

General Rules and Regulations Regarding Body Art

Town of Danvers, Massachusetts 01923

The Board of Health, Town of Danvers, Massachusetts, acting under the authority of Chapter 111, Section 31, of the Massachusetts General Laws adopted the following Regulation to protect public health during body peircing. The effective date was January 1, 2000. On September 13, 2001, this Regulation was amended to include body art in its entirety. The effective date shall be January 1, 2002.

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 therein, in the interest of and preservation of public health.

Rationale: the Town of Danvers 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), and other blood borne diseases.

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 inspections 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 Town of Danvers, Board of Health shall be paid by any person or establishment permitted under this section.

Section 1. Definitions

1. Antibacterial solution means any solution used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.
2. Bloodborne Pathogens Standard means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."
3. Board of Health Permit for Body Art means written BOH permit to engage in the work of body art.
4. 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 such as implants under the skin, which procedures are prohibited.
5. Body Art Establishment or Establishment means a location, place, or business 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.
6. Body Art Practitioner or Practitioner means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

7. Body art studio means any room or space where piercing is practiced or where the business of piercing is conducted.
8. Body Piercing means puncturing or penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing. Establishments and/or individuals involved in the piercing of earlobes (only) must comply with relevant OSHA requirements.
9. BOH means the Board of Health
10. Braiding means the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition. This form of body art is not allowed.
11. 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. This form of body art is not allowed.
12. Cosmetic Tattooing, also known as permanent cosmetics, micro pigment implantation or dermal pigmentation, means the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair limitation.
13. Germicidal solution means any solution which destroys germs, and is so labeled.
14. Instruments Used for Body Art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.
15. Minor means any person under the age of eighteen (18).
16. Operator means any person who owns, controls, operates, conducts or manages any body art establishment, whether actually performing the work of piercing or not.
17. Practitioner means any person who performs piercing or tattooing of any part of the body other than the earlobe which is pierced by use of an appropriate piercing gun.
18. Sanitary means being clean and free of infection or disease.
19. Sanitization means cleaning process that provides sufficient concentration of chemicals to reduce the bacteria count, including pathogens, to a safe level on equipment.
20. 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. This form of body art is not allowed.
21. Sterilization means the holding in an autoclave for thirty (30) minutes, at twenty (20) pounds pressure, at a temperature of 275 degrees Fahrenheit.
22. 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.
23. Tattooing means any method of placing ink or other pigment ink 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.

24. 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 (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

Section 2. General Rules and Regulations Regarding Body Art

1. No minors shall receive body art.
2. No piercing of animals shall be allowed in body art studios.
3. Pre-procedural consultation to discuss body art and the health risks associated with it, shall be required with each client. An informed consent shall be signed by each client. Clients shall be given a copy of the consent form and a copy shall be kept on file by the establishment. Clients with medical conditions such as hemophilia, which may be exacerbated by body art procedures, shall be advised to first consult with their private physicians.
4. Clients who are visibly under the influence of alcohol or other drugs shall not receive body art.
5. Practitioners shall not perform body art while under the influence of any substance which may impair their judgment or ability to safely perform body art.
6. Performing body art of genitalia is not allowed.
7. Oral piercing is limited to the tongue, lips, and facial areas. Internal piercings, such as on the uvula are not allowed.
8. Clients must receive verbal and written instructions on post-procedure care and on the signs and symptoms of infection.
9. Infections and adverse reactions of any kind shall be reported to the Danvers Board of Health within 24 hours and the client referred to a physician for an examination.
10. EPA-approved disinfectants must be used to disinfect the surface of the skin in the area or body art, prior to performing body art.
11. 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).
12. All body art studios shall offer free Hepatitis vaccination series to their employees, as required by OSHA regulations.
13. No sales of body art needles or supplies are allowed to the general public.
14. The following body art practices are hereby prohibited: scarifying, branding; piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs

- or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of a testicle; so called "deep" piercing of the penis - meaning piercing through the shaft of the penis, or "transpenis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum - meaning piercing through the scrotum, or "transcrotal" piercing; so called "deep" piercing of the vagina.
15. The following procedures are hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; braiding; three dimensional beading implementation; tooth filing; cartilage modification; amputation; genital modification; introduction of saline or other liquids.
16. Requirements for Single Use Items Including Inks, Dyes and Pigments
- a) 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 pursuant to 105 CMR 480.000.
 - b) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
 - c) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.
17. Failure to comply with any of the above regulations may result in immediate revocation of permit.

Section 3. Body Art Permit

1. Requirements for Personal Permit: No person shall receive a permit to practice body art unless they meet the following requirements:
- a) Be at least twenty-one (21) years of age.
 - b) Be of good moral and ethical character.
 - c) Submit to the Board of Health a completed application form containing all information requested by said form. False statements in said application shall be grounds for denial or revocation of a Permit.
 - d) Have had a physical examination within a twelve-month period of permitting.
 - e) A Mantoux (TB) testing within forty-five (45) days prior to application for permit and appropriate blood testing as allowed by law.
 - f) Submit two (2) character references (not immediate family members).
 - g) Submit a face front photograph (2 x 2) along with application.
 - h) Has complied with the BOH minimal training requirements for body art set out in section 4.

- i) Has provided evidence in the form of a driver's license/state identification card that the applicant is not less than 21 years of age.
- j) Has signed a written agreement to adhere to all regulations regarding body art practice.
- k) Shall notify the BOH in writing of the body art establishment address. At said address, the permit must be conspicuously posted at all times.
- l) Shall submit their policy on infection control to the Board of Health.

Section 4. Minimal Training Requirements

1. Body art practitioners must show evidence of the following:
 - a) Completion of Basic Training in First Aid and CPR, as well as re-certification classes.
 - b) Completion of an OSHA course on Prevention of Disease Transmission and Blood-borne Pathogens.
 - c) Completion and passing of college Anatomy and Physiology courses I & II from an accredited college for piercing only.
 - d) The Applicant for a tattoo practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on skin diseases, disorders and conditions, including diabetes, or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.
 - e) Body art practitioners must present evidence of at least one year of apprenticeship under the supervision of a trained, experienced, professionally licensed body art practitioner.
 - f) Yearly physical exams and evidence of health status are required for renewal of permit.

Section 5. Facilities and Equipment

1. No person shall operate a body art establishment unless the BOH issues a permit to that person to operate the establishment.
2. No person shall perform body art, display a sign or in any other way advertise or claim to be a body art practitioner unless that person holds a valid BOH permit.
3. Facilities shall be located in accordance with zoning regulations and requirements:
 - a) Studio design, furniture, lighting, plumbing, water and sewerage must be in accordance with local ordinances.
 - b) With the exception of service animals (i.e. guide dogs), no animals shall be allowed on the premises, except fish in aquariums.
 - c) The floors, walls, ceilings, light fixtures, decorative materials, and similar equipment attached to the walls or ceilings shall be kept clean and in good repair.
 - d) Adequate ventilation (such as air conditioning, etc.) shall be used to keep the air dry and circulating.
 - e) All walls and ceilings shall be of a light color.

- g) Convenient, clean, and sanitary toilet and hand-washing facilities shall be made accessible to customers. A hand-washing sign shall be posted in the bathroom, next to the sink. The plumbing fixtures and toilet room shall be in good repair. Single-use hand towels shall be provided. Mechanical air dryers are not recommended.
 - h) Body art studios shall be equipped with appropriate sterilizing equipment (i.e. a working steam autoclave). Autoclaves must be spore tested twice a month by independent laboratories to ensure they are working adequately.
 - i) Body art studios shall be equipped with appropriate cleansing equipment (i.e. a working ultrasonic clear).
 - j) Body art establishments shall submit an extermination certificate to BOH prior to opening establishment.
 - k) A sign provided by the BOH shall be posted conspicuously in the reception area warning of the hazards of potential infections from body piercing and tattooing.
4. Work Area:
- a) Each body art studio shall have a separate work area not used for any other purpose, such as hairstyling.
 - b) No client shall receive body art at any other location in the studio other than the work area.
 - c) No client shall be allowed to perform their own body art.
 - d) Work areas shall not be used as a corridor for access to other rooms.
 - e) The floors, chairs and tabletops where body artwork is done shall be non-porous. Carpet is not permitted in the work area.
 - f) The work area should be well-lit, with at least fifty (50) foot candles of light measured at the height of the work table.
 - g) Facilities shall be equipped with sinks and basins with foot pedals or wrist levers and hot and cold running water in each work area.
 - h) A covered waste receptacle with disposable liner bags shall be located in the work area.
 - i) No person shall smoke, consume any food or drink in the work area.
 - j) A sign provided by the BOH shall be posted conspicuously in the reception area warning of the hazards of potential infections from body piercing.
 - k) Sharps containers shall be provided at each work area. All biohazardous waste shall be properly discarded in sharp containers or appropriately labeled biohazardous waste bags and properly disposed.

Section 6. Operation Procedures for Body Art Practitioners

- 1. Sanitary Procedures:
 - a) Before procedure, practitioners shall complete all business transactions.

- b) Before procedure, practitioners shall obtain consent forms and provide a copy to the client.
2. Regarding Piercer's Jewelry:
- a) Before procedure, both client and piercer shall select appropriate size and quality of jewelry.
 - b) Appropriate jewelry is made of implant grade, high quality surgical, stainless steel (316L VM series), solid 14K gold, niobium, titanium, and platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces which may endanger the body tissue.
 - c) Ear studs or earring wire are not appropriate jewelry for other body parts and must not be used by piercers.
3. Hand Washing Procedures: Before working on each patron, the practitioner shall:
- a) Inspect hands for small cuts and abrasions.
 - b) Refrain from body art or handling equipment if they have open sores, weeping dermatitis or lesions on hands or arms until the condition has cleared.
 - c) Refrain from body art until the condition has cleared, if they have a cold, flu or other communicable disease.
 - d) Wash hands, wrists and up to elbows with antibacterial solution.
 - e) Dry hands thoroughly with single use disposable towel, such as a paper towel.
 - f) Put on medical-grade latex, vinyl, or hypoallergenic gloves.

Section 7. Body Art Procedures:

1. Practitioners shall:
- a) Set up equipment in front of client.
 - b) Packages containing sterile equipment will be opened in front of client.
 - c) Jewelry contaminated with only airborne pathogens (not previously worn or contaminated) shall be disinfected with a non-hazardous hard-surface disinfectant approved by the E.P.A.
 - d) All jewelry must be for single-use, on only one person, and shall not be reused on another client.
 - e) All needles used in piercing and tattooing must be pre-sterilized, used on only one person, in one sitting, for single piercing, and immediately disposed of in a medical sharps container.
 - f) Practitioners shall use pre-sterilized disposable equipment when possible. For equipment that is not disposable, such as surgical steel forceps, autoclaving and ultrasonic cleaning is required.

Section 8. Disinfection Procedures

1. Practitioners shall:
 - a) Put on fresh gloves for disinfection routine.
 - b) Move in such a manner to avoid re-contamination of surfaces.
 - c) Discard disposable items and remove from work area.
 - d) Remove plastic barrier film (if used) and disinfect surface areas, drawer pulls, cabinetry, telephones, lamps, chairs, sinks, tables, chairs, floor area, and any other surfaces that may have become contaminated.
 - e) Dispose of single-use lap cloths after each use.
 - f) Remove gloves, discard gloves, and wash hands.
 - g) All reusable equipment, such as a marking pen, shall be nonporous and disinfected after each use. Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants, which may disperse pathogens into the air.
 - h) Iodine, bacitracin, and other antiseptics shall be applied with single-use applicators. Applicators that have touched a client once may not be used to retrieve antiseptics, iodine, etc. from containers.
 - i) For removal of bacitracin or other antibiotic solutions, blood, and other particles from a used, contaminated instrument (i.e. jewelry, forceps, pliers), cleansing with an ultrasonic cleaner, followed by a steam autoclave is required.
 - j) Steam autoclave must be used on all equipment that may come in contact with the client or the jewelry (i.e. receiving tubes, rubber bands, insertion tapers, forceps, files, gauge wheels, pliers, etc.). Equipment shall be bagged, dated and sealed and then stored in a non-porous, dark, dry cool place, such as a medical credenza. Instruments shall be autoclaved at a temperature of 273 degrees F under pressure of 20 PSI for 30 minutes.
 - k) Autoclaves shall be spore tested by independent laboratories at least twice a month.

Section 9. Disposal of Waste in Accordance with Town's Waste Ordinance

1. Proper disposal of hazardous and biological waste is mandatory. All needles must be disposed of in medical grade sharps containers and disposed of by a professional environmental company licensed by the state.
2. Any other supplies or material that is contaminated with blood or other body fluids shall be double-bagged in red, hazardous waste bags and also removed by an environmental company licensed by the state to remove biological waste.
3. Uncontaminated disposable waste shall be placed in easily-cleanable, sealed containers, with tight lids, to prevent leakage.
4. Waste containers shall be kept closed when not in use.

Section 10. Mobile Establishments

1. Mobile body art studios shall not be allowed to operate in Danvers.

Section 11. Fees

1. An annual permit fee will be submitted by check to the Town of Danvers Board of Health for each establishment.
2. An annual permit fee will be submitted by check to the Town of Danvers Board of Health for each body art applicant.
3. Each permit shall expire on December 31.
4. An applicant for permit shall pay a \$75.00 fee established by the Town of Danvers with an annual renewal fee of \$50.00 and shall show to the satisfaction of the BOH that the applicant.
5. In addition to the practitioner's fee, each establishment shall pay a \$175.00 fee, with an annual renewal fee of \$125.00 to operate the establishment.

Section 12. Enforcement Procedures

1. The practitioner's permit shall be suspended immediately upon notice to the holder (without a hearing) when BOH has reason to believe that an imminent health hazard exists.
2. In all other instances of violation, the BOH shall serve the registrant a written notice specifying the violations and allow the establishment the opportunity to correct the problems.
3. If a registrant fails to comply with the BOH Body Art Regulations, the BOH shall suspend the Body Art permit.
4. The establishment shall be notified in writing that the permit shall be suspended at the end of ten (10) days following the citing of the violations unless a request for a hearing is made to the BOH within the ten-day period.
5. Any person whose permit has been suspended may make a request in writing for reinstatement of the permit.
6. For serious or repeated violations or for interference with the BOH in the performance of its duties, or for persons found guilty of any crime related to body piercing, the body piercer's permit may be permanently revoked after an opportunity for a hearing has been provided.
7. Any person who performs piercing without a permit is subject to a fine of \$300 per day or brought before the district court.
8. Any person performing body piercing on a minor without the written consent and the presence of a parent or legal guardian is subject to a fine of \$300 per violation or brought before the district court.

Section 13. Exemptions

1. Physicians licensed in accordance with M.G.L. c. 122 sec. 2 who perform body art procedures as part of patient treatment are exempt from these regulations.
2. Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

Section 14. Variance

1. The Board of Health may vary the application of any provision of any of these regulations with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest injustice.
2. Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof.
3. Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the Town Clerk and 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 15. Severability

1. 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 16. Effective Date

1. This regulation shall take effect on January 1, 2000.

Town of Danvers
Board of Health
1 Sylvan St. - Town Hall Office
Danvers, MA 01923

Linda C. Carroll, Chairman
Edmund Kowalski
John F. Hazelton, Jr., M.D.

(Published in the Danvers Herald)

2. This regulation as amended on September 13, 2001 shall take effect on January 1, 2002.

Edmund Kowalski, Chairman
Linda C. Carroll
Robert J. Kellard, M.D.

(Published in the Danvers Herald)

3. This regulation as amended on December 03, 2007 shall take effect upon publication.

Dr. Robert J. Kellard, M.D.; Chairman
Linda C. Carroll
Edmund Kowalski

(published in the Danvers Herald)