

CITY OF SALEM BOARD OF HEALTH REGULATION #27 BODY ART REGULATION

Section 1.0 Authority:

This regulation is promulgated under the authority of Section 31, Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, in the interest of and preservation of public health.

“Body Art”

Rationale: The City of Salem is promulgating rules and regulations which provide minimum requirements to be met by any person performing body art upon any individual and for any establishment where body art is performed. These requirements shall include, but not be limited to, general sanitation of premises where body art is to be performed and the use of pre-sterilized, disposable equipment. These rules and regulations are necessary to protect the public's health by preventing diseases, specifically including, but not limited to transmission of Hepatitis B and/or Human Immunodeficiency Virus (HIV/AIDS).

In addition, these rules and regulations shall establish procedures for permitting of all persons performing body art for the requirement of training courses in disease prevention and in anatomy and physiology, for regular inspection of premises where body art is performed, and for revocation of the permit of any person or establishment deemed in violation of the rules and regulations promulgated under this section. An annual, non-transferable permit fee set by the City of Salem Board of Health shall be paid by any person or establishment permitted under this section.

Section 2.0 Definitions.

1. “Antibacterial solution: - any solution used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.
2. Aftercare means written instructions give to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
3. An acceptable Anatomy course for tattoo practitioners is described as: one, taken within seven years prior to initial application that includes information on anatomy, on diseases such as diabetes, and on skin disorders and conditions. This course must be taught under the auspices of an accredited high school, college, university, or licensed health care facility. This course is subject to approval by the Board of Health.

4. An acceptable Anatomy & Physiology course for body piercers is described as: at least a six-credit course from an accredited college or university, completed with a passing grade of C or better, within seven years prior to initial application. If the course is pass/fail a passing grade must be obtained. The New England Association of Schools and colleges is an example of an accrediting agency.
5. Apprentice means an individual who has completed the minimum education requirements of this regulation but has not met the training requirement and is practicing a kind of body art at a body art establishment under supervision of a fully licensed body art practitioner as defined in this regulation.
6. Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 1910.1030.
7. Board of Health, Board, or BOH means the Salem Board of Health.
8. Board of Health Permit for Body Art Practitioner means written BOH permit to engage in the work of body art.
9. Body art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall not be performed in a body art establishment.
10. Body art establishment or establishment means a specified place or premise that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.
11. Body art practitioner or practitioner means a specified person who has been granted a permit by the Board to perform body art in a body art establishment that has been granted a valid permit by the Board.
12. Body piercing means puncturing or penetration of the skin or a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with pre-sterilized single-use stud-and-clasp ear-piercing systems.

Establishments and/or individuals involved in the piercing of earlobes (only) must comply with relevant OSHA requirements.

13. Branding means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.
14. Cleaning area means the area in a body art establishment used in the sterilization, sanitization or other cleaning of instruments or other equipment used for body art activity.
15. Client means any person who has requested a body art procedure at a body art establishment.
16. Contaminated waste means 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 that are caked with dried blood or other potentially infectious materials and are capable of releasing these material during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens", or as defined as "infectious or physically dangerous medical or biological waste" in accordance with in 105 CMR 480.000: Storage and Disposal of Infectious or Physically dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.
17. Customer waiting area means the area in a body art establishment for use and occupation by persons and clients prior to and after the conduct of any body art.
18. Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body are establishment.
19. Guest Practitioner means a visiting body art practitioner possessing a temporary permit issued by the Board of Health to perform body art in the City Of Salem
20. Hand sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body. This sink shall have foot pedals or hand levers.
21. Hot water means water that attains and maintains a temperature 110 degrees to 130 degrees F.
22. Instruments used for body art means hand piercers, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

23. Invasive means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.
24. Jewelry means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
25. Minor means any person under the age of eighteen (18) years.
26. Operator means any person who alone, jointly or severally with others owns, controls, operates, conducts or manages any body art establishment, whether actually performing the work of body art or not.
27. Permanent Make-up/Micro-pigmentation means tattooing permanent makeup onto a client to include but not necessarily limited to: areola re-pigmentation, eyebrows, eyeliner, lip liner, lip color, cheek blush, eye shadow and beauty marks.
28. Permit means approval in writing by the Board either (1) to operate a body art establishment or (2) operate as a specific type of body art practitioner within a body art establishment. Approval is granted in accordance with Board of Health regulation # 27 and is separate from any other licensing requirement that may exist within communities of political subdivisions comprising the Board's jurisdiction.
29. Person means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.
30. Physician means an individual registered by the Board of Registration in Medicine pursuant to M.G.L. c. 112 s. 2 as a qualified physician.
31. Pre sterilized means instruments or procedure set-ups that are sold individually packaged and sterilized. Each package shall have an auditable sterilization lot number from an approved sterilization facility.
32. Procedure surface means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, or skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.
33. Sanitary means being clean and free of infection or disease.

34. Sanitization means the cleaning process that provides sufficient concentration of chemicals to reduce the bacteria count, including pathogens, to a safe level on equipment.
35. Sanitizer means a US EPA registered sanitizer.
36. Scarification means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.
37. Sharps means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.
38. Sharps container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.
39. Single use means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink caps, and protective gloves.
40. Sterilization or to Sterilize means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores, in accordance with these regulations. Sterilization includes the use of an appropriate and approved method of testing so as to ensure sterilization.
41. Sterilization area means an area, apart from a work-station and not within a restroom or cleaning area, used for sterilizing equipment as required.
42. Tattoo means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.
43. Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
44. Workstation means the area within a body art establishment exclusively used in and during the conduct of body art upon a client.
45. Universal precautions means a set of guidelines and controls, published by the Centers for Disease control and Prevention (CDC), as "Guidelines

for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers” in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vol. 38 No. S-6 and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens.

Precautions include hand washing; gloving; personal protective equipment including personal protective gear, such as goggles and a mask or face shield; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminate products.

Section 3.0 General

1. Establishments must comply with OSHA requirements as specified in 29 CFR 1910.1030.
2. Employees, who work the counter in sales or the cash register, only, are not required to have special training.
3. Employees, who may perform duties more extensive than counter and register work, are required to have the OSHA course on Prevention of Disease Transmission and Blood Borne Pathogens.
4. There shall be no tattooing of individuals under 18 years. Proof of age to be determined by government issued photo identification.
5. Individuals under 18 years old, who are requesting a body piercing, must be accompanied by parent or legal guardian who possesses a valid government issued photo identification and who has signed a consent form at the body art establishment immediately prior to the body art procedure.
6. Suturing kits or suturing devices, scalpels, cauterizing tools or device, branding or scarification devices, or other tools, devices or instruments used for or in conjunction with any body art activity not permitted are prohibited from the body art establishment.
7. Clients who appear under the influence of alcohol or other drugs shall not receive a body art.
8. Body art practitioners shall not perform body art while under the influence of any substance that may impair their judgement or ability.
9. Piercing and tattooing of genitalia is not allowed.

10. Tattoo Artists engaging in the application of Permanent Make-Up, in addition to documentation of successful completion of a one year Micro Pigmentation Apprenticeship, the Artist must document successful completion of forty (40) hours of formal training in a course approved and certified by the American Academy of Micro Pigmentation.
11. Body Art Establishment permits must specify that the Establishment is authorized to engage in the application of Permanent Make-Up. If not so specified on the Individual Establishment Permit, the practice of Permanent Make-up application is strictly prohibited. Conversely, if a Tattooing Establishment permit is issued to authorize only Permanent Make-Up application, that permit shall state “ For Permanent Make-Up Application (i.e. Micro pigmentation) Only”, and all other types of Tattooing shall be strictly prohibited. In the event that the Body Art Establishment permit is issued to authorize both Permanent Make-Up application and other types of Tattooing, the permit shall so state.
12. Each individual Body Art Practitioner permit shall specify whether that practitioner is authorized to perform Permanent Make-Up application; if not specified, Permanent Make-Up application by that practitioner is strictly prohibited. Similarly, if the Body Art Practitioner is authorized only to apply Permanent Make-Up, the permit shall specify “For Permanent Make-Up (i.e. “Micro Pigmentation) Application Only,” and all other forms of Tattooing by that practitioner shall be strictly prohibited. In the event that the individual Body Art Practitioner permit is issued to authorize the individual to engage in both Permanent Make-Up application and other forms of Tattooing, the permit shall so state.
13. Oral piercing is limited to the tongue, lips, and facial areas. Internal piercings, such as on the uvula, are not allowed.
14. Body art practitioners who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA laws on the reporting and follow-up on needle stick injuries. OSHA guidelines shall be posted in employee area (Code of Federal Regulations 29 CFR 1910.1030-f).
15. If used in body art activity, rotary pens, also known as cosmetic machines, shall have detachable disposable, sterile combo couplers and shall have detachable, disposable casings or casings designed and manufactured to be easily cleaned and sterilized in accordance with these regulations.
16. Inks
 - A) All inks, dyes, pigments, solid core needles, and equipment must be specifically manufactured for performing body art procedures and must be used according to manufacturer’s instructions.
 - B) Inks, dyes, or pigments may be mixed and may only be diluted with water from an approved source. Immediately before a tattoo is applied, the quantity of the dye to be used must be transferred from the

dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these cups and caps and their contents must be discarded.

17. No body art procedure performed upon animals shall be allowed.
18. Telephone access.
Every body art establishment shall have a hard wired telephone land line in good working order easily accessible to all employees during all hours of operation for the purpose of contacting and requesting emergency medical assistance/paramedic services in the event of an emergency of perceived need. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency contact telephone number, 911 and the address of the establishment. As part of employee orientation, employees must receive training regarding what must be done in an emergency
19. Except as set forth in these regulations, no person shall commit or permit any act that may expose any person to disease or illness or otherwise contaminate any instrument or area in a body art establishment used for body art activity.
20. All stencils and marking pens must be single use.
21. All infections, complications, incidents (i.e. needle sticks) or diseases resulting from any body art procedure that become known to the operator shall be reported to the Board of Health by the operator within 24 hours.

Section 4.0 Body Art Practitioner Guest Artist and Apprenticeship: Requirements and Practices

1. Exemptions : The following individuals are exempt from these regulations:
 - A) Physicians licensed in accordance with M.G.L. c. 112 s. 2 who perform body art procedures as part of patient treatment.
 - B) Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear piercing system.
2. Each practitioner, guest artist or apprentice must perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Center for Disease Control.
3. No person shall perform body art, display a sign, or in any way advertise or claim to be a body art practitioner in Salem unless that person holds a valid BOH permit.
4. An applicant for a permit shall show to the satisfaction of the Board of Health that he or she has complied with the following minimal training requirements for body art practitioners:
 - A) Proof of a high school diploma or its equivalent.
 - B) Completion of Basic Training in First Aid and CPR, as well as recertification classes.

- C) Completion of an OSHA course on Prevention of Disease Transmission and Bloodborne Pathogens.
 - D) Completion of an acceptable Anatomy & Physiology course for body piercers for those applying for a body piercing practitioner's permit, or an acceptable Anatomy course for tattoo practitioners for those applying for a tattoo practitioner's permit.
 - E) Proof that they have held a license to practice body art for at least one year in another state or municipality or have completed at least one year of apprentice training as a body piercer or one year of apprentice training as a tattooist under a licensed body art practitioner in the specific discipline.
 - F) For body piercers: Proof of membership as a Professional Member or Professional Member at Large by the Association of Professional Piercers or an equivalent professional organization
 - G) For tattooists: Proof of membership as a professional Tattooist by the Alliance of Professional Tattooists or an equivalent professional tattooing organization.
5. Body art practitioners, guest artists or apprentices must be a minimum of 18 years of age as proven by a government issued photo identification.
 6. Body Art practitioners, guest artists or apprentices must perform body art only in permitted body art establishments.
 7. The body art practitioner, guest artist or apprentices must sign a written agreement to adhere to all Board of Health regulations regarding body art practice.
 8. The body art practitioner, guest artist or apprentice must be free of communicable diseases as identified by the Massachusetts Department of Public Health as 105 CMR 300.000.
 9. The body art practitioner, guest artist or apprentice must maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes while performing body art procedures.
 10. The skin of the body art practitioner, guest artist or apprentice must be free of rash or infection.
 11. No person affected with boils, infected wounds, open sores, herpes, abrasions, weeping dermatological lesions, or acute respiratory infection may work in any area of a body art establishment where that person could contaminate body art equipment, supplies, or working surfaces.

Section 4.1 Apprentices

Body Art Apprentices will be allowed to operate in a licensed body art establishment in the City of Salem provided:

1. There shall be no more than one (1) apprentice per body art establishment.
2. The apprentice must be at least eighteen (18) years of age as proven by a government issued photo identification.
3. The apprentice must provide documentation that he/she has completed training in Basic First Aid and CPR.

4. The apprenticeship shall last no longer than two (2) years. The first year will focus on learning and class work, including the completion of an acceptable anatomy course for body art practitioners and the completion of an OSHA course on the Prevention of Disease Transmission and Blood borne Pathogens. In addition, on the job training will address general principals of set up including but not limited to observation, sterilization, clean up and bandaging. The second year of the apprenticeship will focus on learning the art of body art.
5. Permanent makeup/Micro Pigmentation Apprenticeships shall be allowed, provided that the individual furnishes proof that he/she has achieved full compliance with the requirements for Body Art Apprentices and is continuously supervised while engaged in the application of Permanent Make-Up by a licensed Tattoo Artist who is authorized to perform Permanent Make-Up application and who is also certified by the American Academy of Micro Pigmentation as an Associate Member. In order to function in a Micro Pigmentation Apprenticeship, the qualifying individual must obtain from the Board of Health a Tattoo Artist permit with the specification "Micro Pigmentation Apprentice Only" clearly stated.

Section 4.2 Guest Artists

Guest artists are allowed to operate in a licensed body art establishment in the City of Salem provided:

1. The guest artist works under the auspices of the permitted body art establishment.
2. The guest artist must apply for a temporary body art permit by:
 - a. Submitting the appropriate temporary body art permit application.
 - b. Paying the established fee as set forth by the Board of Health.
 - c. The applicant for a temporary body art permit must provide documentation to the Board of showing at least one (1) year of experience as a licensed body art practitioner in another location.
 - d. Applicant must provide documentation of training in Basic First Aid and CPR.
 - e. The applicant must show documentation for the completion of an OSHA course on the Prevention of Disease Transmission and Bloodborne Pathogens.
 - f. The applicant must provide documentation of their knowledge of the anatomy of the human body.
3. Practitioners will be limited to practicing no more than thirty (30) days per calendar year in the capacity of Guest Artist.

Section 5.0 Facilities and Equipment

1. Body art establishments must submit, with the original body art establishment application for permit, a scale drawing and floor plan of the proposed establishment for plan review by the Health Agent.

2. Body art establishments must apply for approval, by the Health Agent, for any proposed changes to the establishment.
3. No person may operate a body art establishment unless the Board of Health issues a permit to that person to operate the establishment.
4. Each establishment must pay an annual fee to operate as set forth by the Board of Health.
5. Body art establishments must be located in accordance with state and local zoning regulations and requirements.
6. Establishment design, furniture, lighting, plumbing, water supply, sewerage system, electrical supply, and fire equipment must be in compliance with state and local regulations, requirements, and codes.
7. The physical plant must have:
 - A) Smooth walls, floors, ceilings, and procedure surfaces that are free of open holes or cracks, light colored, washable, and in good repair.
 - B) Walls, floors, and ceilings, and all surfaces maintained in a clean condition.
 - C) All procedure surfaces, including client chairs, benches, and sinks, made of impervious material, easily cleaned and sanitized after each client.
 - D) A complete separation, by solid partitions or walls extending from floor to ceiling, from any room used for human habitation, any food establishment, or room where food is prepared, any hair salon, any retail sales, or any such activity that may cause potential contamination of work surfaces.
 - E) Effective measure, such as screened openings, to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, or rodents must not be present in any part of the establishment.
 - F) Proof of extermination prior to opening and yearly thereafter.
 - G) 45 square feet of floor space for each workstation. Only one practitioner may use a workstation at one time.
 - H) Workstations that allow for privacy if requested.
 - I) Good ventilation in every workstation and room.
 - J) An artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles of illumination must be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
8. Reusable cloth items must not be used.
9. A hand washing sink, equipped with foot pedals or wrist levers, hot and cold running water, under pressure, and supplied with liquid soap and disposable paper towels, must be provided:
 - A) Within each toilet room, a hand washing sign must be posted in the toilet room, next to the sink.
 - B) at each work-station

10. Toilet Rooms

- A) Every body art establishment must provide toilet rooms with adequate lighting and ventilation to the outside, as required in state building and plumbing codes, for use by employees and clients, and available to clients during all business hours.
 - B) The number and construction of toilet rooms, commodes, and separate stalls for each commode must be in compliance with state building and plumbing codes.
 - C) Every toilet room must be fully enclosed and have a well fitting, self-closing door that must remain closed.
 - D) Every toilet room must have a sign posted in a conspicuous location instructing employees that they must wash their hands before returning to work.
 - E) Toilet tissue must be provided in a permanently installed dispenser in each stall.
 - F) Toilet rooms must not be used for the storage of instruments or other supplies used for body art activity.
 - G) Each toilet room must be provided with at least one covered, foot-operated trash receptacle.
11. A separate janitorial sink must be provided in every body art establishment for cleaning the establishment and for the proper disposal of liquid wastes in accordance with applicable federal, state, and local laws.
12. Each establishment must choose one of the following designs, (A or B):
- A) Separate Areas Design
 - 1) A separate cleaning area for cleaning instruments must be provided, with the following:
 - a) An instrument sink used exclusively for the cleaning of instruments. This sink must be of adequate size, equipped with hot and cold running water under pressure.
 - b) One or more ultrasonic cleaning units approved by the FDA. Each unit must be clearly labeled "bio-hazardous" and installed or placed in an area separate from any workstation or area used for sterilization. This is in accordance with OSHA requirements.
 - 2) A separate sterilization area for sterilizing instruments with the following:
 - a) One or more sterilization units sold for medical sterilization purposes such as an autoclave. Sterilization must be done in strict accordance with the manufacturer's instructions. Dry heat sterilization is prohibited.
 - b) A log that indicates dates and times of sterilization procedures, the pounds per square inch and temperature achieved and for what length of time. This log must be posted near the sterilization unit and maintained for inspections from the Board of Health.

3) A separate instrument storage area used exclusively for storing all instruments in clean, dry, covered containers.

B) Complete Work-station Design

All items included in "Separate Areas Design" above located in each practitioner's workstation in such a manner as to prevent cross-contamination.

13. Plumbing

- A. All plumbing and plumbing fixtures must be installed in compliance with local plumbing codes to the extent permitted by applicable federal, state and local laws and ordinances. All liquid wastes shall be discharged through the plumbing system into the public sewerage or into a Board approved private sewage disposal system.
- B. An adequate, protected, pressurized, potable water supply shall be provided to every body art establishment. Such water supply and plumbing shall be Board approved.

14. Animals

With the exception of service animals (i.e. guide dogs), and an aquarium in the waiting area no animals including reptiles shall be allowed on the premises. The aquarium must be professionally cleaned twice per month.

15. Waiting Area

Every body art establishment shall have therein a customer waiting area exclusive of, and separate from, any workstation, instrument storage area, cleaning area or other area in a body art establishment used for body art activity.

16. Work Station

- A. Multiple body art workstations must be separated by impervious, easily washable walls, dividers, or partitions, at a minimum.
- B. Every workstation shall have a minimum of 45 square feet.
- C. Every workstation or every area in a body art establishment where instruments or other equipment used in body art activity are exposed, sanitized or sterilized shall exclusively use readily cleanable light fixtures with lights of shatterproof construction or lights enclosed by a shatterproof shield.
- D. Every body art establishment shall have at least one workstation that can be completely screened from view from any person outside such a workstation, including but not limited to, clients, body art technicians and other person in other workstations, the customer waiting area and any area outside the body art establishment.
- E. Work stations must be used for no other purpose, including, but not limited to, use as a food establishment, for human habitation, hair and nail activities, or any other use which may cause contamination of instruments, other equipment or work surfaces used for body art activity.

- F. Work stations must be separated from any area used for a non-body art activity by a wall or other solid barrier extending from floor to ceiling so as to prevent airborne, contamination of the workstation and the instruments and other equipment therein.
- G. Smoking, eating, or drinking is prohibited in the area where body art is performed with the exception of complimentary non alcoholic fluids being offered to a client during or after a body art procedure.
- H. Body art shall be performed only in a workstation.
- I. Clients must not perform their own body art.
- J. Workstations must not be used as a corridor for access to other rooms.
- K. Floors, chairs, and tabletops in workstation must be non-porous.
- L. Carpet must not be used in workstation.
- M. There must be a covered foot operated waste receptacle in each work station.

Section 6.0 Information to Be Kept At Establishment

The following information must be kept on file on the premises of the Body Art Establishment and available for Board of Health inspection:

1. Employee information including:
 - A.) Full name and exact duties
 - B.) Date of Birth
 - C.) Gender
 - D.) Home address
 - E.) Home/work phone numbers
 - F.) Identification photos of all body art practitioners
2. Establishment Information including:
 - A.) Establishment name.
 - B.) Hours of operation.
 - C.) Owner's name and address.
3. A complete description of all body art procedures performed.
4. An inventory of all instruments and body jewelry, all sharps, and all inks used for any body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
5. A copy of these regulations.
6. The establishment's infection control policy.
7. Application and consent form for each body art encounter.
8. Injury Reports

A written report of any injury, incident, infection complication or disease to a client as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator or practitioner to the Board of Health with a copy to the complainant or injured client within five working days of its occurrence or knowledge thereof. The report shall include:

- A.) The name of the affected client;
- B.) The name and location of the body art establishment involved;
- C.) The nature of the injury, infection complication or disease;
- D.) The name and address of the affected client's health care provider, if any;
- E.) Any other information considered relevant to the situation.

9. Exposure Incident Report.

An exposure incident report shall be completed by the close of business on and for every exposure incident occurring in the conduct of any body art activity. Each exposure incident report shall contain:

- A.) A copy, where applicable, of the application and consent forms for body art activity completed by any 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.
- D.) A copy of the employee/independent operator records of any body art technician.
- E.) Date and time of exposure.
- F.) Any medical history released to the body art establishment or body art technician independent operator on any person involved.
- G.) Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.
- H.) All exposure incidents reports must be maintained as permanent records of the establishment.

Section 7.0 Record Maintenance

1. Every owner of a body art establishment shall have and retain at the body art establishment for inspection by the Board of Health the following information for the time period specified below, to be updated as needed to remain current:

- A.) Exposure control plan-one copy of the exposure control plan for the body art establishment submitted to the Board.
- B.) Employee (or guest artist) records (three years)- indicating: name, home address, home phone number, copy of a government

issued photo identification, date of birth, type(s) of body art procedures conducted, exact duties, dates of employment at location, body art technician registration number, Hepatitis B vaccination status;

D.) Client records (three years) - copies of all application and consent forms for body art activity;

E.) Waste hauler manifests for contaminated waste sharps transport and disposal (three years)

F.) Training records (three years)-documentation to verify training of exposure control plan to all employees and body art technician independent operator(s) conducting body art activity at such establishment.

G.) Dye, ink and pigment records (three years) - manufacturer, color and code information for all dye, ink and pigment; ratios of colors and sterile water if mixed by the body art technician.

Section 8.0 Public Posting

The operator must prominently post the following in the establishment's waiting area:

1. The Board of Health permits for the establishment and each practitioner.
2. The name addresses and phone number of the Board of Health and the procedure for filing a complaint with the Board of Health:
3. Information regarding possible side effects as required in Section 9.1 D. and 9.1 E.

Section 9.0 Application and Consent Form for Body Art Activity

This application and consent form must be presented only by the permitted body art practitioner who will be performing the procedure.

This application and consent form must be approved by the Board of Health and contain the following:

1. General information regarding body art, including, at a minimum, the following statements:
 - A. Tattooing is not a sterile procedure.
 - B. Tattoos, permanent cosmetics and body piercing should be considered permanent.
 - C. Removal of tattoos and permanent cosmetics requires surgery or a medical procedure that may result in scarring of the skin tissue.
 - D. Closure of a hole caused by body piercing may require a medical procedure that may result in scarring of the skin tissue;
 - E. Information as to side effects of body art, including, but not limited to, hypertrophic scarring, adverse reaction to ink/dye/pigment, occurring up to twenty (20) years later; change in color of ink/dye/pigment over time, decreased ability of physician to locate skin melanoma in regions concealed by tattoos, nerve

damage, febrile illness, tetanus, systemic infection, and keloid formation (thick, raised scarring):

F. Information regarding the lack of regulation of ink/dye manufacturing;

2. Verbal and written instructions, for the aftercare of the body art procedure site must be provided to each client by the operator/practitioner upon completion of the procedure. The Board of Health must approve these instructions.

The written instructions shall advise the client;

A. On the proper cleansing of the area which received the body art.

B. To consult a health care provider immediately for:

- 1) Unexpected redness, tenderness or swelling at the site of the body art procedure
- 2) Unexpected rash
- 3) Unexpected drainage at or from the site of the body art procedure
- 4) Fever within 24 hours of the body art procedure

3. Address, and phone number of the establishment.

4. Client information, including:

A. Name.

B. Age and copy of a government issued photo identification unless a body piercing client is under 18 years.

C. For body piercing clients under 18 years of age only; Parent or legal guardian consent, including name of parent or legal guardian and copy of the parent's/legal guardian's government issued photo identification must be kept on file.

D. Medical History including:

- 1) History of diabetes.
- 2) History of hemophilia (bleeding).
- 3) Histories of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants etc.
- 4) History of allergies or adverse reactions to pigments, dyes, latex or other sensitivities.
- 5) History of epilepsy, seizures, fainting, or narcolepsy.
- 6) Use of medications such as anticoagulants, which thin blood and/or interfere with blood clotting.
- 7) Any information that would aid the practitioner in evaluating the client's suitability for body art procedures.

5. Description of requested body art activity with a list/description of any device/jewelry to be inserted and to remain in body following the body art activity:

6. Instructions requiring client to adhere to the exposure control plan as they relate to client conduct in the body art establishment.

7. Name, address and phone number of the Board of Health and instructions for client to contact the Board of Health with any questions or concerns regarding safety, sanitization or sterilization procedures.
8. Name of body art technician to conduct the body art and corresponding Board permit number.
9. Identity of the name of the manufacturer of any dye, pigment, and tattoo adhesive, to be used in the body art activity;
10. Signature of client.
11. Signature of piercing client's parent or legal guardian if piercing client is a minor;
12. Signature of body art technician;
13. Date(s) of all signature(s).
14. Date(s) of procedure, including an estimate of progress for the conduct of body art requiring multiple days to complete.
15. Notice for filing complaint with the Board of Health
16. Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and practitioners name and a copy of the application and consent form. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Board of Health upon notification. Nothing in this section shall be construed to require the practitioner to perform a body art procedure upon a client.

Section 10.0 Sanitation and Sterilization Procedures

1. All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, a solution of household chlorine bleach or equivalent sanitizer as recommended by the CDC or by following the manufacturer's instructions to remove blood and tissue residue and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
2. After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
3. All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Board.

4. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
5. Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by spore destruction tests conducted twice each month. These tests shall be verified through an independent laboratory. These test records shall be retained by the operator for a period of three (3) years and made available to the BOH upon request.
6. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
7. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
8. All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
9. All needles used in body piercing and tattooing must be disposable. Bars used in tattooing must be disposable.

Section 11.0 Requirements for Single Use Items

1. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers and in accordance with 105 CMR 480.000.
2. All products applied to the skin, including body art stencils, shall be single use and disposable.
3. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used only once and then discarded.
4. Adhesives, such as deodorant sticks, must be portioned into individual amounts prior to any body art procedures.

Section 12.0 Preparation and Care of the Body Art Area

1. Any skin or mucosa surface to receive a body art procedure must be free of rash or any visible infection.
2. If shaving is necessary, single use disposable razors must be used. Razors must be discarded after each use.
3. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water and an approved surgical skin preparation. The washing cloth must be disposable and discarded after use.
4. In the event of blood flow, all products used to check the blood flow or to absorb blood shall be single use and disposed of immediately after use, unless the products meet the definition of contaminated waste and then must be disposed of as medical waste.

Section 13.0 Sanitary Procedures

1. Money must be exchanged only at register. All forms must be completed before the start of each body art procedure.
2. The client must receive his or her copy of the Information/Consent Form before the start of each body art procedure.
3. In body piercing, the client and piercer must select the appropriate size and quality of jewelry.
4. Body art practitioners must wear clothes and foot wear at all times. These items must be clean.
5. Before working on a client, the body art practitioner must:
 - A. Wash hands, wrists, and up to elbows with antibacterial solution.
 - B. Dry hands thoroughly with single use disposable towel.
 - C. Inspect hands for small cuts and abrasions and place a skin guard or adhesive bandage on any found.
 - D. Put on sterile gloves.
6. Body Art Practitioners must:
 - A. Set up equipment in front of client.
 - B. Open sterile equipment packages in front of client.
 - C. Disinfect jewelry, contaminated with only airborne pathogens and not previously worn, with a non-hazardous hard surface sanitizer approved by the EPA.
7. All jewelry must be for single-use, on only one person, and shall not be reused on another client.
8. All needles must be pre-sterilized, used on only one person in one sitting, and immediately disposed of in a medical sharps container.
9. Pre-sterilized disposable equipment must be used unless not available. Non-disposable equipment must be cleaned with ultrasound equipment and sterilized.

Section 14.0 Disinfection Procedures

1. Body Art Practitioners must:
 - A. Put on fresh sterile gloves for disinfection routine.
 1. Gloves must be changed if they become contaminated by contact with any non clean surfaces or objects or by contact with a third person. The gloves must be discarded, at a minimum, after the completion of each procedure on an individual client, and hands must be washed before the next set of gloves is donned.
 2. Gloves must not be used for more than one person.
 3. If, while performing a body art procedure, the practitioner's glove is pierced, torn, or otherwise contaminated, the gloves must be discarded, the hands thoroughly washed, and a fresh pair of gloves put on.
 - B. Any item or instrument used for body art that is contaminated during the procedure must be discarded and replaced immediately with a new disposable item or a new sterilized instrument before the procedure resumes.
 - C. Move in such a manner to avoid contamination of surfaces.
2. Following the procedure the practitioner must:
 - A. Discard disposable items and remove from work area.
 - B. Remove plastic barrier film, if used, and sanitize surface areas, drawer pulls, cabinetry, lamps, chairs, sinks, tables, floor area, and any other surfaces that may have become contaminated.
 - C. Remove gloves, discard gloves, and wash hands.
 - D. Discard appropriate materials in bio hazardous waste bag.
 - E. Sanitize all reusable equipment.
3. Iodine, bacitracin, and other antiseptics must be applied with single use, sterile applicator. Applicators that have touched a client once may not be used to retrieve additional product from the container.

Section 15.0 Disposal of Wastes

1. Proper disposal of hazardous and biological waste is mandatory.
 - A. All sharps must be disposed of in a medical sharps container and disposed of by a professional environmental company licensed by the state for such disposal. Receipts from such a company must be maintained on site for inspection by the BOH.
 - B. Contaminated waste that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the international biohazard symbol. A waste hauler approved by the State in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens", must then dispose of it.

2. Waste, not described in the preceding paragraph, may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
3. Storage of contaminated waste shall not exceed 90 days.
4. Receptacles in the work station shall be emptied daily, and solid, non-hazardous waste shall be removed from the establishment at least weekly. All refuse containers shall be lidded, clean, and easily cleanable.

Section 16.0 Mobile Establishments

Mobile body art establishments are not permitted to operate.

Section 17.0 Fees

1. An annual permit fee, as set forth by the Board of Health in the form of a check or money order made payable to the City of Salem, must be submitted with a completed application for each establishment and body art practitioner.
2. Each permit will expire on December 31st.
3. Permits are not transferable from one place or person to another.

Section 18.0 Enforcement Procedures

The Board of Health will conduct periodic, unannounced inspections of body art establishments and body art practitioners' practices, in accordance with, and to ensure compliance with, this regulation. Unless otherwise stated, the BOH will comply with 105 CMR 400.00 State Sanitary Code I, "General Administrative Procedures," for enforcement of this regulation.

1. A body art permit will be suspended immediately upon notice to the holder, without a hearing, if the BOH has information that an imminent health hazard exists.
2. In all other instances of violation, the BOH will serve the permit holder a written notice specifying the violation(s), according to this regulation, and allow the permit holder a specified time to correct the violation(s).
3. The BOH will suspend, revoke, or refuse to renew body art permit(s) if the permit holder(s) fail(s) to comply with BOH regulations within the specified time, or commit(s) one of the following:
 - A. Fraud or misrepresentation in obtaining a permit, or its renewal.
 - B. Criminal conduct, resulting in a conviction, guilty plea, plea of nolo contendere, or an admission of sufficient facts, which the BOH determines, renders the establishment or practitioner unfit to practice body art.
 - C. Violation of any BOH body art rule or regulation.
 - D. Practicing body art while impaired by alcohol, drugs, physical disability or mental instability.

- E. Knowingly permitting, aiding, or abetting an unauthorized person to perform activities requiring a permit.
 - F. Continuing to practice while a permit is lapsed, suspended or revoked.
 - G. Having been disciplined in another jurisdiction by the proper permitting authority for reasons substantially the same as set forth in the BOH's regulation.
 - H. Refusing to practice body art on a person because of that person's race, creed, color, gender, age, disability, national origin, or sexual orientation.
4. Practitioners have the right not to perform tattoo art that they find to be personally offensive.
 5. The establishment will be notified in writing that the permit will be suspended at the end of 10 days following the violations listed in number 3 unless a request for a hearing is made to the BOH within that ten day period.
 6. Any person whose permit has been suspended may make a request in writing to the BOH for reinstatement of the permit.
 7. For serious or repeated violations or for interference with the BOH in the performance of its duties, the BOH may permanently revoke any body art permit after an opportunity for a hearing has been provided.
 8. Any person or establishment performing body art or allowing it to be performed not in compliance with this regulation will be penalized by a fine of \$1000.00 and/or brought to court.

Section 19.0 Variance

1. The Board of Health may vary the application of any provision of any of these regulations, through the issuance of a variance, with respect to any particular case when the Board finds the enforcement thereof would do manifest injustice.
2. Every request for a variance must be made in writing to the Board of Health and must state the specific variance sought and the reasons thereof.
3. Any variance granted must be in writing with a copy available to the public, during normal business hours, in the office of the Board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

Section 20.0 Severability

If any section, paragraph, sentence, clause, phrase, or word of this regulation is declared invalid for any reason, that decision will not be applicable to the remaining portions of these regulations.

Section 21.0 Effective Date

This regulation will take effect on April 15, 2010

City of Salem
Board of Health
120 Washington Street, 4th Floor
Salem, Massachusetts 01970-3928

Dr. Barbara Poremba, Chair
Martin Fair
Dr. Larissa Lucas
Gayle Sullivan
Noreen Casey
Marc Salinas
Kemith LeBlanc

A summary of the regulation was published as a legal notice in the Salem Evening News on March 15, 2010.

After a vote of the Board of Health, at a posted meeting on March 9, 2010: 4 affirmative; 2 absent; the Chairperson abstaining as is custom except to break a tie vote; the following signature is authorized.

Signed,

Dr. Barbara Poremba, Chair