accessible to Establishment employees and technicians at all times. A fully stocked basic first aid kit must contain at least the following:
    a. one absorbent compress 32 square in. (no side smaller than 4 in.)
    b. four sterile pads (3 in. by 3 in.)
    c. one triangular bandage (40 in. by 40 in. by 56 in.)
    d. sixteen adhesive bandages 1 in. by 3 in.
    e. five yards of adhesive tape
    f. Antiseptic cream/ointment – at least 10 applications of 0.5g (0.14 fluid oz.) each
    g. Burn treatment cream/ointment – at least 6 applications of 0.5g (0.14 fluid oz.) each
    h. two pairs of medical exam gloves (nitrile preferred)
    i. Alcohol prep pads
    j. Alcohol hand sanitizer
    k. Roll of gauze bandage (2 in. wide)
    l. Instant ice pack

m. Bandage scissors
n. Acetaminophen and/or aspirin and/or ibuprofen (at least two of these)
o. Disposable thermometer or fever strip

9. An Establishment shall have an eye wash station on the premises.
    a. The Establishment eye wash can be either a station connected to the building plumbing and capable of continual operation, a stand-alone system specifically designed and marketed for use as an eye wash station, or a clearly marked station containing two or more personal eye wash bottles. Stand-alone eye wash stations are typically a plastic wall-mounted unit that holds several gallons of sterile water or saline solution while a personal eye wash bottle station may have a plastic or metal shelf that mounts to the wall to hold two or more sealed bottles of sterile saline or water.
    b. Manufacturer guidelines for installation and maintenance of any stand-alone systems or bottles must be followed to prevent contaminants from getting into the wash water. Eye wash bottle nozzles must remain clean and clear and the water must be replaced regularly. Adhering to the manufacturer recommended water or saline replacement schedule as well as expiration dates is required. Should the liquid in the eye wash device ever become cloudy or odorous, it must be discarded and replaced immediately regardless of the manufacturer recommendation.
    c. A hand washing sink is not an acceptable eyewash station.
    d. The eyewash station cannot be located in the Establishment bathroom. The eye wash station must be easily accessible to staff and customers within the main work area – within 10 feet of the work area or reachable within 10 seconds.

Section 15. Body Art Practitioner License Requirements

15.1 Body Art License

Body Art Licenses shall be valid for a period of no greater than one (1) year. The date of expiry of a Body Art License shall be set by the Department. A renewal application shall be submitted at least 30 days prior to the expiry date.

15.2 Body Art License Experience 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:

1. Completion of OSHA Bloodborne Pathogen training which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitation, disinfection and sterilization methods and techniques.
2. Current certification in American Red Cross Basic First Aid or its equivalent and Cardio-Pulmonary Resuscitation.
3. Evidence of satisfactory prior experience in the practice of the body art type(s) for which the applicant is requesting to be licensed. Experience satisfactory to the Department

whether prior may have been obtained within or outside of the Commonwealth of Massachusetts through:

a. One or more years as a licensed body art practitioner documented by providing copies of licenses/permits issued past or present.
b. Documentation of successful completion of an apprenticeship process meeting or exceeding the requirements set forth in section 16.8 of these Regulations.
c. Statements of endorsement from the Establishment at which they will practice, accompanied by other documentation as the Department deems appropriate, such as letters of endorsement from prior employers, or business licenses, or similar certificates issued by an appropriate governing body.

4. A completed course in Anatomy and Physiology. Requirement can be fulfilled through successful completion of one of the following:
    a. Anatomy and Physiology course with a grade C or better from an accredited, post-secondary institution.
    b. A training course in the key concepts of Anatomy and Physiology that, whether online or in person, is for at least 4 or more hours of instruction covering topics of skin, connective tissue, circulatory system, muscular system, and nervous system at minimum.
    c. Such other programs as the Department deems appropriate.
5. The Department may as a condition of issuance of a Body Art Practitioner License, require the applicant artist to demonstrate proper client consent and medical disclosure process, appropriate workstation set-up and break-down to evaluate the efficacy of sanitization procedures, proper client after-care instruction, and appropriate use of an autoclave if it is present in the Establishment.

15.3 Visiting Body Artist License Requirements

Body Art Practitioner – Temporary License

The Department may issue a temporary license extending up to thirty (30) days 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 a temporary license will allow a person to practice micropigmentation, tattooing and/or body piercing at the sponsoring or hosting body art establishment. Such hosting establishment will be responsible for the safe conduct of body art by the visiting artist. The issuance of a Temporary Body Art Practitioner license is conditioned upon the applicant demonstrating evidence of satisfactory completion of the training and prior experience requirements outlined in section 15.1.

1. An application fee must be paid to the Department in an amount determined by the Department.
2. No visiting body art practitioner may receive a Temporary Practitioner license more than two times per year.

3. No visiting body art practitioner shall practice body art without a Temporary Practitioner license issued by the Department.

Section 16. Apprenticeship Program

16.1 Apprenticeship Licensure Requirements

An applicant for a license to perform body art satisfying all license requirements set forth in section 15 except for prior experience as described in section 15.2(3) may apply for an Apprentice Body Art License. An Apprentice Body Art License allows performance of body art procedures while learning from and practicing under the supervision of a Sponsoring Licensed Body Art Practitioner within the Permitted Body Art Establishment where the Sponsoring regularly practices.

16.2 Sponsoring Body Art Practitioner

A Sponsoring Licensed Body Art Practitioner must have at least 2 years of experience as a fully Licensed Body Art Practitioner, at least 1 of which must be completed within the current jurisdiction.

16.3 Limits on Number of Apprentices

A Licensed Body Art Practitioner may sponsor no more than one (1) Apprentice Body Artist at a time. No Permitted Body Art Establishment may have more than three (3) total apprentices at any one time, regardless of the number of Licensed Body Art Practitioners employed by the Establishment.

16.4 Responsibility for Conduct

1. For the full duration of the apprenticeship, the sponsoring Licensed Body Art Practitioner is responsible for the professional conduct and safe practice of the Apprentice Body Artist. Any complaints against the Apprentice Body Artist will be considered complaints against the sponsoring Licensed Body Art Practitioner.
2. For the full duration of the apprenticeship, the Licensed Body Art Establishment at which the apprentice and Sponsoring Artist are performing body art shall be responsible for the professional conduct and safe practice of the Apprentice Body Artist. Any complaints against the Apprentice Body Artist will be considered complaints against the Licensed Body Art Establishment as well.

16.5 Apprenticeship Duration and Content

The minimum duration of an apprenticeship for body art shall consist of:

1. 1,800 hours of work in the Permitted Body Art Establishment including taking instruction on body art practices and observing the sponsoring artist perform body art procedures on clients. For practitioners performing microblading only, completion of an accredited microblading course shall count for 900 hours.

2. 100 completed body art procedures on clients other than the Apprentice Body Artist or Licensed Body Art Practitioners practicing in the establishment under the supervision of the sponsoring artist. For practitioners performing microblading only, completion of an accredited microblading course shall count for 50 procedures.
3. A qualifying microblading course must be at least 100 hours of instruction time and certified/accredited by either the American Academy of Micropigmentation(AAM) or the Society of Permanent Cosmetic Professionals (SPCP). The applicant must also provide documentation of the training course including the training institution contact information, documentation of AAM or SPCP certification/accreditation, and a copy of the course curriculum (schedule or table of contents only, not complete materials) showing that the course content includes, at a minimum:
    a. Overview of relevant anatomy and physiology
    b. Sanitation, hygiene, and disinfection including infection control and needle stick procedures
    c. Taking a client's medical history and contraindications to body art
    d. Equipment operation and maintenance
    e. Anesthetics
    f. Color theory and aesthetics
    g. Detailed training on each procedure
    h. Hands-on practice of at least 3 complete procedures (two eyebrows is a single procedure) on living clients

16.6 Apprenticeship Inspections

Prior to permitting the Apprentice to perform their first procedure on a client, the sponsoring Licensed Body Artist must contact the Department for an inspection during which the Apprentice must demonstrate proper client consent and medical disclosure process, appropriate workstation set-up and break-down to evaluate the efficacy of sanitization procedures, proper client after-care instruction, and appropriate use of an autoclave if it is present in the Establishment.

16.7 Apprenticeship Documentation

The sponsoring Licensed Body Artist and Apprentice must prepare monthly documentation of apprenticeship hours, activities, and procedures performed in a form specified by the Department. The Sponsoring Artist and Apprentice must each retain a copy of this documentation and the Apprentice must submit a copy to the Department upon application for full licensure or upon renewal of the Apprentice Body Art License.

16.8 Apprenticeship Completion

At the successful conclusion of an apprenticeship, the Sponsoring Artist must produce a written and signed statement confirming:

1. The name of the Apprentice Artist
2. The name and license number of the Sponsoring Artist

3. The name and permit number of the Body Art Establishment where the apprenticeship was completed
4. That the Apprentice Artist has completed the required minimum hours or more of apprenticeship work in the Permitted Body Art Establishment
5. That the Apprentice Artist has completed the required minimum number of body art procedures on clients other than the Apprentice Artist or Licensed Body Art Practitioners working in the establishment
6. That the Sponsoring Artist is satisfied in the Apprentice Artist's mastery of safe body art practice and professional conduct

A copy of this signed statement must be provided to the Apprentice Artist, who must submit a copy to the Department upon application for a full Body Art Practitioner License. A copy must be retained by the Sponsoring Artist. The Apprentice Body Art License will be cancelled as of the date of the statement of completion and the Apprentice must apply for an annual Body Art Practitioner License to continue practicing.

16.9 Discontinuation of an Apprenticeship

The Sponsoring Artist or the Apprentice Artist may discontinue the apprenticeship at any time by providing a signed written notice to the Department specifying the name of the Apprentice Artist, name and license number of the Sponsoring Artist, date of termination of the apprenticeship, and reason for termination. A copy of this notice must be retained by the Sponsoring Artist and the Apprentice Artist. The Apprentice Body Art License will be cancelled as of the date of the notice and the Apprentice Artist may not practice body art without successful application for a new Apprentice Body Art License. Hours and procedures logged during the course of the terminated apprenticeship shall count towards the minimum required hours and procedures, should the Apprentice pursue an apprenticeship program under another body artist.

Section 17. Enforcement of Body Art Regulation

The Department is responsible for developing and implementing a system of citations, suspension, revocation, reinstatement, and penalties, that may include fines, civil charges, and criminal charges based on the severity of violations of this Body Art Regulation.

17.1 Establishment Inspection

1. Department personnel must inspect each Body Art Establishment to ensure compliance with this Regulation prior to issuing a license to a Body Art Establishment, and then at intervals deemed necessary by the Department.
    a. Department personnel must be granted access to the premises of a Body Art Establishment during normal hours of operation or by appointment, including access to customer and personnel records.

   b. The Department must be allowed entry at will when the facility is occupied, whether for a routine inspection or not, including the need to investigate complaints or compliance.
   c. During an inspection, the Department may require one or more practitioners to demonstrate appropriate workstation set-up and break-down to evaluate the efficacy of sanitization procedures. Demonstrated failure to adequately sanitize workstations before or after said demonstration may constitute a violation of these regulations.
   d. During an inspection, the Department may require one or more practitioners to demonstrate appropriate use of an autoclave. Demonstrated failure to appropriately prepare and use an autoclave may constitute a violation of these regulations.
2. Body Art Establishment inspections must be conducted no less than once a year and as often as necessary throughout the year to ensure compliance with this Regulation and to ensure the health and safety of the general public.
3. Authorized agents of the Department must properly identify themselves upon entering a Body Art Establishment to make an inspection.
4. A digital or written copy of the inspection report must be furnished to the license holder or Operator of the Body Art Establishment. The Department retains possession of the original.

17.2 Right to a Hearing

1. 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 Department. In such cases, a hearing will be conducted within a reasonable time after the suspension has taken place.
2. 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.
3. At the hearing the petitioner shall be given an opportunity to be heard. After the hearing, the Department shall notify the licensee in writing of the decision.

17.3 Violations

1. It is a violation of this Body Art Regulation for the Operator in a Body Art Establishment to knowingly do any of the following:
   a. Conceal, withhold, or falsify records or evidence;
   b. Interfere with the performance of the duties of the Department;
   c. Make a false statement, representation, certification, record, report, or otherwise falsify information required to be submitted or maintained pursuant to this Body Art Regulation.
2. If, after investigation, the Department should find that an Operator is in violation of this Body Art Regulation, the Department must advise the Operator in writing of its findings and

instruct the Operator to take specific steps to correct such violations. Violations that pose an imminent public health threat need to be corrected before operation may resume.

3. If at any time the Department has reasonable cause to suspect that public health might be at risk, it can place limitations on the license of a Body Art Establishment or Body Art Practitioner. The Department must notify the Body Art Establishment license holder and the Body Art Practitioner license holder. Limitations can include the imposition of restrictions or conditions, or suspension of license or permit, on the operations of that Body Art Establishment. A Body Art Establishment must comply with all license limitations until the Department has conducted an inspection, has determined that the license limitations are no longer necessary, and has issued an order allowing the Body Art Establishment to resume operations without the license limitations.

17.4 Citations

1. The Department will have the authority to levy citations against a Body Art Establishment and/or Body Art Practitioner for repeat, noncritical, or critical violations. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one provision of this regulation is violated, each violation shall constitute a separate offense.
2. If a Body Art Establishment license and/or Body Art Practitioner license is suspended or revoked and has existing citations, the citations must be paid prior to reinstating the Body Art Establishment license and/or Body Art Practitioner license. A license or permit may not be renewed until all outstanding citations have been paid.
3. Any citation not paid within six months of receipt by the body art permit or license holder will place the body art permit or license in suspension.
4. If the Body Art Practitioner continues to operate on a suspended license for longer than three calendar days, the Body Art Practitioner license will be placed in revoked status.

17.5 Suspension

1. Licenses issued under the provisions of the Body Art Regulation can be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Body Art Regulation.
2. Whenever a license holder or Operator has failed to comply with any notice issued under the provisions of this Regulation, the Operator must be notified in writing that the license is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the license holder or Operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.
3. Any person whose license has been suspended can file an application for reinstatement of the license within 10 business days of notice of suspension by:
    a. Submitting a signed statement that the conditions causing the suspension have been corrected;

b. Providing proof that the conditions have been corrected, including but not limited to photos, receipts, and written documentation; and
c. Submitting the appropriate reinspection fees, after which the Department must reinspect the Body Art Establishment and evaluate documentation provided by an Operator. If the applicant is in compliance with the provisions of this Body Art Regulation, the license will be reinstated.

17.6 Revocation

1. For repeated violations or repeated critical violations of any of the requirements of this Body Art Regulation, or for interference with Department personnel in the performance of their duties, a license can be permanently revoked after a hearing. Before taking such action, the Department must notify the license holder or operator in person and hand-deliver a notice in writing stating the reasons why the license is subject to revocation and advising the license holder or operator of the requirements for filing a request for a hearing.
2. The Department can permanently revoke a license after five business days following service of the notice unless a request for a hearing is filed by the license holder to the Department.
3. The Department must conduct the hearings in accordance with all local laws and regulations.
4. Once a body art license has been revoked, if the Body Art Practitioner continues to perform body art procedures, the Body Art Practitioner and/or Body Art Establishment will be considered to be operating without a license.

17.7 Civil and Criminal Prosecution

The Department may make criminal complaint in any court of competent jurisdiction or may refer enforcement to the District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention. The Department may also seek injunctive relief and civil penalties in any court of competent jurisdiction for violation of any regulation.

17.8 Complaint Investigation

The Department shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Department's regulations.

1. If the Department finds that an investigation is not required because the alleged act or practice is not in violation of the Department's regulations, then the Department shall notify the complainant of this finding and the reasons on which it is based.
2. If the Department finds that an investigation is required, because the alleged act or practice may be in violation of the Department's regulations, the Department shall investigate and if a finding is made that the act or practice is in violation of the Department's regulations, then the Department shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

Section 18. Variances

18.1 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 Department: 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 Department 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.

18.2 Variance Request Procedure

1. A request for a variance shall be submitted in writing to the Department, The applicant shall make a request for a variance on a form to be provided by the Department. The Department may ask for supporting evidence prior to considering the request for a variance. The request shall not be deemed complete until all such requested evidence has been received by the Department. The Department may, at its discretion, require a public hearing prior to issuance of a variance.

2. Any variance granted under this section may be subject to qualification, revocation, suspension, or expiration. A variance granted may be revoked, modified, or suspended in whole or in part, after the holder thereof has been notified in writing and has been given an opportunity to be heard by the Panel in accordance with this Regulation.

3. Any variance granted by the Department shall be in writing. A copy of any such variance, while it is in effect, shall be available to the public at all reasonable hours at the Department. A copy of the variance shall also be on file with the permit holder.

4. A fee for the request for a variance shall be set by the Department and shall be due at the time the applicant submits the application to the Department.

Section 19. Severability

If any provision, clause, section, sentence, or paragraph of this Body Art Regulation shall be held to be invalid, such invalidity shall not affect the remaining provisions of this Regulation. The valid part of any provision, clause, section, sentence, or paragraph shall be given independence from the invalid provisions, and to this end the provisions are hereby declared to be severable.